

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

[54 Pa.B. 3524]

[Saturday, June 22, 2024]

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 Fish and Boat Code) (code). The proposed amendment would delete Chapman Dam Reservoir, Warren County under § 65.24 (relating to miscellaneous special regulations).

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect January 1, 2025.

B. *Contact Person*

For further information on this proposed rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendment to § 65.24 is published under the statutory authority of section 2307(a) of the code (relating to 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*

Chapman Dam Reservoir, a 68-acre impoundment owned by the Commonwealth and the fishery managed by the Commission, is located within Chapman State Park, Pleasant Township, Warren County which is approximately 6 miles south of the City of Warren. The dam impounds the West Branch Tionesta Creek at river mile (RM) 14.7 upstream from its confluence with Tionesta Creek at RM 40.3. This reservoir was completely dewatered during fall 2017 to upgrade the dam and spillway structures per Department of Environmental Protection dam safety standards. Following the completion of these repairs and modifications, refill occurred in fall 2018, and the Commission stocked the lake from 2019 through 2023 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2019, Chapman Dam Reservoir has been managed under § 65.24 which allows for the harvest of trout under § 61.1 (relating to Commonwealth inland waters), seasons, sizes and daily limits but no harvest of other fish species. The intent was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest while allowing for the harvest of trout as the lake is included in the Commission's Stocked Trout Waters program. Once the warm-water and cool-water fish populations were sufficiently reestablished, the lake would then be recommended for removal from the miscellaneous special regulations and moved to one or more of the Commission's existing regulation programs.

Sportfish populations were evaluated from 2022 through 2023 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain harvest. As such, it is recommended that Chapman Dam Reservoir be deleted from miscellaneous special regulations, allowing staff to consider this reservoir for management of all species with Commonwealth inland waters regulations.

The Commission staff proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This 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 to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-354. No fiscal impact; recommends adoption.

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:

County	Name of Water	Special Regulations
Warren	Allegheny River— 8.75 miles downstream from the outflow of the Allegheny Reservoir to the confluence with Conewago Creek	Trout—minimum size limit—14 inches; daily creel limit—2 trout per day (combined species) from 8 a.m. on the opening day of the regular season for trout through midnight Labor Day, except during the period from the day after Labor Day to the opening day of the regular season for trout of the following year, when no trout may be killed or had in possession. Other inland seasons, sizes and creel limits apply.
[Warren	Chapman Dam Reservoir	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. This miscellaneous special regulation will remain in effect until further notice.]
Wayne	West Branch Delaware River	Trout: From the Pennsylvania/ New York border downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 16 until midnight of the Friday before the opening day of the regular season for trout. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited. 2. The daily creel limit for trout is 0.

[Pa.B. Doc. No. 24-864. Filed for public inspection June 21, 2024, 9:00 a.m.]

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