

EXHIBIT O

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Special Fishing Regulations; Extended Trout Season

[56 Pa.B. 3636]

[Saturday, June 20, 2026]

The Fish and Boat Commission (commission) proposes to amend § 65.26 (relating to extended trout season). The commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). This rulemaking proposes to 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 § 65.26 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. §§ 2102 and 2307(a).

D. *Purpose and Background*

Under § 65.26, 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 § 65.26 be amended to increase the MSL for trout in stocked trout waters from 7 inches to 9 inches, except in Class A wild trout streams where the creel limit is 0 and in areas with special regulations, during the extended trout season.

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-379. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.26. Extended trout season.

(a) *General rule.* The extended trout season is in effect from the day after Labor Day until the third Monday in February of the following year on stocked trout waters. A creel limit of three trout

per day and a minimum size limit of [7] 2 inches apply during this season, except Class A wild trout streams where the creel limit is 0 and areas with special regulations.

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[Pa.B. Doc. No. 26-868. Filed for public inspection June 18, 2026, 9:00 a.m.]

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[Top](#)

[Bottom](#)