

**CHAPTER 63. GENERAL FISHING REGULATIONS**

- Sec.  
63.1. Time.  
63.2. Display of fishing license and verification of license purchase.  
63.3. Fishing in approved trout waters.  
63.4. Fishing in areas or waters where fishing is prohibited.  
63.5. Methods of fishing.  
63.6. Authorized devices for game fish, baitfish and fishbait.  
63.7. Exceptions to limitations on devices.  
63.8. Long bow, crossbows, spears and gigs.  
63.9. Snatch fishing, foul hooking and snag fishing.  
63.10. Ice fishing.  
63.11. [Reserved].  
63.12. [Reserved].  
63.13. Nets unlawful without permit.  
63.14. Identification of fishbait and baitfish containers.  
63.15. Field dressing of fish.  
63.15a. Officially-recognized fish cleaning stations.  
63.16. Fishing in the vicinity of fishways.  
63.17. Importation and sale of hard clams.  
63.18. Blue crabs—prohibited acts.  
63.19. Sale and purchase of fish.  
63.20. Permits for the protection and management of trout and salmon.  
63.21. Designation of fishing regulations.  
63.22. [Reserved].  
63.23. [Reserved].  
63.24. [Reserved].  
63.25. [Reserved].  
63.26. [Reserved].  
63.27. [Reserved].  
63.28. [Reserved].  
63.29. [Reserved].  
63.30. Importation of weakfish.  
63.31. Importation and transportation of horseshoe crabs.  
63.32. [Reserved].  
63.33. [Reserved].  
63.34. [Reserved].  
63.35. [Reserved].  
63.36. [Reserved].  
63.37. [Reserved].  
63.38. [Reserved].  
63.39. [Reserved].  
63.40. Fishing tournaments and fishing derbys.  
63.41. [Reserved].  
63.42. Sale, purchase or barter of fish parts and fish eggs.  
63.43. Fishing for bass during spring season.  
63.44. Illegal baitfish.  
63.45. Tagging, branding, marking and finclipping of fish.  
63.46. Sale, purchase or barter of injurious, nonnative species.  
63.47. Landing of finfish, shellfish, crustaceans and other marine seafood.  
63.48. Permit for the use of cast nets or throw nets.  
63.49. Reporting by dealers of American eels.  
63.50. Importation of tautog.

- 63.51. Sale of VHS-susceptible species of fish.
- 63.53. Egg collection.
- 63.54. Possession or use of eggs as bait.

**Authority**

The provisions of this Chapter 63 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 322, 741, 901, 929, 2102, 2106, 2305—2307, 2703, 2711, 2903 and 2911, unless otherwise noted.

**Source**

The provisions of this Chapter 63 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051, unless otherwise noted.

**§ 63.1. Time.**

Whenever a time is specified in this part, the time shall be prevailing local time.

**Source**

The provisions of this § 63.1 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; amended March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80323).

**§ 63.2. Display of fishing license and verification of license purchase.**

(a) *Officers designated to check licenses.* A person fishing in waters of this Commonwealth or in boundary waters shall show his fishing license upon the request of a waterways conservation officer, deputy waterways conservation officer or other officer authorized to enforce the code or this title under section 903 of the code (relating to delegation of enforcement powers).

(b) *Display on outergarment.* It is unlawful for a person required by Chapter 27 of the code (relating to fishing licenses) to purchase a fishing license to fish in the waters of this Commonwealth or in boundary waters unless the person displays the license certificate on a hat or outer garment while fishing. A warning will be issued for a first violation of this section if the person has a valid fishing license in his possession and about his person and shows it upon request. An institutional license issued under section 2708 of the code (relating to institutional licenses) may be displayed or maintained by the person fishing or by the person attending the person who is fishing.

(c) *Fishing without a license in possession.*

(1) When a resident of this Commonwealth is apprehended for fishing without a license in his possession and claims that he previously purchased a valid fishing license for that year, the officer apprehending the individual shall give the individual 7 days to produce the original of the license certificate, if the individual provides to the officer's satisfaction, at the time of apprehension, positive proof of identity and a residence address within this Commonwealth. The original license certificate shall show all required permits and a purchase date and time prior to the date and time of apprehension.

(2) If it is inconvenient for the individual to produce the certificate in person, the officer may permit the individual to mail the original license certifi-

cate to the officer together with a stamped, self-addressed return envelope. If the officer permits the individual to mail the original license certificate to the officer, the officer shall provide the individual with a receipt or other documentation allowing the individual to fish during the period that the original license certificate is not in his possession.

(3) Upon receipt of the original license certificate, the officer shall examine and verify it and return it to the licensee.

(4) If the person apprehended fails to send the original license certificate and required permits to the officer within the time allotted, the officer shall institute summary proceedings against the individual in the manner prescribed by law.

#### Source

The provisions of this § 63.2 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; amended March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; amended April 10, 1998, effective April 11, 1998, 28 Pa.B. 1753. Immediately preceding text appears at serial page (236558).

### § 63.3. Fishing in approved trout waters.

It is unlawful to fish in approved trout waters regulated under § 61.1 (relating to Commonwealth inland waters) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after April 11 and in approved trout waters regulated under § 65.12 (relating to Regional Opening Day of Trout Season Program) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after March 28. As used in this subpart, the term “approved trout waters” means designated waters that contain significant portions that are open to public fishing and are stocked with trout. A listing of approved trout waters is published in the Commission’s “Summary of Fishing Regulations and Laws,” which is available from the Commission at Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000. The Executive Director or a designee may, from time to time, supplement or modify the list of approved trout waters, and additions or deletions will be published in the *Pennsylvania Bulletin*.

#### Authority

The provisions of this § 63.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 2102.

#### Source

The provisions of this § 63.3 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; reserved March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended February 1, 1991, effective February 2, 1991, 21 Pa.B. 422; amended November 15, 2002, effective November 16, 2002, 32 Pa.B. 5658; amended September 9, 2005, effective January 1, 2006, 35 Pa.B. 5008; amended September 22, 2006, effective January 1, 2007, 36 Pa.B. 5872. Immediately preceding text appears at serial page (313225).

**Cross References**

This section cited in 58 Pa. Code § 65.10 (relating to Early Season Trout Stocked Waters Program).

**§ 63.4. Fishing in areas or waters where fishing is prohibited.**

There shall be a rebuttable presumption that a person is fishing in violation of this subpart if the person has in his possession a fishing line, rod or other device that may be used for fishing while on or in water where fishing is prohibited or on the banks within 25 feet of the waters.

**Source**

The provisions of this § 63.4 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; reserved March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (60220) to (60221).

**§ 63.5. Methods of fishing.**

It is unlawful to use a method for taking fish from the waters of this Commonwealth, including boundary lakes and rivers, unless the use of the method is specifically authorized by law or this part.

**Source**

The provisions of this § 63.5 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended November 7, 1980, effective January 1, 1981, 10 Pa.B. 4297; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; reserved March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6669. Immediately preceding text appears at serial page (261321).

**Cross References**

This section cited in 58 Pa. Code § 63.21 (relating to designation of fishing regulations).

**§ 63.6. Authorized devices for game fish, baitfish and fishbait.**

(a) It is unlawful to fish for game fish with more than two lines of any description, whether fished by rod or by hand, at one time except while ice fishing in accordance with § 63.10 (relating to ice fishing). No more than three hooks may be attached to line used in fishing for game fish. Rods, lines and hooks shall be under the immediate control of the person using them. A fishing device shall be deemed to be under the immediate control of the person using it if, when the terminal device (hook, bait or lure) is taken by a fish, the person using the device has direct control over it and it is not connected at that point to a casting or depth placement aid such as a casting boat or downrigger. Casting or depth placement aids such as downriggers or small remote controlled boats are not prohibited by this chapter.

(b) It is unlawful to fish for baitfish with more than two lines of any description, whether fished by rod or by hand, at one time with not more than three hooks attached to each line; a dip-net or minnow seine not over 4 feet square or 4 feet in diameter, and a minnow trap, with not more than two openings, which may not exceed 1 inch in diameter. Rods, lines, hooks, nets and seines used in fishing for fishbait and baitfish shall be under the immediate control of the person using the same. For the purposes of this subpart, gizzard shad (*Dorosoma cepedianum*) 8 inches or less in length are considered baitfish.

(c) For purposes of this section, a hook is considered a fishing device with no more than three points or barbs.

(d) It is unlawful to use more than two lines at any time, except while ice fishing in accordance with § 63.10, when fishing for game fish, baitfish or both.

(e) It is unlawful to use any type of net or seine to catch or take game fish. A landing net may be used to land game fish legally caught by hook and line.

#### Source

The provisions of this § 63.6 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; reserved March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended July 12, 1985, effective July 13, 1985, 15 Pa.B. 2578; amended February 3, 1989, effective February 4, 1989, 19 Pa.B. 405; amended October 31, 1997, effective November 1, 1997, 27 Pa.B. 5605; amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1231 and 1232. Immediately preceding text appears at serial pages (293714) to (293715).

### § 63.7. Exceptions to limitations on devices.

The limitations on fishing devices contained in this chapter do not:

- (1) Prohibit the use of a gaff or landing net to assist in landing fish caught by a lawful device.
- (2) Limit devices by which holders of artificial propagation licenses may remove artificially propagated fish at the licensed premises.
- (3) Limit the means or devices by which fish may be taken under special permits issued under Chapter 29 of the code (relating to special licenses and permits), except trout/salmon permits.
- (4) Apply to the taking, catching or killing of amphibians and reptiles—See Chapter 79 (relating to reptiles and amphibians).
- (5) Apply to taking, catching or killing of blue crabs—See § 63.18 (relating to blue crabs—prohibited acts).

#### Authority

The provisions of this § 63.7 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 101—7314; amended under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.7 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended November 7, 1980, effective January 1, 1981, 10 Pa.B. 4297; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; reserved March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; amended October 31, 1997, effective November 1, 1997, 27 Pa.B. 5605; amended December 22, 2006, effective January 1, 2007, 36 Pa.B. 7850. Immediately preceding text appears at serial pages (322889) to (322890) and (317917).

**§ 63.8. Long bows, crossbows, spears and gigs.**

(a) *General.* Except as otherwise provided in this part, carp, suckers and catfish may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs any hour of the day or night aided by a light at night if so desired, in Commonwealth waters and waters bounding and adjacent thereto.

(b) *Lake Erie.* Scuba divers, who possess a valid fishing license and Lake Erie stamp, shall be permitted to take burbot at a depth of at least 60 feet.

(c) *Restrictions.* Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in approved trout waters.

**Authority**

The provisions of this § 63.8 amended under the Fish and Boat Code, 30 Pa.C.S. § 2102; amended under section 2102(b) of the Fish and Boat Code.

**Source**

The provisions of this § 63.8 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; reserved March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5970; amended April 12, 1996, effective April 13, 1996, 26 Pa.B. 1706; amended October 31, 1997, effective November 1, 1997, 27 Pa.B. 5605; amended November 7, 1997, effective November 8, 1997, 27 Pa.B. 5779; amended February 18, 2000, effective February 19, 2000, 30 Pa.B. 870; amended November 21, 2003, effective November 22, 2003, 33 Pa.B. 5704; amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1232; amended March 10, 2006, effective March 11, 2006, 36 Pa.B. 1124; amended September 5, 2008, effective September 6, 2008, 38 Pa.B. 4900. Immediately preceding text appears at serial page (325054).

**Cross References**

This section cited in 58 Pa. Code § 63.9 (relating to snatch fishing, foul hooking and snag fishing); 58 Pa. Code § 65.24 (relating to miscellaneous special regulations); and 58 Pa. Code § 69.15 (relating to miscellaneous special regulations).

**§ 63.9. Snatch fishing, foul hooking and snag fishing.**

(a) It is unlawful to take or attempt to take fish by the methods known as snatch fishing, foul hooking or snag fishing or to take or attempt to take fish with a snagging hook or device which may be used to capture the fish by engaging the device in, to, with, or around any part of the body of the fish. In addition, it is unlawful to possess a snagging hook while in the act of fishing. A snagging hook is a fishing device that is designed or modified to facilitate the snagging of fish. It is either of the following:

- (1) A hook with other than a single barb which is weighted on the shank at any point below the eye of the hook and above the barbs thereof.
- (2) A hook that is otherwise designed or modified so as to make the snagging of fish more likely when it is used than if a normal hook or fishing device were used.

(b) Nothing in subsection (a) may be construed to prohibit the use of long bow, crossbow, spear and gigs as provided in § 63.8 (relating to long bows, crossbows, spears and gigs) or other net or devices specifically authorized by law or this subpart.

**Source**

The provisions of this § 63.9 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; reserved March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended April 10, 2009, effective April 11, 2009, 39 Pa.B. 1859. Immediately preceding text appears at serial page (325055).

**Cross References**

This section cited in 58 Pa. Code § 63.21 (relating to designation of fishing regulations).

**§ 63.10. Ice fishing.**

- (a) Ice fishing is fishing through holes in the ice.
- (b) It is unlawful while ice fishing to use more than five fishing devices, which may consist of rods, hand lines, tip ups or any combination thereof. Each device shall contain a single fishing line with no more than three hooks attached to each line.
- (c) Rods, lines and tip-ups used in ice fishing shall be under the immediate control of the person using the same.
- (d) It is unlawful to fish through holes in the ice that measure more than 10 inches between the farthest points as measured in any direction.

**Authority**

The provisions of this § 63.10 amended under section 10 of the Sunshine Act (65 P. S. § 280); and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

63-6.1

(342711) No. 415 Jun. 09

**Source**

The provisions of this § 63.10 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5717; amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1231. Immediately preceding text appears at serial pages (301466) and (263731).

**Cross References**

This section cited in 58 Pa. Code § 63.6 (relating to authorized devices for game fish, baitfish and fishbait).

**§ 63.11. [Reserved].****Source**

The provisions of this § 63.11 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended August 13, 1982, effective January 1, 1983, 12 Pa.B. 2692; amended January 7, 1984, 14 Pa.B. 46; amended December 14, 1990, effective December 15, 1990, 20 Pa.B. 6179; amended October 31, 1997, effective November 1, 1997, 27 Pa.B. 5605; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6669; reserved March 10, 2006, effective March 11, 2006, 36 Pa.B. 1124. Immediately preceding text appears at serial pages (303033) and (285583).

**§ 63.12. [Reserved].****Source**

The provisions of this § 63.12 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended August 13, 1982, effective January 1, 1983, 12 Pa.B. 2692; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; reserved October 31, 1997, effective November 1, 1997, 27 Pa.B. 5605. Immediately preceding text appears at serial pages (222089) to (222090).

**§ 63.13. Nets unlawful without permit.**

(a) It is unlawful for a person to make, sell or have in his possession while on, in or about Commonwealth waters, including while within 25 feet of the waters, a net larger than 4 feet square or 4 feet in diameter unless the person has in possession a permit issued under section 2902 of the code (relating to net permits).

(b) It is unlawful for a person to violate the terms and conditions set forth on a permit issued under section 2902 of the code, including, but not limited to, when and where the nets shall be used.

(c) The Commission may waive the issuance of a net permit to cooperative nurseries, persons who possess an artificial propagation license or permit for special fish collecting activities, and other persons as the Commission will designate.

**Source**

The provisions of this § 63.13 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 614; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80325).

**§ 63.14. Identification of fishbait and baitfish containers.**

It is unlawful for a person to leave unattended a container for fishbait or baitfish in waters of this Commonwealth unless the container has attached a tag or other means of identification setting forth the name, address and telephone number of the owner or user of the container.

**Source**

The provisions of this § 63.14 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (80325) to (80327).

**§ 63.15. Field dressing and disposal of fish.**

(a) Except as otherwise provided in this section, it is unlawful to possess a fish in any form or condition other than in the whole or having the entrails removed while on shore, along the waters of this Commonwealth, onboard a boat or on a dock, pier, launch area or a parking lot adjacent thereto.

(b) Fish may be processed fully if they are being prepared for immediate consumption.

(c) This section does not apply to fish processed at a fish cleaning station officially recognized under § 63.15a (relating to officially-recognized fish cleaning stations).

(d) Provided that the requirements of this subsection are met, this section does not apply to fish processed by a permitted charter boat/fishing guide operation. The charter boat operator or fishing guide may fully process the fish at any time provided the charter boat operator or fishing guide retains the carcass until possession of the fish is transferred to the customer on shore. The charter boat operator or fishing guide shall give the customer who receives the processed fish a signed, dated receipt on the form prescribed by the Commission.

(e) This section does not apply to fish caught or sold in compliance with Chapter 31 of the code (relating to regulated fishing lakes).

(f) This section does not apply to fish caught under a Lake Erie commercial license issued consistent with Chapter 29 of the code (relating to special licenses and permits) after the fish reach established retail or wholesale markets.

(g) It is unlawful to discard any fish carcass or parts thereof into the waters of this Commonwealth or upon any public or private lands contiguous to the waters unless one of the following conditions apply:

- (1) On lands with the permission of the landowner.
- (2) Where fish are properly disposed into suitable garbage or refuse collection systems or at officially recognized fish cleaning stations.

**Authority**

This section amended under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.15 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended December 22, 1995, effective December 23, 1995, 25 Pa.B. 5970; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6669; amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1231; amended March 10, 2006, effective March 11, 2006, 36 Pa.B. 1124. Immediately preceding text appears at serial page (316051).

**§ 63.15a. Officially-recognized fish cleaning stations.**(a) *Types.*

(1) *Commercial.* An operator of a fish cleaning station that provides services to the public for a fee may apply for recognition as an official commercial fish cleaning station.

(2) *Noncommercial.* An operator of a fishing cleaning station that provides services at no cost may apply for recognition as an official noncommercial fish cleaning station.

(b) *Receipts.* Except as provided in this subsection, the operator of an officially-recognized fish cleaning station shall give the person who receives the filleted fish a signed, dated receipt on the form prescribed by the Commission. This subsection does not apply to the operator of a noncommercial fish cleaning station.

(c) *Inspection.* The operator of an officially-recognized fish cleaning station shall allow officers authorized to enforce the code unrestricted access to the station to inspect angler catches for compliance with seasons, sizes and creel limits.

(d) *Application.* An operator of a fish cleaning station may apply for official recognition to:

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

**Authority**

The provisions of this § 63.15a issued under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2907.3.

**Source**

The provisions of this § 63.15a adopted March 10, 2006, effective March 11, 2006, 36 Pa.B. 1124.

**§ 63.16. Fishing in the vicinity of fishways.**

(a) It is unlawful to fish within a fishway, chute, slope, fish ladder, fish lift or other fish passage facility located on or in connection with a dam on the waters of this Commonwealth.

(b) It is unlawful to fish in an area within a radius of 100 feet of the entrance or exit points from a fishway, chute, slope, fish ladder, fish lift or other fish passage facility located on or in connection with a dam on the waters of this Commonwealth.

**Authority**

The provisions of this § 63.16 issued under 30 Pa.C.S. §§ 305, 322, 741, 928, 2102, 2307, 2711 and 5122—5124.

**Source**

The provisions of this § 63.16 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691. Immediately preceding text appears at serial page (87997).

**Cross References**

This section cited in 58 Pa. Code § 63.21 (relating to designation of fishing regulations); and 58 Pa. Code § 65.24 (relating to miscellaneous special regulations).

**§ 63.17. Importation and sale of hard clams.**

(a) Except as otherwise provided in subsection (b), it is unlawful for a person to possess, import into this Commonwealth, sell, offer for sale or purchase a hard clam (*mercenaria* species) measuring less than 1 inch in thickness.

(b) The size (thickness) limit in subsection (a) does not apply to hard clams cultured by a clam hatchery or clam aquaculture operation, if the origin of the cultured clams is documented that permits immediate determination of the point of origin and the ultimate destination. The documentation will include, at a minimum, a bill of lading or bill of sale stating the origin of the clams and a signed certification from the clam hatchery or clam aquaculture operation identifying the volume or number of the clams in the shipment. The documentation required by this subsection shall be displayed upon request to officers authorized to enforce the code and this part.

**Authority**

The provisions of this § 63.17 issued under 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.17 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088; amended September 6, 1991, effective September 7, 1991, 21 Pa.B. 3990. Immediately preceding text appears at serial page (153768).

**§ 63.18. Blue crabs—prohibited acts.**

In harvesting blue crabs, it is unlawful:

- (1) For a person to use more than two pots at one time.

(2) For a person to use an unattended pot for taking blue crabs unless the pot is labeled with the name and address of the owner or user.

(3) For a person other than the owner, user, members of the owner's or user's immediate family and officers and authorized representatives of the Commission to disturb unattended pots used for taking blue crabs under this section.

(4) For a person to possess a female blue crab bearing eggs or from which the egg pouch or bunion has been removed.

#### Authority

The provisions of this § 63.18 issued under 30 Pa.C.S. §§ 101—7314.

#### Source

The provisions of this § 63.18 adopted April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030.

#### Cross References

This section cited in 58 Pa. Code § 63.7 (relating to exceptions to limitations on devices).

### § 63.19. Sale and purchase of fish.

(a) Except as otherwise provided in subsection (d), it is unlawful for a person to sell, purchase, offer for sale or exchange or export for consideration, trade or barter any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish caught or taken from the waters of this Commonwealth.

(b) Except as otherwise provided in subsection (d), it is unlawful for a person to take, catch, kill or possess any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish, for the purpose of selling the fish or offering it for sale.

(c) In prosecutions for violation of this section, there shall be a rebuttable presumption that a species of fish that occurs within the waters of this Commonwealth was taken or caught from Commonwealth waters. A receipt or other document showing the lawful origin of the fish from waters in a state other than this Commonwealth or from an artificial propagator or dealer in live aquatic organisms registered in this Commonwealth, shall be sufficient to rebut the presumption created in this subsection.

(d) This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Chapter 42 (relating to aquacultural development), if the fish are lawfully propagated or acquired by means other than fishing from the waters of this Commonwealth in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish by or from the holder of a commercial fishing license issued under Chapter 29 of the code (relating to special licenses

and permits), if the fish are lawfully caught or taken in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale of mounted fish.

**Source**

The provisions of this § 63.19 adopted March 2, 1990, effective March 3, 1990, 20 Pa.B. 1287; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3211. Immediately preceding text appears at serial page (222093).

**§ 63.20. Permits for the protection and management of trout and salmon.**

(a) *Finding.* The Commission finds under section 2904 of the code (relating to permits for the protection and management of particular fish) that it is necessary for the protection and management of trout and salmon in the waters of this Commonwealth that persons who fish for trout or salmon have a permit for that activity.

(b) *Permit required.* It is unlawful for a person required by Chapter 27 of the code (relating to fishing licenses) to procure a resident fishing license, a nonresident fishing license, a senior resident lifetime fishing license or an annual senior resident fishing license, to fish for trout or salmon unless that person has first procured a valid trout/salmon permit and affixed it to his fishing license.

(c) *Form.* Trout/salmon permits issued under this section shall be in the form of a stamp which shall be affixed to the person's fishing license and signed over the face of the stamp. The stamp shall bear a design as may be approved by the Commission together with the year for which it is valid.

(d) *Exceptions.*

(1) The Commission will issue a trout/salmon permit without fee to disabled veterans who possess a free fishing license under section 2707 of the code (relating to disabled veterans).

(2) A person who is exempt from the fishing license requirements of Chapter 27 of the code or who is issued an institutional fishing license under section 2708 of the code (relating to institutional licenses) is exempt from this section.

(3) A person who purchased a senior resident lifetime fishing license prior to January 1, 1991, shall be exempt from the requirements of this section. A person who purchases a senior resident lifetime fishing license after January 1, 1991, who desires to fish for trout or salmon shall be required to purchase one valid trout/salmon permit and affix it to his fishing license and shall be exempt from the requirements of this section for second and subsequent years.

(4) A trout/salmon permit is not required to fish for trout or salmon on free fishing days designated by the Commission under section 2709(d) of the code (relating to exemptions from license requirements).

(5) A trout/salmon permit is not required to fish for trout or salmon on Class A regulated fishing lakes. A trout/salmon permit is not required to fish for trout or salmon on designated Class B regulated fishing lakes that have the following characteristics:

- (i) The lake is a natural pond or impoundment located wholly on private property and constructed and maintained wholly with private funds.
- (ii) The lake is operated by a private club or organization.
- (iii) The lake is not open for fishing by the general public, and fishing is restricted to members only.
- (iv) The trout/salmon population of the lake is composed entirely of trout or salmon stocked from private resources and contains no trout or salmon stocked by the Commission, the United States Government or cooperative nurseries recognized by the Commission.
- (e) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:
  - (1) The person fishes in waters under special trout regulations designated under those sections of Chapter 65 (relating to special fishing regulations) that require a trout/salmon permit, wilderness trout streams or their tributaries or Class A wild trout waters or their tributaries.
  - (2) The person fishes in streams or rivers that are approved trout waters as defined in § 63.3 (relating to fishing in approved trout waters) or their tributaries during the period from 12:01 a.m. on March 1 until midnight May 31.
  - (3) The person takes, kills or possess, while in the act of fishing, a trout or salmon on or in waters of this Commonwealth or boundary waters.

**Authority**

The provisions of this § 63.20 amended under the Fish and Boat Code, 30 Pa.C.S. § 2904.

**Source**

The provisions of this § 63.20 adopted March 2, 1990, effective January 1, 1991, 20 Pa.B. 1287; amended April 15, 1994, effective April 16, 1994, 24 Pa.B. 1958; amended November 15, 2002, effective November 16, 2002, 32 Pa.B. 5658; amended November 25, 2005, effective January 1, 2006, 35 Pa.B. 6434; amended August 25, 2006, effective August 26, 2006, 36 Pa.B. 4724; amended September 22, 2006, effective January 1, 2007, 36 Pa.B. 5872. Immediately preceding text appears at serial pages (316054) and (322545).

**§ 63.21. Designation of fishing regulations.**

- (a) The following regulations are designated under section 2102(a) of the code (relating to rules and regulations) as being for the protection of fish or fish habitat or for the health and safety of persons who fish:
  - (1) Section 63.9 (relating to snatch fishing, foul hooking and snag fishing).
  - (2) Section 65.23 (relating to special restrictions on polluted zones).
  - (3) Section 67.2 (relating to refuge areas).
  - (4) Section 63.5 (relating to methods of fishing).
- (b) Section 63.16 (relating to fishing in the vicinity of fishways) is designated under section 3507 of the code (relating to protection of fish near dams) as being for the protection of fish near dams.

**Authority**

The provisions of this § 63.21 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 3507.

**Source**

The provisions of this § 63.21 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended December 14, 1990, effective December 15, 1990, 20 Pa.B. 6179; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6669. Immediately preceding text appears at serial page (222095).

**§ 63.22. [Reserved].****Source**

The provisions of this § 63.22 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80331).

**§ 63.23. [Reserved].****Source**

The provisions of this § 63.23 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (80331) to (80332).

**§ 63.24. [Reserved].****Source**

The provisions of this § 63.24 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80332).

**§ 63.25. [Reserved].****Source**

The provisions of this § 63.25 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (80332) to (80333).

**§ 63.26. [Reserved].****Source**

The provisions of this § 63.26 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (80333) to (80334).

**§ 63.27. [Reserved].****Source**

The provisions of this § 63.27 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80334).

**§ 63.28. [Reserved].****Source**

The provisions of this § 63.28 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80334).



**§ 63.29. [Reserved].****Source**

The provisions of this § 63.29 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80335).

**§ 63.30. Importation of weakfish.**

It is unlawful for a person to import into this Commonwealth, sell, offer for sale or purchase weakfish measuring less than 13 inches in length.

**Source**

The provisions of this § 63.30 adopted February 26, 1993, effective February 27, 1993, 23 Pa.B. 942.

**§ 63.31. Importation and transportation of horseshoe crabs.**

It is unlawful for a person to import into or transport in this Commonwealth horseshoe crabs for the purpose of sale at wholesale or retail. It is unlawful to sell, offer for sale or purchase any horseshoe crabs.

**Source**

The provisions of this § 63.31 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended April 30, 1999, effective May 1, 1999, 29 Pa.B. 2298. Immediately preceding text appears at serial page (222097).

**§ 63.32. [Reserved].****Source**

The provisions of this § 63.32 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (80337) to (80338).

**§ 63.33. [Reserved].****Source**

The provisions of this § 63.33 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (80338) to (80339).

**§ 63.34. [Reserved].****Source**

The provisions of this § 63.34 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80339).

**§ 63.35. [Reserved].****Source**

The provisions of this § 63.35 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80339).

**§ 63.36. [Reserved].****Source**

The provisions of this § 63.36 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80340).

**§ 63.37. [Reserved].****Source**

The provisions of this § 63.37 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80340).

**§ 63.38. [Reserved].****Source**

The provisions of this § 63.38 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 617; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial pages (80340) to (80341).

**§ 63.39. [Reserved].****Source**

The provisions of this § 63.39 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 870; reserved January 6, 1984, effective January 7, 1984, 14 Pa.B. 46. Immediately preceding text appears at serial page (80341).

**§ 63.40. Fishing tournaments and fishing derbies.**

(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) *Permits*. It is unlawful to conduct a fishing tournament on Commonwealth waters without obtaining a special activity permit under this section.

(1) *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 and watercraft.
- (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.

(2) *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 after October 1 and before 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 for tournaments submitted after the deadlines established by this section.

(3) *Review of applications*.

(i) The Commission staff will review applications for special activity permits to conduct fishing tournaments on Commonwealth waters 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 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 this title 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).

(4) *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) 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 waters being fished taking into account other permitted activities at the same time and place.

(ii) Limitations on the time or duration of the tournament. When reasonably necessary and appropriate to provide for 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.

(iii) 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.

(iv) 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.

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

(vi) 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.

(c) *Fishing derbies.*

(1) *General rule.* It is unlawful to conduct a fishing derby as defined in this section on Commonwealth waters without first obtaining a special activity permit from the Commission, except that this requirement does not apply to fishing derbies to be held on privately owned lakes or ponds that are not open to the public.

(2) *Special activity permit.* 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 and watercraft.
- (iv) The proposed disposition of fish caught.
- (v) The species and source of fish sought.

(3) *Review of applications.*

(i) The Commission staff will review applications for special activity permits to conduct fishing derbies 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 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.

(B) 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.

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

(D) 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.

(E) Whether the proposed derby at the proposed time and location may result in unsafe congestion of watercraft on the waters of this Commonwealth.

(F) 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.

(ii) 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 (relating to appeals from actions of staff).

(4) *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) Limitations on the numbers of boats or participants in the derby when the number of boats or participants involved in the proposed derby exceeds the capacity of the waters to be fished taking into account other permitted uses of the facility at the same time.

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

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

(iv) 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.

(d) *Prohibited acts.* It is unlawful to conduct a fishing tournament or fishing derby on Commonwealth waters except in compliance with permit conditions. It is unlawful to conduct a tournament or fishing derby on Commonwealth waters 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.

**Authority**

The provisions of this § 63.40 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 322, 2102 and 2307.

**Source**

The provisions of this § 63.40 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 November 5, 1999, effective November 6, 1999, 29 Pa.B. 5719; 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 (261328) to (261330), (313227) to (313228) and (322893).

**Cross References**

This section cited in 58 Pa. Code § 53.24 (relating to tournament and fishing derby permits); 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); 58 Pa. Code § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas); and 58 Pa. Code § 69.13 (relating to seasons, sizes and creel limits—Lake Erie tributaries).

**§ 63.41. [Reserved].**

**Source**

The provisions of this § 63.41 adopted December 14, 1990, effective December 15, 1990, 20 Pa.B. 6182; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1468; reserved December 2, 2005, effective January 1, 2006, 35 Pa.B. 6533. Immediately preceding text appears at serial pages (313229) to (313230) and (296657).

**§ 63.42. Sale, purchase or barter of fish parts and fish eggs.**

It is unlawful for a person to sell, purchase, offer for sale or barter any fish parts or fish eggs obtained from fish taken from the waters of this Commonwealth, including boundary waters. This prohibition does not apply to fish parts and fish eggs lawfully taken and sold or offered for sale by holders of commercial fishing licenses under Chapter 29 of the code (relating to special licenses and permits), if the particular species of fish is authorized for taking by commercial licensees. This prohibition does not apply to the sale, purchase, offer for sale or barter of fish parts and fish eggs legally obtained from fish taken lawfully from waters outside this Commonwealth, if the seller or purchaser is able to document the source of the fish parts or fish eggs from lawful sources outside this Commonwealth.

**Source**

The provisions of this § 63.42 adopted June 25, 1999, effective June 26, 1999, 29 Pa.B. 3212.

**§ 63.43. Fishing for bass during spring season.**

During the period from 12:01 a.m. on the first Saturday after April 11 until 12:01 a.m. on the first Saturday after June 11:

- (1) It is unlawful to kill or possess, while in the act of fishing, any largemouth, smallmouth or spotted bass.
- (2) Tournaments are not permitted.

(3) Catch and release fishing for bass is limited as follows: It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or redd in an effort to catch or take bass. Otherwise, a bass caught and immediately returned unharmed to the waters from which taken during this period will not be considered a violation of this section.

**Source**

The provisions of this § 63.43 adopted July 9, 1999, effective July 10, 1999, 29 Pa.B. 3629.

**§ 63.44. Illegal baitfish.**

It is unlawful for a person to use or possess Goldfish (*Carassius auratus*), Comets (*Carassius auratus*), Koi (*Cyprinus carpio*) and Common carp (*Cyprinus carpio*) as baitfish while fishing.

**Authority**

The provisions of this § 63.44 issued under section 2102 of the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.44 adopted September 15, 2000, effective September 16, 2000, 30 Pa.B. 4814.

**§ 63.45. Tagging, branding, marking and finclipping of fish.**

(a) It is unlawful for a person to implant tracking devices in or to tag, brand, mark or fin clip any fish taken from the waters of this Commonwealth, unless the fish are purchased from an authorized commercial aquaculture facility, are part of a Commission-recognized and sanctioned stocking by a cooperative nursery, are authorized by a scientific collector's permit issued by the Commission or are part of a tagged fish contest in a boundary lake for which the Commission has issued a permit.

(b) There shall be a rebuttable presumption that a person implanting a tracking device in or tagging, branding, marking or fin clipping a fish is in violation of this section if the person does not have in his possession proof that the fish was purchased from an authorized commercial aquaculture facility, is part of a Commission-recognized and sanctioned stocking by a cooperative nursery, is authorized by a scientific collector's permit or is part of a tagged fish contest in a boundary lake for which the Commission has issued a permit.

**Authority**

The provisions of this § 63.45 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.45 adopted November 23, 2001, effective November 24, 2001, 31 Pa.B. 6451.

**§ 63.46. Sale, purchase or barter of injurious, nonnative species.**

It is unlawful for a person to sell, purchase, offer for sale or barter the following live species in this Commonwealth:

- (1) Snakehead (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).

- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Tubenose goby (*Proterorhinus marmoratus*).
- (9) European rudd (*Scardinius erythrophthalmus*).
- (10) Rusty crayfish (*Orconectes rusticus*).
- (11) Ruffe (*Gymnocephalus cernuus*).

**Authority**

The provisions of this § 63.46 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.46 adopted September 13, 2002, effective September 14, 2002, 32 Pa.B. 4485; amended September 5, 2003, effective September 6, 2003, 33 Pa.B. 4447; amended August 25, 2006, effective August 26, 2006, 36 Pa.B. 4724. Immediately preceding text appears at serial pages (316060) and (317923).

**§ 63.47. Landing of finfish shellfish, crustaceans and other marine seafood.**

(a) Except as otherwise provided in this section, it is unlawful to land finfish, shellfish, crustaceans or other marine seafood in this Commonwealth when harvest quota allocations to this Commonwealth have been met or otherwise capped by action of the Executive Director pursuant to the fishery management plans and harvest allocations of the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. If quotas have been met or otherwise capped in this Commonwealth, the landing of finfish, shellfish, crustaceans and other marine seafood in this Commonwealth is permitted only if the species have been properly reported as part of an unmet quota of another jurisdiction.

(b) For purposes of this section, “land” or “landing” means to enter port with finfish, shellfish, crustaceans or other marine seafood on board any vessel to begin offloading or to offload finfish, shellfish, crustaceans or other marine seafood.

(c) This section does not apply to the landing of fish at Lake Erie that is governed by Chapter 69 (relating to fishing in Lake Erie and boundary lakes).

**Authority**

The provisions of this § 63.47 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.47 adopted July 9, 2004, effective July 10, 2004, 34 Pa.B. 3598.

**§ 63.48. Permit for the use of cast nets or throw nets.**

(a) The Executive Director or a designee may issue permits for the use of cast nets or throw nets for the taking of gizzard shad 8 inches or less in length and alewife only in waters to be determined by the Executive Director. A separate permit will be required for each body of water.

(b) In addition to other permit conditions that the Executive Director may require, the cast nets or throw nets may be no greater than 10 feet in radius (20 feet in diameter) with a mesh size of at least 3/8 inch.

(c) Notwithstanding the provisions of § 61.1 (relating to Commonwealth inland waters), holders of permits for the use of cast nets or throw nets may take, catch, kill or possess a daily creel limit of 100 gizzard shad and alewife (combined species).

(d) A person may apply for a permit for the use of cast nets or throw nets by completing the form prescribed by the Commission. The applicant shall submit the completed form to the Commission along with the fee specified in section 2902 of the code (relating to net permits).

(e) It is unlawful to use cast nets or throw nets for the taking of gizzard shad and alewife or to take, catch, kill or possess more than the daily creel limit of gizzard shad and alewife as set forth in § 61.1 without the required permit. A permit for the use of cast nets or throw nets shall be carried so that it can be presented to an officer authorized to enforce the code.

(f) It is unlawful to use gizzard shad or alewife taken under a permit for the use of cast nets or throw nets as live bait in any water other than the water from which it was taken.

**Authority**

The provisions of this § 63.48 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.48 adopted March 10, 2006, effective March 11, 2006, 36 Pa.B. 1126.

**§ 63.49. Reporting by dealers of American eels.**

Dealers of American eels shall report to the Commission the amount of American eels that they buy and sell.

(1) Reports shall be provided on forms prescribed by the Commission on a quarterly basis or as otherwise established by the Commission. Data to be reported includes the following:

- (i) The date of purchase or sale.
- (ii) The origin or destination of eels, pounds or number purchased or sold by life stage (glass eel, elvers, yellow eel, silver eel).
- (iii) The purpose of purchase or sale (bait, food, and the like).
- (iv) The amount exported.
- (v) Other information the Commission requires.

(2) Dealers shall present these reports upon the request of an officer authorized to enforce the code. Dealers shall allow officers authorized to enforce the code unrestricted access to the dealer's place of business during normal business hours to inspect the reports.

**Authority**

The provisions of this § 63.49 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102.

**Source**

The provisions of this § 63.49 adopted September 7, 2007, effective September 8, 2007, 37 Pa.B. 4869.

**§ 63.50. Importation of tautog.**

It is unlawful for a person to import into this Commonwealth, sell, offer for sale or purchase tautog (*Tautoga onitis*) measuring less than 14 inches in length.

**Authority**

The provisions of this § 63.50 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102(c).

**Source**

The provisions of this § 63.50 adopted August 24, 2007, effective August 25, 2007, 37 Pa.B. 4621.

**§ 63.51. Sale of VHS-susceptible species of fish.**

(a) For purposes of this section, the following terms have the following meanings:

(1) Species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) designates by order or the Commission defines by notice in the *Pennsylvania Bulletin*.

(i) The term “VHS-susceptible species” includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.

(ii) The term “VHS-susceptible species” does not include the eggs of these species.

(2) A VHS-affected or VHS-at risk state includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(3) A VHS-affected or VHS-at risk region includes the Canadian provinces of Ontario and Quebec or other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(b) It is unlawful to sell VHS-susceptible species of fish from the portion of the Lake Erie watershed in this Commonwealth in other watersheds of this Commonwealth except in accordance with § 69.3(e) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(c) It is unlawful to sell in this Commonwealth VHS-susceptible species of fish from a VHS-affected or VHS-at risk state, unless the following conditions are met:

(1) The sale meets the requirements of 30 Pa.C.S. § 2507 (relating to sale of certain fish, reptiles and amphibians prohibited).

(2) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Pennsylvania Department of Agriculture and approved by the Commission.

Persons selling these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, either a copy of the fish health certification reports for all VHS-susceptible fish kept at the place of sale or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility certified as having tested negative for VHS.

(d) It unlawful to sell in this Commonwealth VHS-susceptible species of fish from a VHS-affected or VHS-at risk region, unless the fish meet the requirements of § 73.3(d)(1) (relating to transportation and importation of VHS-susceptible species of fish).

**Authority**

The provisions of this § 63.51 adopted under the authority of the Fish and Boat Code, 30 Pa.C.S. § 2102(a).

**Source**

The provisions of this § 63.51 adopted December 12, 2008, effective January 1, 2009, 38 Pa.B. 6742.

**§ 63.53. Egg collection.**

It is unlawful to remove or strip eggs from fish taken from waters of this Commonwealth except for trout and salmon taken from waters in the Lake Erie watershed.

**Authority**

The provisions of this § 63.53 adopted under the authority of the Fish and Boat Code, 30 Pa.C.S. § 2102(a).

**Source**

The provisions of this § 63.53 adopted December 12, 2008, effective January 1, 2009, 38 Pa.B. 6741.

**§ 63.54. Possession or use of eggs as bait.**

Except as otherwise provided in this section, it is unlawful to possess or use as bait unpreserved, refrigerated or frozen fish eggs regardless of their origin while in the act of fishing in or along waters of this Commonwealth. Unpreserved, refrigerated or frozen eggs from trout or salmon may be used and possessed as bait while fishing in or along the waters of the Lake Erie watershed.

**Authority**

The provisions of this § 63.54 adopted under the authority of the Fish and Boat Code, 30 Pa.C.S. § 2102(a).

**Source**

The provisions of this § 63.54 adopted December 12, 2008, effective January 1, 2009, 38 Pa.B. 6741.

[Next page is 65-1.]