

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 139 AND 147]

Deer Damage Areas; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 12, 2001, meeting, adopted the following changes:

Deleted § 139.16 (relating to deer damage areas). Since the antlered and antlerless deer seasons will run concurrently, this program is no longer needed.

Amended §§ 147.552—147.554 (relating to application; permit; and subpermit), by removing reference to the Deer Damage Area.

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

Amendments to §§ 139.16 and 147.552—147.554

1. Introduction

To deal with damage being done by deer on farmland in this Commonwealth, the Commission promulgated regulations providing for the designation of deer damage areas and allowing antlerless deer to be taken with the appropriate antlerless license on those areas during the antlered deer season. The primary provisions providing for these areas are contained in § 139.16. At its meeting on April 10, 2001, the Commission finally adopted seasons and bag limits which provide for concurrent antlered and antlerless deer seasons. As a result, the Deer Damage Area designation becomes meaningless. The Commission adopted, at its June 12, 2001, meeting, the elimination of provisions relating to Deer Damage Areas. These changes were adopted under section 2102 of the code (relating to regulations).

2. Purpose and Authority

As was indicated in the Introduction, the Commission has established concurrent antlered and antlerless deer seasons throughout this Commonwealth for 2001. As a result, the provision contained § 139.16 for the killing of antlerless deer during the antlered deer season has become meaningless. The Commission has therefore adopted changing sections referring to Deer Damage Areas to eliminate those references.

Section 2102 of the code authorizes the Commission to promulgate regulations relating to seasons and bag limits and game and wildlife. This section provides the authority for the adopted changes.

3. Regulatory Requirements

The adopted changes would eliminate a program that has become obsolete so there would be no additional requirements.

4. Persons Affected

Since deer hunters will be able to take antlerless deer during the antlered seasons throughout this Commonwealth, the adopted changes should have no impact.

5. Comment and Response Summary

No official comments were received regarding these adopted changes.

6. Cost and Paperwork Requirements

The adopted changes would not result in any additional cost or paperwork, either to the Commonwealth or to hunters.

7. Effective Date

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

8. Contact Person

For further information regarding these 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. 469, 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 139 and 147, are amended by deleting § 139.16 and by amending §§ 147.552—147.554 to read as set forth at 31 Pa.B. 2806 (June 2, 2001).

(b) The Executive Director of the Commission shall submit this order and 31 Pa.B. 2806 to with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-132 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 01-1560. Filed for public inspection August 24, 2001, 9:00 a.m.]