

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 131, 143 AND 147]

Hunter ID Number

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, proposed the following amendments:

Amend §§ 131.2, 143.202 and 147.701 (relating to definitions; application; and general) to define and implement the issuance of a "hunter ID number."

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 8, 2003, meeting of the Commission and comments can be sent until June 20, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

The Commission is proposing to define and implement the issuance of a "hunter ID number" by amending §§ 131.2, 143.202 and 147.701.

2. Purpose and Authority

Current regulations allow an applicant for an elk license or bobcat permit to provide a Social Security number or "some other appropriate form of individual identification" to have a unique identifier for each individual in the database and to permit crosschecks for duplicates. The Commission is proposing to implement a system whereby it will assign an applicant an individualized "hunter ID number" when that applicant does not have a Social Security number to articulate what will be considered an appropriate form of individual identification. The Commission will use this "hunter ID number" for identification and cross-referencing purposes.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2901(b) of the code (relating to authority to issue permits) provides: "The commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit . . ." Section 2102(a) of the code (relating to regulations) provides: "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth . . ." These provisions provide the statutory basis for the proposed rulemaking.

3. Regulatory Requirements

The proposed rulemaking defines and implements the issuance of a "hunter ID number" to be used in the application process for elk licenses or bobcat permits when the applicant does not have a Social Security number.

4. Persons Affected

Persons who wish to apply for an elk license or bobcat permit and do not have a Social Security number will be affected by the proposed rulemaking.

5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

6. Effective Date

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

7. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-164. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Hunter ID number—A number issued by the Commission only to persons who do not have a valid Social Security number.

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CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter K. ELK LICENSES

§ 143.202. Application.

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(c) For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or [**some other appropriate form of individual identification**] hunter ID number.

CHAPTER 147. SPECIAL PERMITS

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

* * * * *

(3) Applications shall be submitted on a form supplied by the Commission or by using an electronic application on the Commission's Internet website and shall contain the required information as requested. For the purpose of

having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or [**some other appropriate form of individual identification**] **hunter ID number**. A \$5 application fee shall accompany the application and is nonrefundable. Applications shall be submitted to the Commission's Harrisburg Headquarters.

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[Pa.B. Doc. No. 03-1029. Filed for public inspection May 30, 2003, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, proposed the following amendment:

Amend § 141.43(g) (relating to deer) to permit the cooperation of hunters who are properly licensed to hunt during a particular deer season.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 8, 2003, meeting of the Commission and comments can be sent until June 20, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend § 141.43(g) to permit the cooperation of any hunters who are properly licensed to hunt during a particular deer season.

2. *Purpose and Authority*

Currently, hunters are required to have a doe license from the county in which they are hunting to drive deer for other hunters who are hunting doe in that county. In light of the recently adopted larger deer management units, this provision is no longer practical. Current regulations permit properly licensed hunters to cooperate and drive deer for each other when deer seasons run concurrently. For example, an archery hunter is permitted to drive deer for a rifle hunter or muzzleloader hunter and vice versa during the concurrent October seasons. However, the same archery hunter, who does not have an antlerless license, may not drive deer for a rifle or muzzleloader hunter who may only hunt doe in that early season. The concurrent buck/doe seasons only add to this type of confusion over cooperation between archery, muzzleloader and rifle hunters.

The proposed amendment to § 141.43(g) will permit any hunter, who is properly licensed to hunt in a specific deer season, to cooperate with other hunters who are also properly licensed to hunt in a specific deer season. For example, archery hunters, muzzleloader hunters and those entitled to use rifles during the October season will be permitted to drive deer for other hunters even if the archery hunters among them do not have a doe license. It will also allow any hunter who is properly licensed to hunt during the concurrent deer season to drive deer for

another hunter who is also properly licensed to hunt during the concurrent deer season, even if either has only an antlerless tag from a different deer management unit and one or both hunters has already harvested a buck.

Section 2102(a) of the code (relating to regulations) provides: "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, 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." The amendment to § 141.43(g) is proposed under this provision.

3. *Regulatory Requirements*

The proposed rulemaking will permit the cooperation of hunters who are properly licensed to hunt during a particular deer season.

4. *Persons Affected*

Persons wishing to hunt deer cooperatively during open seasons will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-163. 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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(g) [*Archery, special firearms, flintlock muzzleloader and muzzleloader seasons*] *Cooperating while hunting during any deer season. [When archery, special firearms, flintlock muzzleloader or muzzleloader seasons run concurrently, holders]*

Holders of any of the appropriate licenses or stamps may cooperate **while hunting antlered or antlerless deer** if pertinent provisions of this section and the act are met.

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[Pa.B. Doc. No. 03-1030. Filed for public inspection May 30, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Presque Isle State Park

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, proposed the following amendment:

Reserve § 141.17 (relating to Presque Isle State Park) to remove the regulations pertaining to hunting deer in Presque Isle State Park.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 8, 2003, meeting of the Commission and comments can be sent until June 20, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

The Commission is proposing to reserve § 141.17.

2. Purpose and Authority

The Department of Conservation and Natural Resources (Department) has submitted a request that the regulations pertaining to hunting deer in Presque Isle State Park be removed. The Department has determined that the present deer population in the park can be properly controlled and maintained using the existing Statewide deer management plan. By reserving § 141.17, hunters will be permitted to hunt deer in Presque Isle State Park during the open seasons for hunting deer in accordance with remaining laws and regulations.

Section 2102(d) of the code (relating to regulations) states that: "The commission shall promulgate regulations stipulating . . . 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." Section 2102(a) of the code provides that: "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, 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." The amendment to § 141.17 is proposed under these provisions.

3. Regulatory Requirements

The proposed rulemaking will remove the regulations pertaining to hunting deer in Presque Isle State Park.

4. Persons Affected

Persons wishing to hunt deer in Presque Isle State Park will be affected by this proposed rulemaking.

5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

6. Effective Date

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

7. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-162. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.17. [Presque Isle State Park] (Reserved).

[(a) *General.* In a year in which the Department of Environmental Resources, Bureau of State Parks, determines the deer population on Presque Isle State Park has become a detriment to the available habitat and declares the park open to deer hunting, this subchapter applies.

(b) *Name.* The area shall be known as Presque Isle State Park.

(c) *Description.* The area includes the land mass of the peninsula commencing at the entrance of the park.

(d) *Permitted acts.* It is lawful to hunt for and kill deer through the use of a shotgun at least 20 gauge which, upon discharge, propels rifled slugs or punkin balls. The Executive Director may authorize the use of 00 buckshot if it is determined additional safety measures are required.

(e) *Prohibitions.* It is unlawful to:

(1) Hunt or kill wildlife through the use of a rifle.

(2) Possess a rifle within the boundaries of the State Park.

(3) Violate other provisions of this title or the act.]

[Pa.B. Doc. No. 03-1031. Filed for public inspection May 30, 2003, 9:00 a.m.]