

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 135, 139 AND 141]

Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 13, 1998, meeting, proposed amendments to read as set forth in Annex A.

Amend Chapter 135, Subchapter F, by amending § 135.104 (relating to restrictions on controlled goose hunting areas) by increasing the daily bag limit for Canada geese at Middle Creek Wildlife Management Area to two birds, only in those years when the United States Fish and Wildlife Service closes the regular (fall) Canada goose season in southeastern Pennsylvania.

Amend Chapter 139, (See Seasons and Bag Limits Table) to provide dates for the 1998-1999 hunting license year.

Amend Chapter 141, Subchapter B, by amending § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area) by increasing the daily bag limit for Canada geese at Middle Creek Wildlife Management Area to two birds, only in those years when the United States Fish and Wildlife Service closes the regular (fall) Canada goose season in southeastern Pennsylvania.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of these amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the January 13, 1998, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 until March 31, 1998.

Proposed amendments to § 139.4

1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 13, 1998, meeting proposed changing § 139.4 (relating to seasons and bag limits for the license year) to provide for seasons and bag limits for the 1998-1999 license year. These seasons and bag limits were proposed under the provisions of sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of commission). Notable changes for the 1998-1999 year are a provision which would allow junior hunters to take an antlerless deer during antlered deer season, a provision which would increase the spring turkey bag limit to two and earlier starts for rabbit, pheasant and quail seasons.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to "...fix seasons...and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Populations of rabbits, pheasants and quail are sufficiently abundant to justify extending their seasons and

having a uniform start of small game season. Similarly, it appears that turkey populations are adequate to permit a bag limit of two in the spring. Finally, to encourage junior hunters, the Commission is proposing to permit them to take an antlered deer and an antlerless deer, with the appropriate license, during the antlered deer season.

3. Regulatory Requirements

These proposed seasons and bag limits would establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

4. Persons Affected

All persons wishing to hunt and trap in this Commonwealth would be affected by the proposed seasons and bag limits.

5. Cost and Paperwork Requirements

The proposed new seasons and bag limits would not result in any additional cost either to the Commission or to hunters and furtakers.

6. Effective Dates

The proposed amendments would be effective from July 1, 1998, to June 30, 1999.

Proposed amendments to §§ 135.104 and 141.26

1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission at its January 13, 1998 meeting proposed changing §§ 135.104 and 141.26 (relating to restrictions on controlled goose hunting areas; and early Canada goose hunting season on Middle Creek Wildlife Management Area) to allow a two goose bag limit during the early Canada goose season in the controlled area of Middle Creek Wildlife Management Area (MCWMA). This change was proposed under sections 322(c)(1) and 2102(b)(1) of the code.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Because of concerns about the migratory populations of Canada geese, the United States Fish and Wildlife Service has closed the regular Canada goose season in most of this Commonwealth. At the same time, the population of resident Canada geese has dramatically increased resulting in numerous nuisance geese complaints. Increasing the early season bag limit in the controlled area of MCWMA should help to decrease the resident population.

3. Regulatory Requirements

The proposed changes would relax current regulatory requirements.

4. Persons Affected

Persons wishing to hunt geese at MCWMA during the early goose season would be affected by the proposed changes.

5. Cost and Paperwork Requirements

The proposed change would not result in any additional cost, either to the Commission or to hunters.

6. *Effective Date*

These proposed changes would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

7. *Contact Persons*

For further information on the proposed changes, the contact person is James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

DONALD C. MADL,
Executive Director

Fiscal Note: 48-102. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.104. Restrictions on controlled goose hunting areas.

It is unlawful to:

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(9) Take more than one goose per person **except at the Middle Creek Wildlife Management Area where the limit will be two as provided in § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area)**. Duck limits shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

(Editor's Note: As part of this proposal, the Commission is proposing to replace the text of § 139.4 as it appears at 58 Pa. Code pages 139-3—139-10, serial pages (229363)—(229370) with the following text. The text of Appendix A and the maps which appear at 58 Pa. Code pages 139-10.1—139-16, serial pages (229371)—(202772) are also proposed to be deleted.)

**1998-1999 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 12	6	12
Squirrels—(Combined)	Oct. 17 and Dec. 26	Nov. 28 and Feb. 27, 1999	6	12
Ruffed Grouse—Statewide	Oct. 17 and Dec. 26	Nov. 28 and Jan. 23, 1999	2	4
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 17 and Dec. 26	Nov. 28 and Feb. 27, 1999	4	8
Ringneck Pheasant—Male only	Oct. 17	Nov. 28	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area only	Oct. 17 and Dec. 26	Nov. 28 and Jan. 23, 1999	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Oct. 17	Nov. 28	4	8

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 2, 1999	2	4
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season		Unlimited	

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female				
Management Areas #1-A, 1-B & 7-B	Oct. 31	Nov. 7	1	1
Management Areas #2, 6, 7-A & 8	Oct. 31	Nov. 14	1	1
Management Areas #3, 4 & 5	Oct. 31	Nov. 21	1	1
Management Area #9-A	Closed to fall turkey hunting			
Management Area #9-B	Nov. 2	Nov. 6	1	1
Turkey (Spring Gobbler) Statewide Bearded Bird only	May 1, 1999	May 29, 1999	1	2

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.
- (d) There is no open season for taking Woodcock within the boundaries of State Game Land No. 69, located in Randolph, Richmond and Troy Townships in Crawford County, Pennsylvania.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 3	Nov. 29		Unlimited
Starlings and English Sparrows	Dec. 26	Mar. 28, 1999		Unlimited
	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season			

FALCONRY

Squirrels—(Combined)	Sep. 1	Mar. 31, 1999	6	12
Quail	Sep. 1	Mar. 31, 1999	4	8
Ruffed Grouse	Sep. 1	Mar. 31, 1999	2	4
Cottontail Rabbits	Sep. 1	Mar. 31, 1999	4	8
Snowshoe or Varying Hare	Sep. 1	Mar. 31, 1999	2	4
Ringneck Pheasant—Male and Female (Combined)	Sep. 1	Mar. 31, 1999	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

PROPOSED RULEMAKING

DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Deer (Archery), Antlered or Antlerless with the with the appropriate license	Oct. 3	Nov. 14	1 Per Day	One antlered.** An antlerless deer with each required antlerless license
	Dec. 26	Jan. 9, 1999		
Deer (Buck), Statewide, Antlered with 2 or more points to an antler or a spike 3 or more inches long	Nov. 30	Dec. 12	1 Per Day	One antlered.**
Deer (Doe) Antlerless (Statewide) Junior License Holders Only with required antlerless license	Nov. 30	Dec. 12	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Statewide)	Dec. 14	Dec. 16	1 Per Day	An antlerless deer with each required antlerless license
Deer (Doe) Antlerless (Presque Isle State Park, Erie County)	Dec. 9	Dec. 11	One antlered deer.** An antlerless deer with each required antlerless license.	
Deer (Muzzleloading Firearms), (Flintlock only) Antlered or Antlerless	Dec. 26	Jan. 9, 1999	1 Per Day	One antlered ** or one antlerless-plus an antlerless deer with each required antlerless license
Deer (Doe) Antlerless Only on those lands designated by the Executive Director as "Deer Damage Areas" and posted with approved signs	Nov. 30	Dec. 12	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Ritchie, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army		An antlerless deer with each required antlerless license.	

**SPECIAL REGULATIONS AREAS
SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Deer (Buck), Antlered	Nov. 30	Dec. 12	One antlered deer.**	
Deer (Doe), Antlerless	Nov. 30	Dec. 16	An antlerless deer with each required antlerless license.	
	Dec. 26	Jan. 9, 1999		

BEAR

Bear, any age	Nov. 23	Nov. 25	1	1
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FURTAKING—TRAPPING

Minks and Muskrats—Statewide	Nov. 21	Jan. 10, 1999		Unlimited
Beaver—Statewide	Dec. 26	Mar. 15, 1999		
Zones 1, 2 & 3 (except Bradford, Crawford, Erie, McKean, Potter, Susquehanna, Tioga, Warren and Wayne Counties)			10	20
Bradford, Crawford, Erie, McKean, Potter, Susquehanna, Tioga, Warren and Wayne Counties			10	40

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Zone 4 & 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—Statewide	Oct. 17	Feb. 27, 1999		Unlimited

FUR TAKING—HUNTING

Coyotes—Statewide	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag or during the spring gobbler turkey season by hunters who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.		Unlimited
Opossums, Skunks, Weasels—Statewide	No closed season. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.		
Raccoons and Foxes—Statewide	Oct. 17	Feb. 27, 1999	Unlimited

No open seasons on other wild birds or wild mammals.

** Only one antlered deer (buck) may be taken during all seasons of the hunting license year.

APPENDIX A (Reserved)

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.26. Early Canada goose hunting season on Middle Creek Wildlife Management Area.

In lieu of fall season, the following apply:

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(3) *Bag limits.* The bag limit in the controlled area of Middle Creek Wildlife Management Area is [**one goose**] **two geese.**

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