

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 69]

Fishing; Fishing in Lake Erie and Boundary Lakes

[55 Pa.B. 3882]

[Saturday, June 7, 2025]

The Fish and Boat Commission (commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). 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 updates the special regulations applicable to Lake Erie tributary streams.

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 Christopher M. Andreoli, Esq. Acting Chief Counsel, P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the commission's website at <https://www.pa.gov/en/agencies/fishandboat.html>.

C. Statutory Authority

The proposed amendment to § 69.12a (relating to special regulations applicable to Lake Erie tributary streams) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

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

E. Summary of Proposal

The commission has the authority to create rules and regulations that protect the Commonwealth's aquatic resources and provide for the health and safety of those who fish on or near the waters of this Commonwealth. Lake Erie tributaries represent some of the most popular fishing areas in this Commonwealth, especially regarding steelhead trout fishing. Currently, under § 69.12a, fishing on the Lake Erie tributaries is not permitted from 10 p.m. to 5 a.m. the following day or between 12:01 a.m. on the day after Labor Day until the opening day of regular trout fishing season in the following year. The only exception is Walnut Creek north of Manchester Road Bridge and Elk Creek north of Route 5, where there are no time restrictions on fishing.

Streamside property owners on Walnut Creek between Route 5 downstream to Manchester Road Bridge have indicated that anglers create nighttime disturbances near their residences, and anglers have suffered injuries while traveling along or in the streams during the dark nighttime hours. In addition, the commission's Bureau of Law Enforcement advises that steelhead poaching is more likely during the nighttime hours, and limiting permitted fishing times to the daylight hours supports efforts to enforce anti-poaching laws.

Commission staff seek to limit the permitted hours for fishing on Walnut Creek from Route 5 downstream to Manchester Road Bridge to a 1/2 hour before sunrise to a 1/2 hour after sunset. Walnut Creek from Manchester Road Bridge downstream to Lake Erie and Elk Creek north of Route 5 would maintain no time restrictions for fishing.

The commission proposes that § 69.12a 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-362. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.12a. Special regulations applicable to Lake Erie tributary streams.

(a) The following Lake Erie tributary streams are designated as Nursery Waters—Trout Run and its tributaries; Godfrey Run; Orchard Beach Run; and Crooked Creek (where posted). It is unlawful to fish, wade or possess fishing equipment while in or along Lake Erie tributary streams designated as Nursery Waters.

(b) Archery fishing or spear fishing is prohibited in or along Lake Erie tributary streams.

(c) From 12:01 a.m. on the day after Labor Day, until the opening day of the regular season for trout of the following year, all Lake Erie tributary streams are closed to fishing from 10 p.m. until 5 a.m. on the following day except for Walnut Creek **[north of Manchester Road Bridge and Elk Creek north of Route 5] between Route 5 downstream to Manchester Road Bridge, which is closed to angler access and fishing from a 1/2 hour after sunset to a 1/2 hour before sunrise. Walnut Creek from Manchester Road Bridge downstream to Lake Erie and Elk Creek north of Route 5 have no time restrictions for fishing.**

(d) It is unlawful to fish from 10 p.m. until 5 a.m. of the following day within 50 yards of the mouth of both Trout Run and Godfrey Run while fishing the Lake Erie shoreline.

[Pa.B. Doc. No. 25-744. Filed for public inspection June 6, 2025, 9:00 a.m.]

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