

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[58 PA. CODE CHS. 131 and 139]

#### Crossbows; Elk

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2001, meeting, adopted the following changes:

Amend § 131.2 (relating to definitions) by defining a crossbow, § 131.4 (relating to civil liability for wildlife killed) by making an editorial change to correct the reference to 34 Pa.C.S. § 2307(e) (relating to unlawful taking or possession of game or wildlife) and add § 131.8 (relating to replacement costs for wildlife killed) to establish replacement costs as provided in 34 Pa.C.S. § 925(i) (relating to jurisdiction and penalties).

Amend § 139.2 (relating to definitions) to define antlered and antlerless elk, to facilitate the harvest of additional antlerless deer and to define client and guide for elk hunting.

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

#### *Amendment to § 131.2*

##### 1. Introduction

The act of December 20, 2000 (P. L. 452, No. 111) (Act 111) removed the crossbow from the list of unlawful hunting devices contained in section 2308 of the code (relating to unlawful devices and methods). To adopt regulations relating to the use of crossbows to hunt, it is first necessary to define "crossbow." The Commission at its meeting held on January 23, 2001, proposed, and at its April 10, 2001, meeting adopted, adding a definition of "crossbow" to § 131.2. This change is being made under the authority contained in section 2102 of the code (relating to regulations).

##### 2. Purpose and Authority

As is indicated, Act 111 gives the Commission the authority to allow the use of crossbows to hunt in this Commonwealth. To regulate their use however, what constitutes a crossbow must be established. The adopted addition will accomplish that purpose.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking..." Section 2102(d) of the code also directs the Commission to promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used..." The change was adopted under this authority.

##### 3. Regulatory Requirements

The amendment merely defines the term "crossbow."

##### 4. Persons Affected

Individuals wishing to hunt using a crossbow will be affected by the change.

##### 5. Comment and Response Summary

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

##### 6. Cost and Paperwork Requirements

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

#### *Amendment to § 131.4*

##### 1. Introduction

When section 2307 of the code was changed by the act of December 21, 1998 (P. L. 1274, No. 166) (Act 166), the penalty section was changed from subsection (d) to subsection (e). Section 131.4, which refers to section 2307(d) of the code, was never changed to reflect this amendment. At its meeting held on January 23, 2001, the Commission proposed, and at its April 10, 2001, meeting adopted, amendments to § 131.4 to refer to section 2307(e) of the code. The change is being made under section 2102 of the code.

##### 2. Purpose and Authority

As is indicated in the Introduction, the change is essentially an editorial change resulting from the addition of a subsection to section 2307 of the code. Changing the subsection will have the regulation correctly refer to the penalty provisions of that section. This change was made under section 2102 of the code which provides that: "The commission shall promulgate such regulations as it deems necessary concerning game or wildlife . . . ."

##### 3. Regulatory Requirements

The amendment is an editorial change.

##### 4. Persons Affected

Since the adopted change is editorial, it will not affect anyone not affected by the original regulation.

##### 5. Comment and Response Summary

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

##### 6. Cost and Paperwork Requirements

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

#### *Addition of § 131.8*

##### 1. Introduction

To more effectively manage the game and wildlife of this Commonwealth, the Commission at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting adopted § 131.8. Section 925(i) of the code provides for the payment of replacement costs in addition to fines and costs "... as is fixed by regulation of the commission." This section provides the authority for the adopted regulation.

##### 2. Purpose and Authority

The Commission has expended and continues to expend a great deal of money and resources in encouraging the increase of endangered, threatened and other critical species. The unlawful possessing, killing and taking of these species tends to frustrate the purpose of these expenditures. The adopted regulation will discourage unlawful possession and killing and compensate the Commission for its investment in these species.

As was pointed out in the Introduction, section 925(i) of the code specifically authorizes the Commission to fix by regulation replacement costs for unlawfully killed species. In addition, section 2102 of the code directs the Commission to promulgate "... such regulations as it deems necessary and appropriate concerning game and wildlife . . . ." Both of these sections provide the authority for the change.

### 3. Regulatory Requirements

The adopted regulation will specify replacement costs to be assessed on conviction for unlawfully possessing or killing specified species.

### 4. Persons Affected

Individuals unlawfully possessing or killing certain game and wildlife species will be affected by the adopted regulation.

### 5. Comment and Response Summary

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

### 6. Cost and Paperwork Requirements

The adopted change should not result in any additional cost or paperwork. Persons unlawfully killing or possessing wildlife will be required to pay the specified replacement cost.

## Amendment to § 139.2

### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 2001, proposed, and at its April 10, 2001, meeting adopted, changing § 139.2 to add definitions of "antlered elk" and "antlerless elk" and to revise the definition of "field possession limit-deer" to eliminate the requirement that a harvested deer be transported and secured prior to harvesting additional deer. These changes were adopted under section 322(c)(1) of the code (relating to powers and duties of the commission) and 2102(b)(1) of the code.

### 2. Purpose and Authority

In Act 111, the General Assembly authorized the Commission to issue elk hunting licenses and the Commission has established a 6-day elk hunting season in 2001. To carefully control the harvest of elk, antlered and antlerless elk must be distinguished. The proposed addition to § 139.2 would accomplish this purpose.

In addition, last year the Commission had established by definition of "field possession limit-deer" a field possession limit of one deer at a time. Where multiple harvest of deer are authorized, however, the Commission wants to encourage a high harvest of deer. To do this, the Commission has changed the definition contained in § 139.2 to require only the lawful tagging of a harvested deer prior to harvesting another deer.

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. These sections provide the authority for the adopted changes.

### 3. Regulatory Requirements

The addition of definitions of "antlered" and "antlerless" elk will facilitate requiring elk hunters to distinguish between the two. The change in the definition of field

possession limit-deer will relax requirements but still require the lawful tagging of harvested deer.

### 4. Persons Affected

Individuals wishing to hunt deer and elk will be affected by the changes.

### 5. Comment and Response Summary

No official comments were received with regard to the adopted changes.

### 6. Cost and Paperwork Requirements

The adopted changes should not result in any additional cost or paperwork.

### Effective Date

The amendments are effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### Contact Person

For further information on the changes contact David E. Overcash, 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.

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 131 and 139, are amended by amending §§ 131.2 and 131.4; by adding § 131.8 to read as set forth at 31 Pa.B. 1746 (March 31, 2001); and by amending § 139.2 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 31 Pa.B. 1746 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) These amendments shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
Executive Director

(Editor's Note: The proposal to add § 137.33 (relating to protection of elk) included in the proposed rulemaking at 31 Pa.B. 1746, has been withdrawn by the Commission.)

**Fiscal Note:** 48-128. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 139. SEASONS AND BAG LIMITS

#### § 139.2. Definitions.

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

*Antlered deer*—A deer having two or more points to one antler, or with one antler 3 inches or more in length.

*Antlered elk*—An elk having at least one spike visible above the hairline.

*Antlerless deer*—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

*Antlerless elk*—An elk without antlers, or an elk with no spike visible above the hairline.

*Client*—Any person who receives the services of a guide.

*Closed season*—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

*Daily limit*—The maximum number permitted to be taken by one person in 1 day during the open season.

*Early small game hunting season*—A designated period when only squirrels and grouse may be hunted and taken.

*Field possession limit-deer*—When multiple harvests of deer per day are authorized, only one deer at a time may be harvested. Before harvesting additional deer, the deer previously harvested shall be lawfully tagged.

*Guide*—Any person who assists another person to hunt or take game by locating game, calling game or directing another to game.

*Hunting hours*—The period each day of the open season, Sundays excepted, when game and wildlife may be lawfully taken.

*Regular small game hunting season*—The designated period of time when resident small game species may be hunted and taken.

*Season limit*—The maximum number of wildlife which may be taken during a designated open season or license year.

[Pa.B. Doc. No. 01-938. Filed for public inspection June 1, 2001, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 139]**  
**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2001, meeting, adopted the following change:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 2001-2002 hunting license year.

This amendment was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).  
*Amendment to § 139.4*

1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting adopted amendments to § 139.4 to provide for seasons and bag limits for the 2001-2002 license year. These seasons and bag limits were adopted under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of commission; and regulations). Notable changes for the 2001-2002 year include earlier antlerless

deer seasons and increased opportunities to take antlerless deer, an elk hunting season for the first time in 70 years and increased small game hunting opportunities.

*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.

The changes that have been adopted for the 2001-2002 season are primarily intended to increase the harvest of antlerless deer, allow the limited taking of elk and to maximize recreational opportunities where game and wildlife populations allow. Major changes are as follows:

1. The thrust of the deer seasons for 2001-2002 is to emphasize the taking of antlerless deer, the main mechanism by which deer populations are controlled, and to limit the harvesting of antlered deer. As a result, the rifle antlerless season will begin on the same day as the rifle antlered deer season and run concurrently with that season. There will also again be an early (October) antlerless muzzleloader season and a similar rifle season for junior and senior license holders, disabled person permit holders and those serving on active duty in the armed forces.

It should be noted that the regular antlerless season originally proposed to start on a Saturday will now start on the following Monday.

2. In the act of December 20, 2000 (P. L. 452, No. 111) (Act 111), the Commission was authorized to issue elk hunting licenses. The elk population in this Commonwealth has reached the point where a limited hunt will not jeopardize the population and there are more and more elk-human conflicts. The Commission has adopted a 6-day elk season for those issued an elk hunting license.

3. The Commission has generally expanded the late small game hunting season.

4. Turkey Management Area #9-A has been closed to fall turkey hunting.

3. *Regulatory Requirements*

These 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 these seasons and bag limits.

5. *Comment and Response Summary*

Comments with regard to the proposed changes to the deer seasons ran roughly evenly for and against. A great deal of concern was expressed with regard to starting the antlerless season on Saturday. The Commission has therefore changed the start of that season to the following Monday.

6. *Cost and Paperwork Requirements*

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

7. *Effective Dates*

The effective dates of the rulemaking are July 1, 2001, to June 30, 2002.

8. *Contact Person*

For further information on the changes, the contact person is David E. Overcash, 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.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by the amending § 139.4 to read as set forth in Annex A to this order.

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

(c) This order amending § 139.4 shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal note 48-127 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

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

**(SEASONS AND BAG LIMITS TABLE)**

**2001-2002 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 8	6	12
Squirrels—(Combined species)	Oct. 13	Nov. 24	6	12
	and			
	Dec. 10	Dec. 24		
	and			
	Dec. 26	Feb. 9, 2002		
Ruffed Grouse—(Statewide)	Oct. 13	Nov. 24	2	4
	and			
	Dec. 10	Dec. 24		
	and			
	Dec. 26	Jan. 12, 2002		
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. 27	Nov. 24	4	8
	and			
	Dec. 10	Dec. 24		
	and			
	Dec. 26	Feb. 9, 2002		

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Ringneck Pheasant—Male only	Oct. 27	Nov. 24	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area	Oct. 27	Nov. 24	2	4
	Dec. 10	Dec. 24		
	Dec. 26	Feb. 9, 2002		

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
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. 27	Nov. 24	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2002	1	2
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	

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Turkey—Male or Female			1	1
Management Areas #1-A, 1-B, 2 & 7-A	Oct. 27	Nov. 10		
Management Areas #3, 4, 5, 6 & 8	Oct. 27	Nov. 17		
Management Area #7-B	Oct. 27	Nov. 3		
Management Area #9-A	Closed to fall turkey hunting			
Management Area #9-B	Oct. 27	Nov. 3		
Turkey (Spring Gobbler) Statewide Bearded Bird only	April 27, 2002	May 25, 2002	1	1

**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.

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Crows	July 1	Nov. 25		Unlimited
(Hunting permitted on Friday, Saturday and Sunday only)	Dec. 28	April 7, 2002		
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season		Unlimited	

## FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2002	6	12
Quail	Sept. 1	Mar. 31, 2002	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2002	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2002	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2002	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2002	2	4

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

## DEER

Species	First Day	Last Day	Daily Limit	Deer Field Possession Limit
Deer, Antlered <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	One antlered.	
Deer, Antlerless (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	An antlerless deer with each required antlerless license.	
Deer, Regular Antlered—(Statewide) <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long	Nov. 26	Dec. 8	One antlered.	
Deer, Antlerless—(Statewide) Only Junior and Senior License Holders, <sup>2</sup> Disabled Person Permit (to use a vehicle) Holders and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 18	Oct. 20	An antlerless deer with each required antlerless license.	
Deer, Regular Antlerless—(Statewide) <sup>3</sup>	Nov. 26	Dec. 8	An antlerless deer with each required antlerless license.	
Deer, Antlerless only—(Statewide) (Flintlock Muzzleloading firearms only)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.	
Deer, Antlered or Antlerless—(Statewide) <sup>1</sup> (Flintlock Muzzleloading firearms only)	Dec. 26	Jan. 12, 2002	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.	
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, 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

Species	First Day	Last Day	Daily Limit	Season Limit
Deer, Antlered <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	One antlered.	
Deer, Antlerless (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	An antlerless deer with each required antlerless license.	
Deer, Antlered <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long	Nov. 26	Dec. 8	One antlered deer.	

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Deer, Antlerless	Nov. 26 and Dec. 26	Dec. 8  Jan. 12, 2002	An antlerless deer with each required antlerless license.	
<b>BEAR</b>				
Bear, any age	Nov. 19	Nov. 21	1	1
<b>ELK</b>				
Elk, Antlered <sup>4</sup>	Nov. 12	Nov. 17	1	1
Elk, Antlerless <sup>4</sup>	Nov. 12	Nov. 17	1	1
<b>FUR TAKING—TRAPPING</b>				
Minks and Muskrats—(Statewide)	Nov. 17	Jan. 13, 2002	Unlimited	
Beaver—(Statewide)	Dec. 26	Mar. 31, 2002		
Zones 1 & 2 (except McKean, Potter and Tioga Counties)			20	20
Zone 2 McKean, Potter and Tioga Counties			20	40
Zone 3			20	40
Zones 4 & 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 14	Feb. 23, 2002	Unlimited	
Bobcat (Zones 2 & 3) <sup>5</sup>	Oct. 14	Feb. 23, 2002	1	1
<b>FUR TAKING—HUNTING</b>				
<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
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. 13	Feb. 23, 2002		Unlimited
Bobcat (Zones 2 & 3) <sup>5</sup>	Oct. 13	Feb. 23, 2002	1	1

No open seasons on other wild birds or wild mammals.

<sup>1</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>2</sup> Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>3</sup> The Executive Director is hereby authorized to extend, by order, in accordance with § 139.3, this season by 1 day either Statewide or on a designated area basis when it appears, after polling the Commissioners and regional offices, that there has been an underharvest of antlerless deer. Public notice of the extension shall be given by extensive publication.

<sup>4</sup> The Executive Director is hereby authorized to extend, by order, in accordance with § 139.3, this season by 5 days from December 26, 2001, to December 31, 2001, (excluding Sunday), if the harvest quota is not met during the first season. If the quota is not met during the first extension, a second 5 day extension from January 2, 2002, to January 7, 2002, (excluding Sunday) may be ordered.

<sup>5</sup> Bobcat may only be taken by furtakers in possession of a Bobcat Hunting—Trapping Permit.

[Pa.B. Doc. No. 01-939. Filed for public inspection June 1, 2001, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 147]**

**Corrective Amendment to 58 Pa. Code § 147.553(1)—  
 (3)**

The Game Commission has discovered a discrepancy between the agency text of 58 Pa. Code § 147.553 (relating to permit), as deposited with the Legislative Reference Bureau and the official text as published at 30 Pa.B. 767 (February 12, 2000), and published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 305) and as currently appearing in the *Pennsylvania Code*. Paragraphs (1)—(3) were inadvertently dropped.

Therefore, under 45 Pa.C.S. § 901: the Game Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 147.553(1)—(3). The corrective amendment to 58 Pa. Code § 147.553(1)—(3) is effective as of February 12, 2000, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 147.553 appears in Annex A.

*(Editor's Note: For a proposed rulemaking concerning § 147.553(1), see 31 Pa.B. 2806 (June 2, 2001).)*

**Annex A**

**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**SUBCHAPTER R. DEER CONTROL**  
**AGRICULTURE**

**§ 147.553. Permit.**

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation and enrolled in the Deer Damage Area Program unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September 30 each calendar year, excluding Sundays, during the hours of dawn to dusk only.

(2) *Exceptions.* The permit is not valid from May 16 to July 31, inclusive, for general crop farming and from May 16 to June 30 for vegetable farming.

(3) *Fee for permit.* There is no fee for the issuance of the deer control permit.

[Pa.B. Doc. No. 01-940. Filed for public inspection June 1, 2001, 9:00 a.m.]