

EXHIBIT N

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Special Fishing Regulations; Miscellaneous Special Regulations

[56 Pa.B. 3631]

[Saturday, June 20, 2026]

The Fish and Boat Commission (commission) proposes to amend § 65.24 (relating to miscellaneous special regulations). The commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). This amendment would increase the minimum size limit (MSL) for trout to 9 inches.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2027.

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

The provisions of the amendment to § 65.24 are published under the authority of 30 Pa.C.S. §§ 322, 2102 and 2307 (relating to rules and regulations; and waters limited to specific purposes) and amended under the authority of 30 Pa.C.S. § 2307(a), 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

Under § 65.24, the MSL for trout is 7 inches. The MSL for trout was last amended in 1983 as part of the commission's Operation Future when the MSL was increased from 6 inches to the current 7-inch MSL to provide additional protection to wild brook trout populations.

Commission staff evaluated wild brook trout data collected through electrofishing surveys over the past 10 years and determined an increase in the MSL for trout from 7 inches to 9 inches would provide protection to wild brook trout. Based on this analysis, an increase in the MSL to 9 inches for trout would prohibit harvest of more than 99% of the wild brook trout in this Commonwealth.

Commission staff also evaluated angler opinion data that was collected through the commission's 2023 Pennsylvania Trout Angler Survey (trout survey), and these data suggest most trout anglers support an increase in the MSL for trout. As part of the trout survey, anglers were specifically asked "Would you support or oppose an increase of the minimum to 9 inches to provide protection of wild

brook trout?" and 85% of all trout anglers responded that they would support an increase in the MSL to protect wild brook trout. Harvesting trout, regardless of species or origin, was not ranked as one of the top three reasons trout anglers fish in this Commonwealth. Also, for the vast majority of trout anglers, keeping some of the trout they catch is not important at all.

Given the support from trout anglers in this Commonwealth and the increased protection that will be afforded to wild brook trout, commission staff recommend the MSL for trout be increased to 9 inches. Amending size limits for trout requires minor amendments to various sections referencing trout size limits. As such, commission staff recommend reformatting the size limits in regulations relating to trout size limits for clarification and simplification.

E. Summary of Proposal

The commission proposes that § 65.24 be amended to increase the MSL for all species of trout, other than brown trout, in waters that are subject to miscellaneous special regulations from 7 inches to 9 inches for the regular and extended seasons.

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-378. 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
		* * * * *
Bedford	Yellow Creek, Section 04, from the confluence with Beaver Creek downstream to Red Bank Hill	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species— [7 inches minimum size limit—5 trout daily limit (combined species)] <u>Commonwealth inland waters regulations apply (see § 61.1 (relating to Commonwealth inland waters))</u> , from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout— <u>Commonwealth inland waters</u> regulations apply. See § 61.1 [(relating to Commonwealth inland waters)].
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Carbon	Pohopoco Creek, Section 04, from the outlet of Beltzville Lake downstream to Hideaway Hunting and Fishing Club cable across creek	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species— [7 inches minimum size limit—5 trout daily limit (combined species)] <u>Commonwealth inland waters regulations apply (see § 61.1)</u> from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout— <u>Commonwealth inland waters</u> regulations apply. See § 61.1.
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Centre	Bald Eagle Creek, Section 06, from the confluence with Spring Creek downstream to the inlet of Sayers Lake near Boggs/Howard Township line	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species— [7 inches minimum size limit—5 trout daily limit (combined species)] <u>Commonwealth inland waters regulations apply (see § 61.1)</u> from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular

season for trout. All species except trout—**Commonwealth inland waters** regulations apply. See § 61.1.

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Centre	Penns Creek, Section 02, from the State Road 45 bridge in Spring Mills downstream to the confluence with Elk Creek	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species— [7 inches minimum size limit—5 trout daily limit (combined species)] <u>Commonwealth inland waters regulations apply (see § 61.1)</u> from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout— <u>Commonwealth inland waters</u> regulations apply. See § 61.1.
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Clinton	Fishing Creek, Sections 13 and 14, from the confluence with Cedar Run downstream to Country Club Road bridge in Mill Hall	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species— [7 inches minimum size limit—5 trout daily limit (combined species)] <u>Commonwealth inland waters regulations apply (see § 61.1)</u> from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout— <u>Commonwealth inland waters</u> regulations apply. See § 61.1.
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Lehigh	Little Lehigh Creek, Section 04, from the confluence with Spring Creek downstream to Wild Cherry Lane bridge	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species— [7 inches minimum size limit—5 trout daily limit (combined species)] <u>Commonwealth inland waters regulations apply (see § 61.1)</u> from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout— <u>Commonwealth inland waters</u> regulations apply. See § 61.1.
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Lehigh	Little Lehigh Creek, Section 07, from 0.25 mile upstream of Country Club Road	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species— [7 inches minimum size limit—5 trout daily limit (combined
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bridge downstream to
Fish Hatchery Road
bridge

species)] **Commonwealth inland waters regulations apply (see § 61.1)** from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout—**Commonwealth inland waters** regulations apply. See § 61.1.

Lehigh and Northampton Monocacy Creek, Section 09, from Schoenersville Road bridge downstream to the confluence with Lehigh River

All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species—**[7 inches minimum size limit—5 trout daily limit (combined species)] Commonwealth inland waters regulations apply (see § 61.1)** from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout—**Commonwealth inland waters** regulations apply. See § 61.1.

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Mifflin Kishacoquillas Creek, Section 05, from 1.5 miles upstream of the confluence with Tea Creek downstream to the Penn Central Railroad bridge

All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species—**[7 inches minimum size limit—5 trout daily limit (combined species)] Commonwealth inland waters regulations apply (see § 61.1)** from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout—**Commonwealth inland waters** regulations apply. See § 61.1.

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Northampton Martins Creek, Section 01, from the confluence of the East and West Branch of Martins Creek downstream to the outflow of the Bangor sewage treatment plant near unnamed tributary

All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species—**[7 inches minimum size limit—5 trout daily limit (combined species)] Commonwealth inland waters regulations apply (see § 61.1)** from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular

season for trout. All species except trout—**Commonwealth**
inland **waters** regulations apply. See § 61.1.

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Northampton Monocacy Creek, All tackle types are permitted. Brown trout—catch and
Section 08, from Illicks release/no harvest; it is unlawful to take, kill or possess
Mill Dam downstream brown trout at any time. All other trout species—**[7 inches**
to Schoenersville Road **minimum size limit—5 trout daily limit (combined**
bridge **species)] Commonwealth inland waters regulations**
apply (see § 61.1) from 8 a.m. on the opening day of the
regular season for trout to midnight on Labor Day. Catch
and release/no harvest—it is unlawful to take, kill or possess
any trout from 12:01 a.m. the day after Labor Day to
midnight the third Sunday in February the following year.
Closed to all fishing from 12:01 a.m. the third Monday in
February until 8 a.m. on the opening day of the regular
season for trout. All species except trout—**Commonwealth**
inland **waters** regulations apply. See § 61.1.

Potter Freeman Run, Section All tackle types are permitted. Brown trout and brook trout
04, from the —catch and release/no harvest; it is unlawful to take, kill or
confluence with West possess brown trout or brook trout at any time. Rainbow
Branch Freeman Run trout—**[7 inches minimum size limit—5 trout daily limit]**
downstream to the **Commonwealth inland waters regulations apply (see §**
mouth **61.1)** from 8 a.m. on the opening day of the regular season
for trout to midnight on Labor Day. Catch and release/no
harvest—it is unlawful
to take, kill[,] or possess any trout from
12:01 a.m. the day after Labor Day to
midnight the third Sunday in February the following year.
Closed to all fishing from
12:01 a.m. the third Monday in February until 8 a.m. on the
opening day of the regular season for trout. All species
except trout—
Commonwealth inland **waters** regulations apply. See §
61.1.

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