

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Application Period for Senior Licenses; Validity of License

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 21, 2000, meeting, adopted the following change:

Amend § 143.9 (relating to application period for senior licenses) to further define the qualification for a senior license, and amend § 143.54 (relating to validity of license) to designate where private land tags are valid for use.

These amendments are adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Addition of § 143.9 (relating to application period for senior licenses)

1. Introduction

To clarify eligibility for senior resident lifetime licenses, the Commission at its April 4, 2000, meeting proposed, and at its June 21, 2000, meeting finally adopted, adding § 143.9. Section 2705 of the code currently contains several paragraphs, (3), (6) and (7) which authorize residents "... who have reached or will reach their 65th birthday in the year of application for the license." to purchase senior resident licenses. It is unclear as to whether the "year of application" is the license year or calendar year. The adopted change, which was adopted under authority contained in sections 2707 and 2722(g) of the code will clarify eligibility.

2. Purpose and Authority

As outlined in the previous paragraph, the code allows residents who "... will reach their 65th birthday in the year of the application for the license." to obtain senior resident licenses. It is unclear, however, whether the "year of application" is the license year (July 1 to June 30) or the calendar year (January 1 to December 31). The adopted change establishes the year of application as the July 1 to June 30 year.

Section 2707 of the code authorizes the Commission to fix license periods by regulation. Section 2722(g) of the code authorizes the Commission to adopt regulations for the administration and control of issuing licenses.

3. Regulatory Requirements

The adopted section will not add any regulatory requirements but merely clarify existing law.

4. Persons Affected

Residents of this Commonwealth who turn age 65 could be affected by the provision.

Amendment to § 143.54 (relating to validity of license)

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its April 4, 2000, meeting proposed, and at its June 21, 2000, meeting finally adopted, a change to § 143.54 to limit the use of "private land tag" antlerless licenses. Limited access to private land has the effect of allowing excessive deer

populations that cause damage to agricultural crops and forest regeneration. By restricting the sale of surplus antlerless licenses to use on private land only, the Commission hopes to increase the harvest of deer on these lands. Also, in an attempt to reduce the deer population on certain public lands under an approved deer management plan, the Commission adopted including these lands for use of private land tags. The change was adopted under authority contained in section 2102 of the code (relating to regulations).

2. Purpose and Authority

As pointed out in the previous paragraph, deer populations in areas can go out of control because of large areas of private lands which can either be closed to hunting or only provide limited access to hunters. To try to deal with this problem, the Commission has designated some antlerless licenses as "private land tags" which can only be used on private land or on public land with an approved deer management plan. It is also hoped that this will spur efforts to get more private land open to hunting.

Section 2102 of the code directs the Commission to promulgate regulations as it deems necessary and appropriate concerning game or wildlife and hunting. This section provides authority for the adopted change.

3. Regulatory Requirements

The change will limit the use of designated antlerless licenses to private land and specific public land.

4. Persons Affected

Those wishing to harvest antlerless deer could be affected by the change.

Comment and Response Summary

No written comments were received with regard to the adopted change.

Cost and Paperwork Requirements

The change should not result in any additional cost or paperwork.

Effective Date

The change will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Contact Person

For further information on the adopted change contact David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

The Commission, acting under its authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code, Chapter 143, are amended by amending § 143.54 and by adding § 143.9 to read as set forth at 30 Pa.B. 2375 (May 13, 2000).

(b) The Executive Director of the Commission shall submit this order, 30 Pa.B. 2375 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending Chapter 143, by adding § 143.9 and amending § 143.54, shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-121 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 00-1420. Filed for public inspection August 18, 2000, 9:00 a.m.]