

**CHAPTER 53. COMMISSION PROPERTY**

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**Authority**

The provisions of this Chapter 53 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 322 and 741, unless otherwise noted.

**Source**

The provisions of this Chapter 53 readopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46, unless otherwise noted. Immediately preceding text found at serial pages (80302) to (80303), (82212) to (82217), (68776) to (68781) and (80310).

**§ 53.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Commission property*—Includes either of the following:

- (i) Property owned or leased by the Commission.
- (ii) Property controlled by the Commission or held open to public use under an agreement conferring sufficient jurisdiction on the Commission to publish regulations under 30 Pa.C.S. § 741 (relating to control of property).

*Fishing tournament*—An organized event where two or more individuals fish during a specified time period. An activity that involves any of the following factors is considered a fishing tournament:

- (i) The event is sponsored or promoted by an individual or organization.
- (ii) The event involves the award of trophies, prizes or other recognition to participants for catching fish during the tournament.
- (iii) The sponsors or promoters of the event have their own rules or requirements for participants in the tournament.

**Source**

The provisions of this § 53.1 amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088. Immediately preceding text appears at serial page (108025).

**§ 53.2. Camping and cooking.**

(a) *General.* Except as otherwise provided in subsection (b), it is unlawful for a person to camp overnight on or in Commission-owned or -controlled property or waters, to erect a tent or other device used for or capable of being used for cooking or sleeping or to build or maintain open fires on the property.

(b) *Primitive access areas.* Overnight camping is permitted on properties designated as primitive access areas subject to the following terms and conditions:

- (1) Access to the access area may be gained only by boat, which boat is properly and currently registered under applicable statutes and regulations.
- (2) Small fires for cooking and warming purposes are permitted only at places where adequate precautions are taken to prevent the spread of fire which may damage adjacent areas. Fires shall be attended to at all times; unattended fires are prohibited. Open fires are prohibited when the forest fire danger in the area of the primitive access area is rated high or extreme.
- (3) Sanitary facilities are primitive only. Human wastes shall be deposited away from normal camp sites and water courses and shall be covered with natural materials.
- (4) The following area is designated as a primitive access area—Venango County, Allegheny River, Allegheny River State Park at about mile 109.

**§ 53.3. Littering, abuse and destruction.**

(a) It is unlawful to deposit a substance on Commission property except in containers provided for disposal. It is unlawful for a person to deposit on Commission-owned property a substance accumulated at any place other than Commission property.

(b) It is unlawful to remove or deface a sign, poster or property; to damage lands, fixtures, devices or structures; or to interfere with the flow of water over or through a structure owned, leased or controlled by the Commission.

(c) It is unlawful for a person to remove flowers, plants, shrubs or trees on Commission-owned or -controlled property except in compliance with a permit issued by the Executive Director.

**§ 53.4. Limiting access to Commission property and other restrictions.**

(a) Commission-owned or -controlled property, including Commission lakes and access areas, may be closed to the public during hours as the Executive Director may direct. The Executive Director will publish a notice in the *Pennsylvania Bulletin* and will cause the hours to be posted at the site. Time restrictions imposed under this subsection will be effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use, without the express written consent of the Executive Director or a designee.

(b) The Executive Director or a designee may issue an order barring any person from entering or remaining upon a named Commission property when the Executive Director finds that the presence of the person on Commission property constitutes a substantial disruption of Commission operations or a reasonable threat to the health and safety of Commission personnel or other persons who are engaged in other lawful uses of the property. Orders issued under this subsection may be appealed to the Commission under 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).

(c) The Executive Director may impose additional restrictions on the use of Commission property, including prohibitions on use or possession of beer and alcoholic beverages and restrictions on fires at times and for periods as the Director deems appropriate for the protection and management of Commission-owned or -controlled property. The Executive Director will publish a notice in the *Pennsylvania Bulletin* and will cause the additional restrictions to be posted at the site. Additional restrictions imposed under this subsection will be effective when posted at the site. It is unlawful to violate restrictions imposed by the Executive Director on behalf of the Commission under this subsection.

**Authority**

The provisions of this § 53.4 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 741 and 2711.

**Source**

The provisions of this § 53.4 amended March 7, 1997, effective March 8, 1997, 27 Pa.B. 1153; amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial page (263719).

**§ 53.5. Hunting and trapping.**

Legal hunting and trapping are permitted on property owned or controlled by the Commission in conformance with 34 Pa.C.S. (relating to Game and Wildlife Code) and Part III (relating to Game Commission) unless otherwise posted.

**Source**

The provisions of this § 53.5 amended April 10, 2009, effective April 11, 2009, 39 Pa.B. 1859. Immediately preceding text appears at serial pages (325051) and (325052).

**Cross References**

This section cited in 58 Pa. Code § 53.7 (relating to use of firearms).

**§ 53.6. Miscellaneous prohibitions.**

(a) It is unlawful to fish from the breast of a dam on Commission owned or controlled properties where so posted.

(b) It is unlawful to trespass on Commission owned or controlled property where so posted.

(c) It is unlawful to swim in waters on Commission owned or controlled property unless otherwise posted.

**§ 53.7. Use of firearms.**

It is unlawful for any person to carry or use firearms on Commission owned or controlled properties except for persons:

(1) Engaged in lawful hunting and trapping under § 53.5 (relating to hunting and trapping).

(2) Licensed to carry firearms under 18 Pa.C.S. § 6109 (relating to licenses) or authorized to do so in conformance with 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license).

**Authority**

The provisions of this § 53.7 amended under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 53.7 amended April 12, 1996, effective April 13, 1996, 26 Pa.B. 1706; amended December 22, 2006, effective January 1, 2007, 36 Pa.B. 7850. Immediately preceding text appears at serial page (296288).

**§ 53.8. Boats.**

(a) An internal combustion engine may not be used to propel a boat or to provide energy to the motor on Commission lakes. Boats propelled by battery-powered electric motors and nonmechanically propelled boats, subject to restrictions on sailboats and inflatables, may be used either with or without internal combustion engines attached. Notwithstanding this subsection, internal combustion engines may be used in the performance of official duties by persons authorized by the Commission.

(b) Occupants of sculls, shells and racing kayaks are required to carry or wear Coast Guard approved personal flotation devices.

(c) Overnight mooring of boats is permitted at designated mooring areas from April 1 to November 30. A boat utilizing mooring areas shall be registered and

display the official registration number and current validation stickers described under Subpart C (relating to boating) and Part III of the code (relating to boats and boating). The mooring is at the sole risk of the owner.

(d) The Commission may refuse to permit the mooring of a boat considered unseaworthy. Boats may not be rented or offered for hire at Commission lakes except for boats owned and moored by authorized concessionaires.

(e) Boats abandoned, sunken, obviously unseaworthy or unidentifiable will be impounded. The district waterways conservation officer will notify the owner, if known, of the impoundment and require the removal of the vessel within 10 days. Impounded vessels will be sold or destroyed if not claimed by the owner within 3 months.

(f) Boats may not remain at boarding piers on Commission lakes or controlled property longer than the time necessary for loading and unloading.

(g) Inflatable boats used on Commission lakes shall be at least 7 feet in length, made of durable reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

(h) A boat using a Commission lake or access area must be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code.

(1) This subsection does not apply to:

(i) Unpowered boats that display an official and valid use permit issued by the Commission under § 53.27 (relating to use permits for unpowered boats) or that display an official and valid watercraft launch or mooring permit issued by the Department of Conservation and Natural Resources for use of launch or mooring facilities at this Commonwealth's State parks and forests.

(ii) Noncommercial users of access areas on the West Branch of the Delaware River and the portion of the Delaware River upstream of the Interstate 84 Bridge.

(iii) Unpowered public service boats as defined under section 5302(c)(2) of the code (relating to exemptions from registration).

(iv) Unpowered boats participating in events authorized under § 109.6 (relating to special marine events).

(2) Registered unpowered kayaks, sculls, sailboards and other low volume boats of similar design are exempt from displaying registration numbers but shall display a current validation sticker.

#### Authority

The provisions of this § 53.8 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 305, 322, 741, 742(e), 928, 2102, 2307, 2711 and 5122—5124; amended under the Fish and Boat Code, 30 Pa.C.S. §§ 741, 2502, 5122 and 5123; and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

**Source**

The provisions of this § 53.8 amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; amended February 1, 1991, effective February 2, 1991, 21 Pa.B. 422; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended October 14, 1994, effective October 15, 1994, 24 Pa.B. 5231; amended April 12, 1996, effective April 13, 1996, 26 Pa.B. 1706; amended April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822; amended August 8, 1997, effective August 9, 1997, 27 Pa.B. 3999; amended January 2, 1998, effective January 1, 1998, 28 Pa.B. 30; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1068; amended February 18, 2000, effective February 19, 2000, 30 Pa.B. 870; amended June 15, 2001, effective June 16, 2001, 31 Pa.B. 3205; amended March 7, 2003, effective March 8, 2003, 33 Pa.B. 1228. Immediately preceding text appears at serial pages (325052) and (296289) to (296290).

**§ 53.9. Ice shanties.**

Only ice fishing shanties or shelters of a type which can be taken onto the ice and removed when fishing for a day is finished are allowed. No shelters may remain unattended on the ice or stored on Commission property.

**§ 53.10. Vehicles.**

(a) *Registration required.* Vehicles properly registered in conformity with 75 Pa.C.S. (relating to the Vehicle Code), except all terrain vehicles (ATVs), are permitted on Commission-owned or -controlled property on those areas that are open to vehicular traffic, such as roadways, driveways, launch ramps and designated parking areas.

(b) *Prohibited vehicle operations.* It is unlawful to operate a vehicle on Commission property as follows:

- (1) Off-road or on roads not open to the public.
- (2) In a manner not in conformity with 75 Pa.C.S.
- (3) In a negligent or reckless manner.
- (4) In a manner that obstructs or impedes free public access to driveways, access roads and launching ramps.
- (5) In a manner not in conformity with posted traffic control signs or devices.
- (6) On forest lands, grass areas, wetlands and lands under cultivation.
- (7) On frozen lakes, ponds, rivers and streams.

(c) *Parking regulations.* It is unlawful to park a vehicle on Commission property except in a designated parking area. It is unlawful to park in an area designated for handicapped parking unless the vehicle clearly displays a disability plate or disability parking placard.

**Authority**

The provisions of this § 53.10 amended under the Fish and Boat Code, 30 Pa.C.S. § 741.

**Source**

The provisions of this § 53.10 amended February 1, 1991, effective February 2, 1991, 21 Pa.B. 422; amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial pages (263721) to (263722).

**§ 53.11. Off-highway vehicles and snowmobiles.**

(a) *General rule.* Except as provided in subsection (c), the use of off-road motorized vehicles, including trail bikes, Tote Gotes, all terrain vehicles (ATVs),

air cushioned vehicles, track vehicles, hydrofoils and the like, is prohibited on Commission-owned or -controlled property.

(b) *Snowmobiles*. It is unlawful to operate a snowmobile on Commission-owned or -controlled property except in areas designated for use by the Executive Director and so posted. The Commission will maintain a list of areas when use is permitted. In those areas where use of snowmobiles is permitted, the following conditions apply:

(1) Snowmobiles may be loaded or unloaded in Commission parking areas unless otherwise posted.

(2) Snowmobiles may be operated in parking areas only for the purpose of direct access and egress to other areas where operation is permitted. Parking areas may not be used for general snowmobile operation.

(3) The operation of snowmobiles on Commission-owned and -controlled property is at the sole risk of the operator. The Commission assumes no responsibility for the operations and makes no representations as to the suitability of trails or areas for their use.

(4) The operation of snowmobiles on frozen lakes, ponds, rivers and streams is prohibited.

(c) *Persons with disabilities*.

(1) *Motorized wheelchairs*. A person whose disability requires him to use a motorized wheelchair or similar device powered by an electric motor may use the device on Commission property. The Commission does not represent that Commission properties except those specifically marked and designated for access by persons with disabilities are suitable for this use.

(2) *Other motorized vehicles*. The Executive Director or a designee may permit persons exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements) and persons who are deprived of the use of a leg or both legs in a manner that significantly limits mobility to use an off-road motorized vehicle on Commission property for the purpose of gaining access to fishing or boating opportunities under the following conditions:

(i) The person applies in writing for permission stating the nature of the disability, the description of the vehicle and the areas for which use is proposed. The application should be sent to:

Director, Bureau of Law Enforcement  
Pennsylvania Fish and Boat Commission  
Post Office Box 67000  
Harrisburg, Pennsylvania 17106-7000

The application shall include a statement from a physician or a chiropractor licensed to practice in this Commonwealth describing the disability and certifying that the applicant meets the requirements of this section.

(ii) The vehicle is operated by the person with a disability or a person identified in the application to operate the vehicle for the person with disability.

(iii) The person agrees that he will be responsible for the operation of the vehicle, the suitability of the site for the operation, and for damages caused by operation of the vehicle.

(iv) The person acknowledges that the Commission does not represent that Commission properties, except those specifically marked and designated for access by persons with disabilities, are suitable for any such use.

(d) As used in this section, the term, "off-road motorized vehicle," means a motorized vehicle specifically designed for this use. The term does not include a vehicle licensed or registered for on-road use, such as a 4 by 4 sport utility vehicle and the like.

#### Authority

The provisions of this § 53.11 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 741 and 2711.

#### Source

The provisions of this § 53.11 amended December 22, 1995, effective December 23, 1995, 25 Pa. B. 5970; amended March 7, 1997, effective March 8, 1997, 27 Pa.B. 1153; amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial pages (263722) to (227623).

### § 53.12. [Reserved].

#### Source

The provisions of this § 53.12 amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2955; amended February 12, 1993, effective February 13, 1993, 23 Pa.B. 741; reserved April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822. Immediately preceding text appears at serial pages (205481) to (205482).

### § 53.12a. Access areas and marinas.

#### (a) *General provisions.*

(1) The Commission will from time-to-time establish and modify the seasonal, daily and other boat mooring fees and fees for overnight parking of boats applicable to access areas and marinas under the ownership or control of the Commission. The Commission will publish a notice containing the fees or the revision to the fees as a notice in the *Pennsylvania Bulletin*.

(2) The Executive Director will establish the terms and conditions for slip rentals, boat mooring and other agreements for use of Commission access areas and marinas. The terms and conditions shall be set forth in the slip rental, boat mooring or other use agreement or permit. Violation of the terms and conditions of the agreement or permit is grounds for termination or revocation of the slip rental, boat mooring or other use agreement or permit.

(3) The Executive Director will establish operational procedures and guidelines for use of Commission access areas and marinas. The Executive Director will establish opening and closing dates for the boating season and hours of operation of access areas and marinas.

(4) The Executive Director may impose additional restrictions on use of Commission access areas and marinas. Additional restrictions imposed under this section shall be effective when posted at the site. It is unlawful for a person to violate restrictions imposed by the Executive Director, on behalf of the Commission, under this section.

(5) Boats have the right-of-way over fishing from boat launch areas or boat docks. It is unlawful for persons fishing from a boat launch area or boat dock to permit their fishing activity to interfere with boat traffic into and out of the boat launch area or boat dock. It is unlawful to fish from a boat launch area or boat dock when posted at the site.

(b) *Walnut Creek Access, Erie County.* The following restrictions apply to the Walnut Creek Access area:

(1) Boats have the right-of-way over fishing from shore in both the channel and the basin. It is unlawful for a person fishing from shore in the channel to permit lines to interfere with boat traffic into and out of the channel. It is unlawful to fish from shore in the basin except in designated locations at designated times.

(2) It is unlawful to fish from boats in either the channel or the basin.

(c) *North East Access and Marina, Erie County.* The following restrictions apply to the North East Access area and Marina: It is unlawful to hunt on Commission property at the North East Access area and Marina.

#### Authority

The provisions of this § 53.12a amended under the Fish and Boat Code, 30 Pa.C.S. § 741.

#### Source

The provisions of this § 53.12a adopted April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3488. Immediately preceding text appears at serial pages (269118) to (269119).

### § 53.13. Domestic water supply reservoirs.

(a) Except as otherwise provided in this section, domestic water supply reservoirs subject to an agreement between the owners thereof and the Commission are subject to property regulations contained in this chapter, and other general fishing and boating regulations contained in this part.

(b) When the agreement between the Commission and the owners of a domestic water supply reservoir specifies additional, alternative or different restrictions or conditions and the Executive Director, on behalf of the Commission, approves the conditions or restrictions for posting at the site and enforcement, the posted conditions or restrictions are fully enforceable when posted at

the site. It is unlawful to violate conditions, restrictions or prohibitions posted by the Commission at the site of a domestic water supply reservoir with which the Commission has an agreement.

**Authority**

The provisions of this § 53.13 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 741, 928, 2102 and 5122.

**Source**

The provisions of this § 53.13 amended through July 18, 1986, effective July 19, 1986, 16 Pa.B. 2646; amended February 12, 1993, effective February 13, 1993, 23 Pa.B. 739; amended February 26, 1993, effective February 27, 1993, 23 Pa.B. 942; amended November 22, 1996, effective November 23, 1996, 26 Pa.B. 5710; amended September 25, 1998, effective September 26, 1998, 28 Pa.B. 4788. Immediately preceding text appears at serial pages (227624) to (227625) and (222061).

**§ 53.14. Misuse of Commission-owned or -controlled property.**

(a) It is unlawful to construct, place or maintain tangible property, including but not limited to docks, picnic tables and recreational devices, on Commission-owned or -controlled property or waters unless the person obtains a permit for use of Commission property from the Executive Director or his designee.

(b) It is unlawful to encroach upon, appropriate, post or otherwise use Commission-owned or -controlled property in a manner incompatible with public use and access or in a manner that limits public access to or use of, the property.

(c) Before prosecution for violation of this section is initiated, the suspected violator will be given at least 10 days written notice to remove from Commission property tangible property constructed, placed or maintained in violation of subsection (a) or to cease encroachment, appropriations, posting or other use in violation of subsection (b). After notice has been provided, each day's continued violation of either subsections (a) or (b) shall constitute a separate and distinct offense punishable in accordance with law. The notice contemplated by this subsection will be considered sufficient if it is sent by certified mail, return receipt requested, to the suspected violator at his last known address; if it is served in person on the person; or if it is posted on or affixed to the property where the violation exists. The decision as to which manner of notice should be used in a particular case will be made in the sole discretion of the Executive Director or his designee.

**§ 53.15. [Reserved].**

**Source**

The provisions of this § 53.15 reserved September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial page (248894).

**§ 53.16. Special use.**

(a) Property owned or controlled by the Commission is intended for use as is related to fishing, boating and other public purposes of the Commission. Except with the express written permission of the Executive Director or his designee, it is unlawful to use Commission-owned or -controlled property for personal, organizational or commercial purposes other than the intended use of the property.

(b) The Executive Director or a designee may issue special activity permits for special uses of Commission property to persons and organizations such as scout, church groups, fire and rescue organizations, Red Cross and like organiza-



tions, when it is determined that the use will not damage Commission property or interfere with its use for its normally intended purposes by members of the public. The sponsors of a special activity permitted to take place on Commission property shall have a copy of the permit issued under this authority in their possession during the activity or event and shall, upon request, display the permit to authorized Commission personnel.

(c) It is unlawful to launch or retrieve swimming aides, such as inner tubes, from Commission-owned or -controlled access areas.

(d) Commission-owned and -controlled access areas are for the use of the fishing and boating public and may not be converted to a commercial use that impairs free public use of the areas. The Commission finds that the commercial practice of renting or loaning large numbers of watercraft, including boats, canoes, kayaks and other devices, for launching and retrieval at Commission access areas does impair general free public use of the public facilities. It is unlawful for a commercial enterprise to use Commission-owned or -controlled access areas for the launch or retrieval of more than eight watercraft rented, loaned or supplied from one source within a 1 hour period except with the advance written approval of the Executive Director. The commercial enterprise that rents, loans or otherwise provides watercraft for launch or retrieval at Commission-owned or -controlled access areas shall be responsible to ensure that the watercraft are not used in violation of this subsection. This subsection does not apply to persons who operate an authorized concession at Commission-owned or -controlled access areas. As used in this subsection, the term "commercial enterprise" means a business that rents or loans watercraft for consideration.

#### Authority

The provisions of this § 53.16 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 305, 322, 741, 928, 2102, 2307, 2711, 5122, 5123 and 5124.

#### Source

The provisions of this § 53.16 amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691. Immediately preceding text appears at serial page (87970).

### § 53.17. Cutting and removal of firewood from Commission property.

(a) It is unlawful to cut or remove timber, trees, firewood or kindling from Commission property except in compliance with this section and the terms and conditions of a permit issued by the Executive Director or a designee.

(b) The Executive Director or a designee may issue permits to interested persons for the cutting and removal of dead firewood from Commission property when it is determined that cutting and removal is in the best interests of the Commission. The number of permits will be limited to prevent excessive cutting and removal and to better manage this resource.

(c) Firewood permits cost \$10 per standard rough cord. A standard rough cord is a pile of stacked wood 4 by 4 by 8 feet (128 cubic feet, including air spaces).

(d) A permit will specify the number of standard rough cords that the permittee is allowed to cut and remove. The maximum quantity of wood that one household, that is, the permittee and persons who reside with the permittee, will be permitted to cut and remove is 3 standard rough cords in a calendar year.

(e) Fuel wood permits will be valid from January 1 to December 31 of the year for which it is issued. Under no circumstances will the Commission refund money to permittee because of failure to cut and remove the amount of wood authorized during the time specified.

(f) Wood harvested and removed from Commission property under a permit issued under this chapter shall be for the personal use of the permittee and the household of the permittee. It is unlawful to sell wood removed from Commission property under a permit.

(g) No live timber or living trees may be cut and removed from Commission property. In addition to the penalties provided for violation of this section, a person who cuts or removes live timber or living trees shall be liable to the Commission for the full commercial value of the trees or timber cut, destroyed, or removed.

(h) Permits are not transferable. The permittee shall be present when wood is being cut and removed from Commission property and shall assume full responsibility for cutting and removal.

(i) The Executive Director or a designee may place other terms and conditions on permits for the cutting and removal of firewood as he deems appropriate to promote effective management of this program. It is unlawful to violate terms and conditions set forth on the permit.

(j) The Commonwealth and the Commission may not be liable for accidents, injuries, damages or losses incurred or caused by the permittee in cutting and removing wood. A permittee shall agree to indemnify the Commonwealth, the Commission and their agents, employes, successors and assigns from and against liability regardless of cause, arising out of or related to the activities of the permittee under the permit.

### § 53.18. [Reserved].

#### Source

The provisions of this § 53.18 reserved September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial page (205486).

### § 53.19. Use of float tubes on Commission-controlled lakes.

(a) A float tube is a device constructed to provide stable flotation and a level ride to a single angler in a manner that minimizes the possibility of a capsized. The float tube shall consist of a bladder system made of heavy gauge rubber or rub-

ber impregnated support fabric. The bladder shall be covered with a durable fabric shell which provides a seat for the user and two legholes. A secondary bladder in the form of a backrest or similar component shall be included with a float tube to provide additional emergency flotation.

(b) It is unlawful to use a float tube or similar device on Commission- owned or -controlled lakes other than a float tube as defined in subsection (a).

(c) It is unlawful to use a float tube on Commission-owned or -controlled waters unless the user is properly wearing a Coast Guard approved personal flotation device at all times while using the float tube on the water.

(d) It is unlawful to propel float tubes on Commission-owned or -controlled waters by motors or other mechanical propulsion devices of any type or description.

(e) It is unlawful to use a float tube on Commission-owned or -controlled waters except for the purpose of lawful public fishing.

(f) Float tubes shall be used under this section only on lakes or still waters.

**Source**

The provisions of this § 53.19 adopted July 12, 1985, effective July 13, 1985, 15 Pa.B. 2579.

**§ 53.20. [Reserved].**

**§ 53.21. Tagged-fish contests.**

(a) *Definition.* A tagged-fish contest is an event where a person who has paid a fee to enter the contest wins a prize for catching a specially tagged, marked or branded fish.

(b) *Prohibited acts.* It is unlawful to conduct a tagged-fish contest, as defined in subsection (a), on Commission property.

**Source**

The provisions of this § 53.21 adopted April 11, 1986, effective April 12, 1986, 16 Pa.B. 1277.

**§ 53.22. [Reserved].**

**§ 53.23. [Reserved].**

**§ 53.24. Tournament and fishing derby permits.**

(a) *Definitions.* The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Fishing tournament*—An organized competitive fishing event, other than a fishing derby, where ten or more individuals fish during a specified time period. An activity that involves one or more of the following factors is considered a fishing tournament:

(i) The event is sponsored or promoted by an individual or organization.

(ii) The event involves the award of trophies, prizes or other recognition for participation in the tournament.

(iii) The event is conducted during a distinct time period (usually 72 hours or less) on a particular body of water.

*Fishing derby*—An organized event involving 10 or more participants conducted for children under the age of 16, senior citizens (as defined in section 2701 of the code (relating to definitions)), anglers with disabilities, special populations or other group when the principal purpose is education or enjoyment, rather than competition among anglers.

(b) *General.* The Commission finds that fishing tournaments and fishing derbies that use Commission property constitute special uses of that property which place special demands on Commission facilities.

(c) *Special activity permit for fishing tournaments.*

(1) *Special activity permit.* It is unlawful for a person to conduct a fishing tournament on a Commission lake or using Commission access areas, without first obtaining a special activity permit from the Executive Director or a designee.

(2) *Content of application.* An application for a special activity permit for a fishing tournament shall contain the following information:

(i) The date, time and place.

(ii) The nature of the proposed tournament.

(iii) The anticipated number of participants, watercraft and vehicles that will use Commission property.

(iv) The proposed disposition of fish caught.

(v) The species and source of fish sought.

(vi) Whether or not the sponsor charges an entry fee.

(3) *Deadline for submission.* The deadline for submission of applications for special activity permits for fishing tournaments shall be as follows:

(i) For tournaments involving 50 or more boats, the application shall be submitted between October 1 and December 1 of the year prior to the year of the proposed tournaments.

(ii) For tournaments involving 49 or less boats or fishing from shore, the application shall be submitted at least 60 days prior to the date of the proposed tournament.

(iii) The Commission may consider applications submitted after the deadlines established in this section but final action may be delayed.

(4) *Review of applications.*

(i) The Commission staff will review applications for special activity permits to conduct fishing tournaments on Commission property and will endeavor to issue or deny permits within 45 days after the receipt of the application. The factors to be reviewed include:

(A) Whether the proposed tournament at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the tournament.

(B) Whether the proposed tournament at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the tournament.

(C) Whether the proposed tournament is scheduled on the opening weekend of the season for any species of game fish.

(D) Whether the proposed tournament at the proposed time and location competes with another tournament already permitted for the same time and place. In the event of competing applications, a fishing tournament where fish are intended to be released alive shall be given preference over a fishing tournament where fish are intended to be killed or taken.

(E) Whether the proposed tournament at the proposed time and location may result in congestion of vehicles on Commission property or watercraft on the waters of this Commonwealth.

(F) Whether the sponsors of the proposed tournament have demonstrated their ability to conduct the tournament in accordance with the rules and regulations of the Commission and the conditions of the permit.

(ii) If the Bureau of Law Enforcement determines to deny the application for the special activity permit for a fishing tournament, it will notify the applicant in writing of the denial and the reasons. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. The Executive Director will act on the request for reconsideration within 10 days of its receipt. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission under 1 Pa. Code § 35.20 (relating to appeals from actions of staff).

(5) *Permit conditions.* The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

(i) Requirements for offsite parking when the number of vehicles involved in the proposed tournament exceeds the capacity of the parking facilities taking into account other permitted activities at the same time and place.

(ii) Limitations on the numbers of boats or participants in the tournament when the number of boats or participants involved in the proposed tournament exceeds the capacity of the facilities taking into account other permitted activities at the same time and place.

(iii) Limitations on the time or duration of the tournament when reasonably necessary and appropriate to provide for the protection of fish. The Commission may, for tournaments conducted during the months of July and

August, include a condition limiting the duration of the tournament to no more than 10 hours of fishing.

(iv) Limitations on taking, catching, possessing and killing fish, including, when necessary for the protection and management of fish, requiring that the tournament be conducted as a catch-measure-and release or aerated livewell tournament.

(v) Requirements for the proper disposal of fish taken in the tournament. Tournament sponsors engaged in returning live fish to the waters of this Commonwealth after completion of a tournament may possess fish in excess of the daily possession limit if they carry the tournament permit and can document the catch of the individual tournament participants. The permit condition may provide that live fish will be distributed to the waters from which taken away from the ramp or access area where the weigh-in occurs.

(vi) When the applicant previously sponsored a tournament on Commission property and when, within 30 days after the prior tournament, the Commission provided written notice to the applicant that the site had not been cleaned up to the satisfaction of the Commission, the permit may include a requirement for the posting of a bond or security to guarantee that Commission property is restored to its prior condition.

(vii) Requirements for filing of catch reports within 30 days after completion of the tournament.

(viii) Requirements for locating weigh-in stations and prize awarding events at locations that will not interfere with other public use of Commission facilities.

(ix) Upon request of an applicant for a tournament permit, the Commission may include a condition providing that one or more uninjured largemouth bass, smallmouth bass or spotted bass that an angler is landing, measuring or in the process of releasing from a recirculated or aerated livewell will not be considered as part of the daily creel limit if the fish is caught during a tournament that as part of its rules penalizes the return of any dead or distressed bass to the water, requires use of recirculating or aerated temperature-controlled livewells, distributes to the contestants instructions on the proper maintenance and use of livewells and limits the fishing hours to no more than 9 hours per day. This permit condition will be included only in circumstances when the Commission finds that permitting culling will have no substantial adverse impacts on the protection and management of fish.

(d) *Special activity permit for fishing derbies on Commission property.*

(1) It is unlawful for a person to conduct a fishing derby on a Commission lake or using Commission access areas, without first obtaining a special activity permit from the Executive Director or a designee.

(2) An applicant for a special activity permit for a fishing derby shall apply at least 60 days before the date of the proposed derby and indicate the following:

- (i) The date, time and place.
- (ii) The nature of the proposed derby.
- (iii) The anticipated number of participants, watercraft and vehicles that will use Commission property.
- (iv) The proposed disposition of fish caught.
- (v) The species and source of fish sought.
- (vi) Whether or not the sponsor charges an entry fee.

(3) The Commission staff will review applications for special activity permits to conduct fishing derbies on Commission property and will endeavor to issue or deny permits within 45 days after the receipt of the application. The factors to be reviewed include:

- (i) Whether the proposed derby at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the derby.
- (ii) Whether the proposed derby at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the derby.
- (iii) Whether the proposed derby is scheduled on the opening weekend of the season for any species of game fish.
- (iv) Whether the proposed derby at the proposed time and location competes with another derby or fishing tournament already permitted for the same time and place.
- (v) Whether the proposed derby at the proposed time and location may result in congestion of vehicles on Commission property or watercraft on the waters of this Commonwealth.
- (vi) Whether the sponsors of the proposed derby have demonstrated their ability to conduct the derby in accordance with this title and the conditions of the permit.

(4) If the Bureau of Law Enforcement determines to deny the application for the special activity permit for a fishing derby, it will notify the applicant in writing of the denial and the reasons. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. The Executive Director will act on the request for reconsideration within 10 days of its receipt. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission under 1 Pa. Code § 35.20.

(5) The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

(i) Requirements for offsite parking when the number of vehicles involved in the proposed derby exceeds the capacity of the parking facilities taking into account other permitted uses of the site at the same time.

(ii) Limitations on the numbers of boats or participants in the derby when the number of boats or participants involved in the proposed derby exceed the capacity of the facilities taking into account other permitted uses of the facility at the same time.

(iii) Limitations on the time or duration of the derby, if reasonably necessary and appropriate to provide for the protection of fish.

(iv) Limitations on taking, catching, possessing and killing fish.

(v) Requirements for the proper disposal of fish taken in the derby. Derby sponsors engaged in returning live fish to the waters of this Commonwealth after completion of a derby may possess fish in excess of the daily possession limit if they carry the derby permit and can document the catch of the individual derby participants. The permit condition may provide that live fish will be distributed to the waters from which taken away from the ramp or access area where the weigh-in occurs.

(vi) Clean-up requirements. When the applicant previously sponsored a derby on Commission property and when, within 30 days after the prior derby, the Commission provided written notice to the applicant that the site had not been cleaned up to the satisfaction of the Commission, the permit may include a requirement for the posting of a bond or security to guarantee that Commission property is restored to its prior condition.

(vii) Requirements for locating prize awarding events at locations that will not interfere with other public use of Commission facilities.

(e) *Prohibited acts.* It is unlawful to conduct a fishing tournament or fishing derby on Commission owned or controlled property except in compliance with permit conditions. It is unlawful to conduct a tournament or fishing derby on Commission owned or controlled property on the opening day for any species of game fish unless the applicant has made an extraordinary showing that the proposed tournament will not interfere with other fishing and boating activities and the Commission issues a special activity permit containing a specific finding, based upon the applicant's showing, that the permitted activity will not constitute interference. It is unlawful to conduct or participate in a fishing tournament or fishing derby involving the catch or attempted catch of a particular species of fish during the closed season for that species. It is unlawful to conduct a fishing tournament on the North Branch, West Branch or main stem of the Susquehanna River that allows tournament anglers to kill black bass.

(f) *Joint permit.* An application for a special activity permit under this section shall also constitute an application for a special activity permit for a fishing tournament under § 63.40 (relating to seasons for fishing tournaments), and a permit issued under this section shall constitute a joint permit for use of Commission property and for a fishing tournament under § 63.40.

**Authority**

The provisions of this § 53.24 issued under the Fish and Boat Code, 30 Pa.C.S. § 741; amended under the Fish and Boat Code, 30 Pa.C.S. §§ 322, 741 and 2102.

**Source**

The provisions of this § 53.24 adopted March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088; amended November 22, 1996, effective January 1, 1997, 26 Pa.B. 5701; amended September 9, 2005, effective September 10, 2005, 35 Pa.B. 5006; amended April 4, 2008, effective April 5, 2008, 38 Pa.B. 1584. Immediately preceding text appears at serial pages (222063) to (222064), (313207) to (313210) and (322877).

**Cross References**

This section cited in 58 Pa. Code § 61.3 (relating to Pymatuning Reservoir); 58 Pa. Code § 61.4 (relating to Conowingo Reservoir); 58 Pa. Code § 65.12 (relating to Regional Opening Day of Trout Season Program); and 58 Pa. Code § 69.13 (relating to seasons, sizes and creel limits—Lake Erie tributaries).

**§ 53.25. Use or possession of beer or alcoholic beverages on Commission property.**

It is unlawful for a person, less than 21 years of age, to consume, possess or transport alcohol, liquor, beer, malt or brewed beverage on Commission property.

**Authority**

The provisions of this § 53.25 issued under the Fish and Boat Code, 30 Pa.C.S. § 741.

**Source**

The provisions of this § 53.25 adopted March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088; corrected at 17 Pa.B. 1302.

**§ 53.26. Dogs.**

(a) Dogs are permitted on Commission property if they are licensed and otherwise in compliance with the other provisions of the Dog Law (3 P. S. §§ 459-101—459-1205).

(b) The maximum number of dogs that an owner or handler is permitted to have on Commission property at one time is two.

(c) The owner or handler shall keep the dogs on a leash not exceeding 6 feet in length or on a multilength mechanically retractable leash while on Commission property.

(d) The owner or handler shall keep the dogs under supervision and control while on Commission property.

(e) The owner or handler shall immediately scoop, contain and retain all droppings of the dog. The owner or handler may not dispose of the dog droppings on Commission property.

(f) The owner or handler is responsible for the conduct of the dog while on Commission property.

(g) Subsection (c) does not apply when an owner or handler meets one of the following:

- (1) Is training a dog for water retrieval purposes and when the following apply:
- (i) The dog is actually performing customary water retrieval functions.
  - (ii) The dog remains within 10 feet of the owner/handler while on land.
  - (iii) The dog is under the immediate control of the owner/handler at all times.
  - (iv) The dog does not interfere with anglers or boaters engaged in fishing, boating or other lawful activities.
- (2) Has the dogs under his control onboard a boat.
- (h) An owner or handler of a hunting dog is exempt from subsections (c) and (e) when he keeps his dog off lawn areas, trails and parking lots and when he is engaged in legal hunting or training during the seasons established by the Game Commission.

**Authority**

The provisions of this § 53.26 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 741, 2502, 5122 and 5123; and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

**Source**

The provisions of this § 53.26 adopted January 2, 1998, effective January 1, 1998, 28 Pa.B. 30.

**§ 53.27. Use permits for unpowered boats.**

- (a) The Commission and issuing agents designated by the Commission will issue use permits for unpowered boats when their owners choose not to register them to use Commission lakes and access areas.
- (b) Use permits will be issued in the form of decals, showing the expiration date. Decals shall be clearly displayed on both sides of the hull amidships below the gunwale. For low-volume boats, such as kayaks, decals shall be placed on both sides of the deck amidships.
- (c) An applicant for a use permit shall provide the following information:
- (1) The name, address and telephone number of the applicant.
  - (2) A description of the boat (make, model, year).
  - (3) The Hull Identification Number (HIN) of the boat (if readily available).
- (d) A use permit is issued for a specific boat. It is unlawful to transfer a use permit issued for a specific boat to another boat. A use permit remains effective for the boat for which it is issued even if ownership of the boat is changed during the term of the permit.
- (e) Use permits are valid for 1 or 2 years. The expiration date of a 1-year use permit is December 31 of the year for which it is issued. The expiration date of a 2-year use permit is December 31 of the second year for which it was issued.
- (f) The initial fees for the use permits are \$10 for a 1-year permit and \$18 for a 2-year permit. The Executive Director may, by notice published in the *Pennsylvania Bulletin*, adjust these fees so that they remain the same as the resi-

dent price for 1-year and 2-year boat launching permits as established in the schedule of fees published, and from time-to-time revised, by the Department of Conservation and Natural Resources for State parks and forests. Whenever a use permit authorized by this section is issued by an issuing agent other than the Commission or the Department of Conservation and Natural Resources, the issuing agent may charge an issuing agent fee not to exceed \$1 per transaction for issuing the permit.

**Authority**

The provisions of this § 53.27 issued under the Fish and Boat Code, 30 Pa.C.S. § 742(e).

**Source**

The provisions of this § 53.27 adopted June 15, 2001, effective June 16, 2001, however the Commission will not issue use permits until December 1, 2001, 31 Pa.B. 3202; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4483; corrected December 13, 2002, effective September 14, 2002, 32 Pa.B. 6128. Immediately preceding text appears at serial page (290760).

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