

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

Administrative Provisions; Petitions or Requests for Regulations

[56 Pa.B. 2848]

[Saturday, May 16, 2026]

The Fish and Boat Commission (commission) proposes to amend Chapter 51 (relating to administrative provisions). The commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). Section 51.6 (relating to petitions or requests for regulations) describes the process for proposing regulations for consideration by the commission. This proposed rulemaking would further clarify the review process for regulations proposed by the public.

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 Robert J. Schefter, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the commission's website at pa.gov/agencies/fishandboat.

C. *Statutory Authority*

This proposed amendment to Chapter 51 is published under the statutory authority of 65 Pa.C.S. § 710 (relating to rules and regulations for conduct of meetings) and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

D. *Purpose and Background*

Section 51.6 allows for the submission of petitions from the public to create or change commission regulations. Subsection (b) directs an initial staff review of the petition to ensure: (i) the petition is complete (under 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations)), (ii) the request is within the authority or jurisdiction of the commission and (iii) the request does not conflict with Federal or Commonwealth law. If the petition does not meet any of these threshold requirements, the petition is returned with a statement of the reason for the return.

With no internal appeal process of this action in commission regulations, the return by commission staff is appealable to the commission under the General Rules of Administrative Practice and Procedure (GRAPP) in 1 Pa. Code § 35.20 (relating to appeals from actions of the staff). Chapter 35 of 1 Pa. Code (relating to formal proceedings) lays out a detailed appeal process to be followed. The process could include the appointment of a hearing officer and a formal hearing.

This proposed rulemaking is necessary because the GRAPP appeal provisions should not apply to a proposal that does not meet the minimum threshold requirements for further consideration. The commission welcomes proposed regulations from the public and respects due process rights, while also reserving the right not to accept proposals that do not fall within the commission's authority or jurisdiction or that conflict with Federal or State law. This proposed rulemaking is further necessary because the current provisions do not provide direction to the petitioner or the commission if a petition is returned as noncompliant with § 51.6(b).

The purpose of this proposed rulemaking is to provide direction to the petitioner and commission staff members if the petition is deficient without an unnecessary appeal under the GRAPP provisions and to indicate that certain actions by staff members or the commission are the final administrative adjudication on the petition. This proposed rulemaking clarifies the review process and appeal rights for the petitioner and streamlines the process for both the petitioner and the commission regarding petitions that do not meet the substantive threshold requirements of § 51.6.

E. Summary of Proposal

Section 51.6 provides a process for the public to propose new regulations or amendments to existing regulations to the commission. This proposed rulemaking first adds language to § 51.6(b) to allow the resubmission of incomplete petitions, to notify the petitioner that the commission will take no further action on substantively deficient petitions and to direct that the initial staff review is the final administrative adjudication for substantively deficient petitions, as set forth in Annex A.

The last sentence of proposed § 51.6(b)(3), which reads "[t]his section supersedes 1 Pa. Code § 35.20," notifies the petitioner that the appeal provisions of the GRAPP are not available if the petition is substantively deficient as noncompliant with subsection (b)(1)(ii) or (iii).

If commission staff accepts the petition for further review by the commission, § 51.6(d)—(g) describes the review process. This proposed rulemaking clarifies that any action taken by the commission on the petition is the final administrative adjudication, as set forth in Annex A.

Therefore, the commission proposes that § 51.6 be amended to clarify the review process for proposed regulations by the public, 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-370. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter A. PRELIMINARY PROVISIONS

§ 51.6. Petitions and requests for regulations.

(a) *Form.* Petitions or requests for regulations addressed to the Commission shall be submitted in the format set forth in 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations).

(b) *Initial staff review.*

(1) The staff will review every petition for regulations to ensure that:

(i) It is complete as required by 1 Pa. Code § 35.18.

(ii) The petition requests an action within the authority or jurisdiction of the Commission.

(iii) The petition does not conflict with applicable Commonwealth or Federal law.

(2) If the staff determines the petition is not acceptable for one of the reasons set forth in paragraph (1), it will return the petition to the petitioner together with a statement of the reason why it is not acceptable.

(i) If the petition is being returned as incomplete under paragraph (1)(i), the statement shall indicate that the petition may be resubmitted upon completion.

(ii) If the petition is being returned as noncompliant with paragraph (1)(ii) or (iii), the statement shall indicate that the commission will take no further action on the petition.

(3) A staff determination of noncompliance with paragraph (1)(ii) or (iii) will be considered the final administrative adjudication of the Commission on the petition. This section supersedes 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(c) *Oral presentation.* A petitioner will be given the opportunity to make a 5-minute oral presentation on a petition that the staff determines is appropriate for further consideration. The oral presentation will be scheduled for the next meeting of the Commission occurring more than 30 days after completion of the initial staff review.

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(g) *Commission action.* The staff shall submit the petition, the staff report, the petitioner's response, if any, the staff response, if any and, in the case of boating regulations, the advice and

opinions of the Boating Advisory Board to the Commission for consideration as part of the agenda of the next regular meeting occurring more than 30 days after the file is deemed complete. The Commission will determine what action to undertake with respect to the petition at a public meeting. **The action taken by the Commission will be considered the final administrative adjudication of the Commission on the petition.**

[Pa.B. Doc. No. 26-690. Filed for public inspection May 15, 2026, 9:00 a.m.]

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