

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]
Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendments:

Amend Subchapter C (relating to antlerless deer licenses) by changing the name of unsold tags to private land tags, defining public land and making the private land tags valid only on private land or on public land with a deer management plan approved by the Commission.

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

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

These proposals were made public at the April 9, 2002, meeting of the Commission and comments on these proposals can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend §§ 143.42, 143.49, 143.51, 143.54 and 143.55 to modify provisions for procedures for issuing antlerless deer licenses. The proposed amendments would change the name of unsold tag to private land tag, and make the private land tag valid only on private land or on public land with an approved deer management plan. These amendments are proposed under the authority contained in sections 2101 and 2722(g) of the code (relating to regulations; and authorized license-issuing agents).

2. Purpose and Authority

One of the primary tools that the Commission has available to manage the deer herd of this Commonwealth is the allocation of antlerless deer licenses. Unfortunately, this tool can lose a great deal of its effectiveness where large areas of private land are posted against hunting or simply not hunted. The proposed amendments will provide an incentive to hunters to seek access to private land to harvest more antlerless deer.

Section 2722(g) of the code directs the Commission to adopt regulations for "The administration, control, and performance of activities conducted pursuant to the provisions of this chapter." In addition, the Commission is restricting the use of private land tags under the authority contained in section 2101 of the code.

3. Regulatory Requirements

The proposed amendments will limit the unsold licenses to private land or to public land with a Commission-approved deed management plan.

4. Persons Affected

County treasurers and those wishing to harvest at least one antlerless deer could be affected by the proposed amendments.

5. Cost and Paperwork Requirements

The proposed amendments should not result in any additional cost or paperwork.

6. Effective Date

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

7. 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.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-141. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.42. Definitions.

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

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Private land—Land that is not defined as public land.

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[Unsold] Private land tag—An antlerless deer license permitting properly licensed persons to take an antlerless deer during any firearms antlerless deer season, archery or flintlock muzzleloader and muzzleloader deer seasons in the county of issue.

[Unsold] Private land tag application—The form contained in the "Hunting and Trapping Digest" used in applying for **[an unsold] a private land tag**.

Public land—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

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§ 143.49. Issuing licenses.

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(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by standard first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the third Monday in September, except for licenses issued under § 143.51(f) (relating to application and issuance of **[unsold] private land tags**) which shall be placed with the United States Postal Service no later than the fourth Monday in September. If more than one application is mailed to the county trea-

suror in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

§ 143.51. Application and issuance of [unsold] private land tags.

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive [an unsold] a private land tag. Private land tags are valid only on private land or on public land with a deer management plan approved by the Commission.

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the [unsold] private land application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

* * * * *

(c) [Unsold] Private land tags shall be validated by the addition of the county treasurer's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag and stamp the face of the license "private land only" with a stamp provided by the Commission.

(f) Beginning on the second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional [unsold] private land tag by mail.

(g) The procedure for approval of a deer management plan is as follows:

(1) An application for approval of a deer management plan that would allow private land tags to be used on a designated area of public land shall be submitted by an authorized officer or employee of the political subdivision in the form required by the Director.

(2) An application for approval of a deer management plan that will allow the use of private land tags on a designated public land area shall contain the following information:

(i) The name of the political subdivision that is requesting approval of a deer management plan.

(ii) The name and address of the authorized officer or employee of the political subdivision who will be the contact person for the plan.

(iii) A map showing the location and boundaries of the area and the county, township and Commission deer management unit the site is located in.

(iv) A description of the management area delineated on the map in subparagraph (iii) including the size in acres, cover types (forested, nonforested), principal land uses, huntable areas and safety zones and hunter access points.

(v) A brief description of the area including access points that the person in control of the land wants to have posted on the Commission web site, as well as the name and address of a contact person for more information.

(vi) An explanation of deer management goals and objectives for the area. Goals include deer density, habitat condition, forest regeneration, other wildlife and recreational opportunities.

(vii) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing use of private land tags on the area. Area specific information shall be provided that supports the deer management goals and objectives such as deer density estimates, indices of deer abundance, buck/doe ratios, fawn/doe ratios, deer condition, habitat conditions, plant species abundance or diversity, forest regeneration and hunter success rates.

(3) Completed applications shall be received at least 2 months before the first day that applications for private land tags can be accepted. The person in control of the land will be notified of approval or disapproval at least 1 month before the first day that applications for private land tags can be accepted.

(4) Upon approval of the deer management plan, the person in control of the land will conspicuously post the site boundary and all public roadways traversing the property with signs provided by the Commission. Posting shall be completed by the opening date of the first fall antlerless deer season.

§ 143.54. Validity of license.

An antlerless deer license is valid for taking antlerless deer only in the county designated on the antlerless deer license. Private land tags are valid only on private land or on public land with a deer management plan approved by the Commission.

§ 143.55. Unlawful acts.

It is unlawful:

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(5) For a person to apply for or receive more than one antlerless license or more than one [unsold] private land tag, except as specified in §§ 143.51(f), 143.52 and 143.53 (relating to application and issuance of [unsold] private land tags; procedure for unlimited antlerless licenses; and reapplication).

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[Pa.B. Doc. No. 02-1050. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 141]
Deer; Muzzleloading

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendment:

Amend § 141.43 (relating to deer) by allowing any long gun muzzleloading firearm to be used in the early muzzleloading season to make available more options and opportunities to hunters.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

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

This proposal was made public at the April 9, 2002, meeting of the Commission and comments on the proposal can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. *Introduction*

The Commission is proposing to amend § 141.43 to allow any long gun muzzleloading firearm to be used in the early muzzleloading season. This will make available more options and opportunities to hunters.

2. *Purpose and Authority*

Under the current provisions of § 141.43, those wishing to hunt deer during the flintlock muzzleloading and muzzleloading seasons are limited to single-barrel long guns manufactured prior to 1800 or a similar reproduction. Although this provided a primitive touch to the seasons, it severely limits the options available to those wishing to hunt deer during those seasons. As a result, the Commission is proposing to amend § 141.43 to allow the use of any .44 caliber or larger muzzleloading single barrel long gun during the early muzzleloading season.

Section 322(c)(5) of the code (relating to powers and duties of commission) authorizes the Commission to fix the type and number of devices which may be used to take game and wildlife. Section 2102(d) of the code (relating to regulations) directs the Commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the device may be used for and the season when the device may be used.

3. *Regulatory Requirements*

The proposed amendment will authorize the use of any muzzleloading long gun during the early muzzleloading season, easing current restrictions.

4. *Persons Affected*

Individuals wishing to hunt with muzzleloading long guns during the early muzzleloader season will be affected by this proposal.

5. *Cost and Paperwork Requirements*

The proposed amendment should not result in any additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this proposed amendment, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-142. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer.

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(b) *Flintlock muzzleloading [and muzzleloading] season.* Firearms lawful for use are original muzzleloading single-barrel long guns manufactured prior to 1800, or a similar reproduction of an original muzzleloading single-barrel long gun which:

* * * * *

(d) *Prohibitions. [It] While hunting deer during the flintlock muzzleloading season it is unlawful to:*

* * * * *

(3) Use or possess single projectile ammunition other than specified in subsection (b)(2) **and in section 2322(a)(4) of the act (relating to prohibited devices and methods).**

(4) Hunt, take or attempt to take deer through the use of a device not specifically described in [**this**] subsection **(b) or (c).**

(5) Hunt for or assist to hunt for deer during any flintlock muzzleloading [**or muzzleloading**] season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.

(e) Muzzleloading season. Firearms lawful for use are muzzleloading single-barrel long guns which:

(1) Are .44 caliber or larger.

(2) Propel single projectile ammunition.

(f) Prohibitions. While hunting deer during muzzleloading season it is unlawful to:

(1) Use or possess single projectile ammunition other than specified in subsection (e)(2) and in section 2322(a)(4) of the act.

(2) Hunt, take or attempt to take deer through the use of a device not specifically described in subsection (e).

(3) Hunt for or assist to hunt for deer during any muzzleloading season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.

(g) Archery, special firearms, flintlock muzzleloader and muzzleloader seasons. When archery, special firearms, flintlock muzzleloader or muzzleloader seasons run concurrently, holders of any of the appropriate licenses or stamps may cooperate if pertinent provisions of this section and the act are met.

[(f)] (h) * * *

[Pa.B. Doc. No. 02-1051. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendments:

Add § 141.8a (relating to accompanying junior hunters) to clarify what accompany means as well as require those accompanying junior hunters to wear required safety orange; add § 141.19 (relating to killing game or wildlife to protect property) to list approved methods to kill game or wildlife for crop damage; and add § 141.41(5) and (6) (relating to general) to clarify the procedure of tagging and reporting of animals killed by accident or mistake.

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

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

These proposals were made public at the April 9, 2002, meeting of the Commission and comments on these proposals can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

Proposed Addition of § 141.8a

1. *Introduction*

The Commission is proposing to add § 141.8a to further clarify the term "accompany" as it is used in section 2711(a)(8) of the code (relating to unlawful acts concerning licenses) and require those accompanying junior hunters to wear required safety orange.

2. *Purpose and Authority*

Section 2711(a)(8) of the code requires persons accompanying junior hunters to be close enough that verbal instructions and guidance can be easily understood. Many sportsmen are questioning and do not clearly understand current language regarding accompanying junior hunters. Adding this language will clarify what "accompany" means as well as require those accompanying junior hunters to wear required safety orange. This can be accomplished by adding § 141.8a.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth. This amendment was proposed under this authority.

3. *Regulatory Requirements*

The proposed amendment would clarify the term "accompany" and require those accompanying junior hunters to wear required safety orange.

4. *Persons Affected*

Junior hunters and those accompanying them would be affected by this proposed amendment.

Proposed Addition of § 141.19

1. *Introduction*

The Commission is proposing to add § 141.19 to list approved methods to kill game or wildlife for crop damage.

2. *Purpose and Authority*

Section 2126(a)(2) of the code (relating to unlawful activities) provides that it is unlawful for persons killing game or wildlife for crop damage to use any method not approved by the Commission. The Commission has never formally listed approved methods. This can be accomplished by adding § 141.19.

Section 2102(a) of the code authorizes the Commission to promulgate regulations as it deems necessary and appropriate concerning game or wildlife in this Commonwealth. The amendment was proposed under this authority.

3. *Regulatory Requirements*

The proposed amendment will list approved methods to kill game or wildlife for crop damage.

4. *Persons Affected*

Farmers wishing to kill animals for crop damage would be affected.

Proposed Amendments to § 141.41

1. *Introduction*

The Commission is proposing to add § 141.41(5) and (6) to clarify the procedure for tagging and reporting of animals killed by accident or mistake.

2. *Purpose and Authority*

Section 2306 of the code (relating to killing game or wildlife by mistake) allows persons who have killed game or wildlife by mistake to deliver the animal to an officer of the Commission and pay restitution in lieu of penalty. There is often confusion regarding the tagging and reporting of animals killed by accident or mistake. The procedure can be clarified by amending § 141.41

Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The amendments were proposed under this authority.

3. *Regulatory Requirements*

The proposed amendments would clarify the procedure for tagging and reporting of animals killed by accident or mistake.

4. *Persons Affected*

Hunters who have killed animals by accident or mistake would be affected.

Cost and Paperwork Requirements

The proposed amendments should not result in any additional cost or paperwork.

Effective Date

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

Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-144. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.8a. Accompanying junior hunters.

It is unlawful while accompanying junior hunters under section 2711(a)(8) of the act (relating to unlawful acts concerning licenses) to be out of sight of or unable to physically or verbally control the junior hunter or to fail to comply with fluorescent orange requirements. Verbal instructions given through the use of an electronic or other sound amplification device do not meet this requirement.

§ 141.19. Killing game or wildlife to protect property.

(a) Persons authorized to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act (relating to destruction for agricultural protection) shall be limited to use only those firearms and types of ammunition that have been approved by the Commission with regard to particular classifications, for the taking of game or wildlife during an open season.

(b) It is be unlawful for any person to use bows and arrows or crossbows and bolts or a muzzleloading firearm of any kind to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act (relating to destruction for agricultural protection).

Subchapter C. BIG GAME

(Editor's Note: See 32 Pa.B. 2892, 2893 (June 15, 2002) for a proposed rulemaking concerning this section.)

§ 141.41. General.

It is unlawful to:

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(5) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(6) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible or no later than 12 hours after the time of kill.

[Pa.B. Doc. No. 02-1052. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Crossbow

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendments:

Amend § 141.1 (relating to special regulations areas) by making crossbows lawful for hunting deer during any deer season in special regulations areas; § 141.41 (relating to general) by making it unlawful to hunt deer, bear

or elk with a crossbow that does not have a draw weight between 125 and 200 pounds; and § 141.43 (relating to deer) to require persons hunting deer during the archery seasons to have a valid disabled persons crossbow permit to take deer with a crossbow except in the special regulations areas.

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

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

These proposals were made public at the April 9, 2002, meeting of the Commission and comments on the proposals can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend §§ 141.1, 141.41 and 141.43 to make crossbows lawful for hunting deer during any deer season in the special regulations areas; to make it unlawful to use crossbows that do not have a draw weight between 125 and 200 pounds to hunt deer, bear or elk; and to require persons hunting deer during the archery seasons to have a valid disabled persons crossbow permit to take deer with a crossbow except in the special regulations areas.

2. Purpose and Authority

The Commission has allowed hunters in the special regulations areas to use crossbows with a draw weight between 125 and 200 pounds to take deer during the firearms seasons for deer. The Commission is now proposing to expand the use of crossbows to include any deer season in the special regulations areas and Statewide during deer, bear and elk firearms seasons.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to seasons and bag limits for hunting or furtaking and the number and types of devices and equipment allowed. Section 2102(d) of the code authorizes the Commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used. The amendments were proposed under this authority.

3. Regulatory Requirements

The proposed amendments will allow the use of crossbows during any deer season in the special regulations areas and allow the use of crossbows Statewide during deer, elk and bear firearms seasons.

4. Persons Affected

Individuals wishing to hunt deer, elk or bear using a crossbow may be affected by these proposed amendments.

5. Cost and Paperwork Requirements

The proposed amendments should not result in any additional cost or paperwork.

6. Effective Date

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

7. Contact Person

For further information regarding these proposed amendments, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-143. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

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(d) Permitted acts. It is lawful to:

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(5) Take deer with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds [during the regular firearms seasons].

Subchapter C. BIG GAME

(Editor's Note: See 32 Pa.B. 2891, 2892 (June 15, 2002) for a proposed rulemaking concerning this section.)

§ 141.41. General.

It is unlawful to:

(1) Hunt for big game birds or animals with arrows or crossbow bolts other than those tipped with broadheads of a cutting-edge design.

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(4) Hunt for deer, elk or bear with a crossbow with a draw weight of less than 125 pounds or more than 200 pounds.

§ 141.43. Deer.

(a) Archery season. It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

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(5) Except in special regulations areas, hunt or take deer with a crossbow without a valid disabled persons crossbow permit.

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[Pa.B. Doc. No. 02-1053. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 147]

Sale of Wildlife and Wildlife Parts

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendment:

Amend § 147.141 (relating to sale of wildlife and wildlife parts) to establish prices for the sale of elk or elk parts.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

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

This proposal was made public at the April 9, 2002, meeting of the Commission and comments on the proposal can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend § 147.141 to provide a fee schedule for persons who wish to purchase elk or elk parts from the Commission.

2. Purpose and Authority

Under section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife), the ownership, jurisdiction and control of game and wildlife is vested in the Commission. Often game and wildlife comes into the possession of the Commission for various reasons including being accidentally killed on highways, being killed for crop damage or being unlawfully taken or removed from the wild. To avoid waste of these wildlife resources, the Commission issues permits to various persons to possess all or part of this game and wildlife. The fee schedule for these permits currently does not include elk.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to promulgate regulations as are necessary concerning game or wildlife in this Commonwealth. Section 2901(b) of the code (relating to authority to issue permits) authorizes the Commission to promulgate regulations for the issuance of any permit. In addition, section 2904(c) of the code (relating to permits) authorizes the Commission to set a reasonable fee for permits required but not specifically set forth in the section. The changes were proposed under this authority.

3. Regulatory Requirements

The proposed amendment will provide a fee schedule for persons wishing to purchase elk or elk parts from the Commission.

4. Persons Affected

Persons wishing to purchase elk or elk parts would be affected.

5. Cost and Paperwork Requirements

The proposed amendment would result in fees being established to obtain a permit to possess elk or elk parts.

6. Effective Date

The proposed amendment will be effective on final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this proposal amendment change, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-145. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS

Subchapter H. PROTECTED SPECIMEN

§ 147.141. Sale of wildlife and wildlife parts.

(a) Wildlife or parts of wildlife accidentally killed on the highway or by other causes, illegally taken, shot for crop damage or live deer removed from the wild, may be sold to a person under the following minimum fee schedule:

(1) [Buck head] Deer antlers—\$10 per point.

* * * * *

(12) Cow or spike elk head and hide—\$100.

(13) Elk cape—to include entire head—\$100 plus \$20 per point.

(14) Elk antlers—\$20 per point.

(15) Elk hide—\$25.

(16) Live elk—minimum of \$100.

(17) Any other species may be sold at public auction or through sealed bid.

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[Pa.B. Doc. No. 02-1054. Filed for public inspection June 14, 2002, 9:00 a.m.]

[52 PA. CODE CH. 135]
State Game Land Roads

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendment:

Amend § 135.48 (relating to State game lands roads open to vehicular traffic for disabled persons) to no longer require the person who accompanies a disabled hunter to have a valid hunting license.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

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

This proposal was made public at the April 9, 2002, meeting of the Commission and comments on this proposal can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend § 135.48 to no longer require the person who simply accompanies a disabled hunter to have a valid hunting license.

2. Purpose and Authority

Many times the only person available to accompany disabled persons in their vehicles on State game land roads open for travel to disabled persons does not hunt and does not possess a hunting license as currently required. This limits the hunting opportunities available to disabled hunters. As a result, at a public meeting held on April 9, 2002, the Commission proposed amending

§ 135.48 to only require individuals actually participating in the hunt to have a hunting license. This proposed amendment change should expand hunting opportunities for disabled hunters.

Section 2102(a) of the code (relating to regulations) directs the Commission to promulgate regulations, as it deems necessary and appropriate, concerning game or wildlife and hunting or furtaking in this Commonwealth. This provides the regulatory authority for the proposed amendment.

3. Regulatory Requirements

The proposed amendment will relax current requirements.

4. Persons Affected

Individuals accompanying disabled hunters and the hunters themselves will benefit from this proposal.

5. Cost and Paperwork Requirements

The proposed amendment should not result in any additional cost or paperwork.

6. Effective Date

The proposed amendment will be effective on final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this proposed amendment, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-147. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III GAME COMMISSION
CHAPTER 135. LANDS AND BUILDINGS
Subchapter C. STATE GAME LANDS

§ 135.48. State game lands roads open to vehicular traffic for disabled persons.

(a) Vehicular traffic permitted. Vehicular traffic will be permitted on designated roads on State game lands for persons issued a Disabled Persons Permit under section 2923(a) of the act (relating to disabled person permits).

* * * * *

(2) A permittee may be accompanied by only one person, and before participating in hunting in any manner that person shall be in possession of a valid Pennsylvania hunting or furtakers license. The permittee may also be accompanied by one or more of the permittee's children who hold a valid junior hunting or furtakers license.

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[Pa.B. Doc. No. 02-1055. Filed for public inspection June 14, 2002, 9:00 a.m.]