

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

Amendments to Chapter 1021 (relating to practice and procedure) were published at 32 Pa.B. 3085 (June 29, 2002). The following Table of Contents and Cross-Reference Table refer to that rulemaking.

TITLE 25. ENVIRONMENTAL PROTECTION

PART IX. ENVIRONMENTAL HEARING BOARD

CHAPTER 1021. PRACTICE AND PROCEDURES

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[Pa.B. Doc. No. 02-1197. Filed for public inspection July 12, 2002, 9:00 a.m.]

Title 58—RECREATION

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 9, 2002, meeting, adopted the following changes:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 2002-2003 hunting license year.

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

1. Introduction

The Commission, at its January 15, 2002, meeting proposed, and at its April 9, 2002, meeting finally adopted, amending § 139.4 to provide for seasons and bag limits for the 2002-2003 license year. See 32 Pa.B. 1401 (March 16, 2001). These seasons and bag limits were adopted under the provisions of sections 322(c)(1) and 2102(b)(1) of code (relating to powers and duties of commission; and regulations). Major changes for the 2002-2003 year include a new ringneck pheasant season for eligible junior hunters only; an antler size restriction on antlered deer; and a separate additional bear season for the Counties of Carbon, Monroe and Pike.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322(c) 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.

Major changes that have been finally adopted for the 2002-2003 season are primarily intended to increase the hunting opportunities for eligible junior hunters, decrease the harvest of antlered deer while encouraging the harvest of antlerless deer and decrease the amount of damage caused by bears in the counties of Carbon, Monroe and Pike. Major changes are as follows:

a. A concurrent antlered and antlerless deer season will continue to encourage the harvesting of antlerless deer while a size limitation on the antlers of antlered deer that can be legally harvested should discourage the harvesting of antlered deer, except in the special regulations areas, junior hunters, disabled hunters with a permit to use a vehicle and residents serving on active military duty or in the United States Coast Guard who will be able to remain with the current antler restriction with two or more points to one antler or with one antler 3 inches or more in length.

b. There will be an early muzzleloader season, which will allow the use of any muzzleloading long gun.

c. Junior hunters will be given increased opportunities by way of a separate ringneck pheasant hunting season.

d. There will be an additional separate 6 day bear season in Carbon, Monroe and Pike Counties to try to reduce the population and, as a result, the damage caused by bears.

e. A week has been added to the fall turkey season in Turkey Management Area #7-A.

3. Regulatory Requirements

The final-form 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

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

5. Comment and Response Summary

A total of 405 official comments were received with regard to the concurrent antlered/antlerless season. Those supporting pointed out that concurrent seasons allowed them to make more efficient use of their time afield; felt it would lead to improved management of this Commonwealth's deer herd; and enabled them to put venison on the family table. Those opposing ranked safety concerns as the top reason. Many described being afield in the 2001-2002 concurrent season and witnessing uncontrolled shooting; many deer being left in the field as a result of shots not being followed up and cases of outrageous, unsportsmanlike conduct.

A total of 100 official comments were received with regard to the use of any long gun in the early muzzleloading season. Those supporting pointed out that inlines and percussion long guns are more efficient methods of taking antlerless deer. Those opposing said that this adoption would erode the long-standing tradition of flintlock muzzleloading deer hunting in this Commonwealth.

A total of 262 official comments were received with regard to the junior license holder being able to use his general license to take an antlered or antlerless deer. Those supporting felt this expanded opportunity would help to recruit and retain new, young hunters. Those opposing noted concerns with unregulated antlerless harvest; the view that adults would do the shooting and use youngster's general tag; that this liberal approach would not teach youngsters the important lessons of patience and required hunting skills.

No official comments were received with regard to the remaining final-form amendments.

6. Cost and Paperwork Requirements

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

7. Effective Date

The final-form amendments will be effective from July 1, 2002, to June 30, 2003.

8. Contact Person

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

Findings

The Game 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 amending § 139.4 to read as set forth in Annex A.

(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 shall become effective upon final publication in the *Pennsylvania Bulletin* and apply retroactively to July 1, 2002.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-138 remains valid for the final adoption of the subject regulations.

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)

2002-2003 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 species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 14	6	12
Squirrels—(Combined species)	Oct. 19	Nov. 30	6	12
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Feb. 8, 2003		
Ruffed Grouse—(Statewide)	Oct. 19	Nov. 30	2	4
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Jan. 11, 2003		
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	Nov. 2	Nov. 30	4	8
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Feb. 8, 2003		
Ringneck Pheasant— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 14	2	2
Ringneck Pheasant—Male only	Nov. 2	Nov. 30	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area	Nov. 2	Nov. 30	2	4
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Feb. 8, 2003		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
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.	Nov. 2	Nov. 30	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2003	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	
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female			1	1
Management Areas #1-A, 2, 3, 4, 5, 6, 7-A & 8	Nov. 2	Nov. 23		
Management Area #1-B	Nov. 2	Nov. 16		
Management Area #7-B	Nov. 4	Nov. 9		
Management Area #9-A	Closed to fall turkey hunting			
Management Area #9-B	Nov. 2	Nov. 9		
Turkey (Spring Gobbler) Statewide Bearded Bird only	April 26, 2003	May 24, 2003	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.

<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 5	Dec. 1		Unlimited
Starlings and English Sparrows	Dec. 27	and April 6, 2003		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 species)	Sept. 1	Mar. 31, 2003	6	12
Quail	Sept. 1	Mar. 31, 2003	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2003	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2003	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2003	1	2
Ringneck Pheasant—Male and Female— (Combined)	Sept. 1	Mar. 31, 2003	2	4

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

DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>	<i>Field Possession Limit</i>
Deer, Antlered—(Statewide) (Archery—Bows and Arrows Only)	Oct. 5	Nov. 16	1	One antlered. ¹
	Dec. 26	and Jan. 11, 2003		
Deer, Antlerless—(Statewide) (Archery—Bows and Arrows Only)	Oct. 5	Nov. 16		An antlerless deer with each required antlerless license.
	Dec. 26	and Jan. 11, 2003		
Deer, Regular Antlered—(Statewide)	Dec. 2	Dec. 14	1	One antlered. ¹
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ² 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. 24	Oct. 26		An antlerless deer with each required antlerless license.
Deer, Regular Antlerless—(Statewide)	Dec. 2	Dec. 14		An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Any muzzleloading long gun) ⁵	Oct. 19	Oct. 26		An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) (Flintlock Muzzleloading firearms only)	Dec. 26	Jan. 11, 2003		One antlered, or ¹ 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**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>	<i>Field Possession Limit</i>
Deer, Antlered (Archery—Bows and Arrows Only) ⁶	Oct. 5	Nov. 16	1	One antlered. ¹
	Dec. 26	and Jan. 11, 2003		
Deer, Antlerless (Archery—Bows and Arrows Only) ⁶	Oct. 5	Nov. 16		An antlerless deer with each required antlerless license.
	Dec. 26	and Jan. 11, 2003		
Deer, Regular Antlered	Dec. 2	Dec. 14	1	One antlered. ¹
Deer, Regular Antlerless	Dec. 2	Dec. 14		An antlerless deer with each required antlerless license.
	Dec. 26	and Jan. 11, 2003		

BEAR

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, any age—(Statewide)	Nov. 25	Nov. 27	1	1 ⁴
Bear, any age (Carbon, Monroe and Pike Counties)	Dec. 2	Dec. 7	1	1 ⁴

ELK

Elk, Antlered	Nov. 18	Nov. 23	1	1
Elk, Antlerless	Nov. 18	Nov. 23	1	1

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
FUR TAKING—TRAPPING				
Minks and Muskrats—(Statewide)	Nov. 23	Jan. 11, 2003		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2003		
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. 20	Feb. 22, 2003		Unlimited
Bobcat (Zones 2 & 3) ³	Oct. 20	Feb. 22, 2003	1	1

FUR TAKING—HUNTING

<i>Species</i>	<i>Limit</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Statewide)					Unlimited
		No closed season. Coyotes may be taken from the first day to the last day inclusive of any deer or bear season only by persons who possess a valid furtaker's license and wears 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined visible in a 360° arc from 2 hours before sunrise to 2 hours after sunset or by persons lawfully engaged in hunting deer or bear and have a valid tag, or during the spring gobbler turkey season by persons who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.			
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. 19	Feb. 22, 2003		Unlimited
Bobcat (Zones 2 & 3) ³		Oct. 19	Feb. 22, 2003	1	1

No open seasons on other wild birds or wild mammals.

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

²Includes 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).

³Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit.

⁴Only one bear may be taken during the hunting license year.

⁵Subject to the provisions of § 141.43 (relating to deer).

⁶Unless regulations are changed to allow the use of crossbows.

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Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 871]

Powerball

In accordance with 61 Pa. Code § 871.21 (relating to future changes to Powerball), the Secretary of Revenue

(Secretary) announces the following changes to the Powerball regulations.

The Secretary, having determined that it is impractical and contrary to the public interest to defer the effective date of this document until deposit of the issue of the *Pennsylvania Bulletin* containing the document in the United States mail, has given actual knowledge of the document to the persons to whom the document is primarily directed in accordance with 1 Pa. Code § 13.74

(relating to effectiveness prior to publication) by press release dated July 5, 2002, of the following changes to the Powerball regulations.

These changes will affect ticket sales beginning on Sunday, October 6, 2002, for the Powerball drawing on Wednesday, October 9, 2002. The changes to the regulation will be codified as paragraph (1) in § 871.22 (relating to changes to Powerball):

(1) Changes effective for Powerball tickets sold on or after October 6, 2002:

(i) Section 871.2 (relating to game description and purpose). Powerball is a five out of 53 plus one out of 42 on-line lottery game.

(ii) Section 871.9(e) (relating to Powerball prize payments). All annuitized prizes shall be paid in 30 annual payments with the initial payment being made in cash, to be followed by 29 equal annual payments funded by the annuity. The initial payment of an annuitized prize may be made by the Lottery upon validation of the winning ticket.

(iii) Section 871.15 (relating to unclaimed prize money). Unclaimed grand prize and new bonus prize funds will be distributed among all MUSL Lotteries in proportion to each lottery's sales for the grand prize drawing.

(iv) Section 871.19 (relating to probability of winning). The probability of winning is as follows:

*Tickets Containing The Following,
In One Single Lettered Game Section*

- Five first set numbers and the Powerball number
- Five first set numbers
- Four first set numbers and the Powerball number
- Four first set numbers
- Three first set numbers and the Powerball number
- Three first set numbers
- Two first set numbers and the Powerball number
- One first set number and the Powerball number
- The Powerball number

<i>Prize Category</i>	<i>Probability of Winning per Play</i>
Grand Prize	1:120,526,770
Second Prize	1:2,939,677.317073
Third Prize	1:502,194.875000
Fourth Prize	1:12,248.655488
Fifth Prize	1:10,684.997340
Sixth Prize	1:260.609691
Seventh Prize	1:696.847653
Eighth Prize	1:123.884027
Ninth Prize	1:70.388652

(v) Section 871.20(c) and (j) (relating to power play promotion). A player may purchase the power play option for the chance to multiply set prizes won as a result of the Powerball drawing by a number ranging from 2 to 5. The power play number will be selected from among the following series of numbers: 2, 2, 2, 3, 3, 3, 4, 4, 4, 5, 5, 5, 5 and 5. Except as otherwise provided, all power play set prizes shall be paid in single, lump-sum payments determined by multiplying the Powerball set prize by the number selected in the power play drawing as follows:

<i>Prize Level</i>	<i>Powerball Set Prize Amount</i>		<i>Power Play Multiplier and Set Prize Amount</i>		
		<i>5</i>	<i>4</i>	<i>3</i>	<i>2</i>
Second Prize	\$100,000	\$500,000	\$400,000	\$300,000	\$200,000
Third Prize	\$5,000	\$25,000	\$20,000	\$15,000	\$10,000
Fourth Prize	\$100	\$500	\$400	\$300	\$200
Fifth Prize	\$100	\$500	\$400	\$300	\$200
Sixth Prize	\$7	\$35	\$28	\$21	\$14
Seventh Prize	\$7	\$35	\$28	\$21	\$14
Eighth Prize	\$4	\$20	\$16	\$12	\$8
Ninth Prize	\$3	\$15	\$12	\$9	\$6

(vi) New bonus prize.

(A) When the Powerball jackpot is projected to reach a new high annuitized level, the amount of the jackpot prize will be limited, by rule, to increase for each draw of no more than \$25 million (annuitized). The prize money collected in excess of the advertised jackpot amount, if any, will be placed into a bonus prize pool and will accumulate until there is a grand prize winner. When there is a grand prize winner, the bonus prize pool will be divided equally among all winners of the second prize. This bonus prize will be paid in one cash lump sum. If there are no second prize winners, the prize pool shall be divided equally among the winners in the next lower prize tier with winners.

(B) There may be times when the second prize will be increased from its current set amount of \$100,000 to a higher amount. In those cases, the second prize may be increased to \$1 million or more. The actual amount of the

prize will depend upon the cash available in the new bonus prize pool and the number of prize winners as set forth in clause (A). The trigger jackpot level will naturally increase over time as the new high annuitized jackpot amount continues to climb.

(C) The new bonus prize is in addition to any power play prizes that may be won. The new bonus prize is awarded independent of the power play option, and is not multiplied by the power play multiplier. A bonus prize winner who also played the power play option will win the original set prize amounts; the amount paid under the power play multiplier option; and the new bonus prize (if effective).

LARRY P. WILLIAMS,
Secretary

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