

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 105]

### Mechanical, Electrical and Electronic Speed-Timing Devices

The Department of Transportation hereby gives notice that the proposed rulemaking amending 67 Pa. Code Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices published at 35 Pa.B. 6773 (December 17, 2005) has been withdrawn.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 06-5. Filed for public inspection January 6, 2006, 9:00 a.m.]

## GAME COMMISSION

[58 PA. CODE CHS. 131 AND 139]

### Preliminary Provisions; Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend §§ 131.2 and 139.2 (relating to definitions).

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Currently, the definitions in § 139.2 define various terms for the purposes of Chapter 139 (relating to seasons and bag limits) only. Unfortunately, this means that some of the important terms defined in this section have no definition for the purposes of other chapters. To better serve the Commission and the public, the Commission is proposing to relocate the majority of the definitions in § 139.2 with cross-chapter application to § 131.2, which should allow these definitions to have broader application.

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, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." 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 amendments to §§ 131.2 and 139.2 were proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend §§ 131.2 and 139.2 by relocating the majority of the definitions in § 139.2 to § 131.2 to permit cross chapter application of the subject definitions.

#### 3. Persons Affected

Persons wishing to hunt and trap in this Commonwealth may be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

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

#### 5. 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.

#### 6. 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:** 48-225. 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:

\* \* \* \* \*

#### *Antlered deer*—

(i) **In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having four or more points to one antler.**

(ii) **In all other wildlife management units, a deer having three or more points to one antler.**

(iii) **In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, 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**—A 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.

\* \* \* \* \*

**Early small game hunting season**—A designated period when the only resident small game which may be hunted and taken are woodchucks, squirrels and grouse.

\* \* \* \* \*

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

\* \* \* \* \*

**Point**—An antler projection at least 1 inch in length from base to tip. The main beam tip shall be counted a point regardless of length.

\* \* \* \* \*

**Protected deer**—A deer not defined as an antlered deer or an antlerless deer.

\* \* \* \* \*

**Regular firearms deer season**—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

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

\* \* \* \* \*

**Special firearms deer season**—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

\* \* \* \* \*

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

**Antlerless deer**—A deer without antlerless, 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. ]

\* \* \* \* \*

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

\* \* \* \* \*

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

**Point**—An antler projection at least 1 inch in length from base to tip, the main beam tip shall be counted a point regardless of length.

**Protected deer**—A deer not defined as an antlered deer or an antlerless deer.

**Regular firearms deer season**—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

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

\* \* \* \* \*

[ **Special firearms deer season**—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season. ]

[Pa.B. Doc. No. 06-6. Filed for public inspection January 6, 2006, 9:00 a.m.]

**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**—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having four or more points to one antler.

(ii) In all other wildlife management units, a deer having three or more points to one antler.

(iii) In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2006-2007 hunting license year.

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2006-2007 seasons and daily season and possession limits are similar to those set in 2005-2006, the 2006-2007 seasons and bag limits have been amended to conform to current scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth. Some notable proposed amendments for hunters next season will be expanded beaver trapping opportunities in wildlife management units (WMU) 2E, 5A, 5B, 5C and 5D, as well as expanded bear hunting opportunities in WMUs 2F, 2G, 3A, 4A, 4B and 4D. The expanded bear hunting opportunities are the result of the creation of a proposed trial bear archery season that will take place during the week prior to the traditional Statewide bear season. The Commission proposed this trial bear archery season in response to substantial requests from a portion of the bear hunting community for the same. However, it is important to note that the Commission has proposed this season with some reservation due to its concerns with the creation of new administrative challenges in implementing the new season as well as the creation of additional demands on the bear resource through increased harvest rates. Nonetheless, as the next license year is approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2006-2007 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” 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. . . .” The amendment to § 139.4 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2006-2007 license year.

3. *Persons Affected*

Persons wishing to hunt and trap in this Commonwealth during the 2006-2007 license year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking may result in some additional cost and paperwork associated with the creation of the proposed bear archery season. This is due in part to the fact that any bears harvested will need to be checked by officers in the field on a case-by-case basis since it makes little economic sense to operate traditional check stations. Also, with the creation of any new season the Commission must draw on its resources to ensure necessary administrative and enforcement support.

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2006, to June 30, 2007.

6. *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:** 48-216. No fiscal impact; (8) recommends adoption.

**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)**  
**2006-2007 OPEN HUNTING AND FURTAKING 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. 7	Oct. 13	6	12
Squirrels—(Combined species)	Oct. 14	Nov. 25	6	12
	and	Dec. 23		
	Dec. 11	and		
	Dec. 26	Feb. 3, 2007		
Ruffed Grouse—(Statewide)	Oct. 14	Nov. 25	2	4
	and	Dec. 23		
	Dec. 11	and		
	Dec. 26	Jan. 27, 2007		

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
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. 21 Dec. 11 Dec. 26	and and and Nov. 25 Dec. 23 Feb. 3, 2007	4	8
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B & 4D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D	Oct. 21	Nov. 25	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D 4A, 4B & 4D	Oct. 21 Dec. 11 Dec. 26	and and and Nov. 25 Dec. 23 Feb. 3, 2007	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 21	Nov. 25	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2007	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until 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
Wildlife Management Units 1A & 1B (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 11		
Wildlife Management Units 2A & 2B (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 18		
Wildlife Management Units 2C, 2E, 4A, 4B & 4D	Oct. 28	Nov. 11		
Wildlife Management Units 2D, 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 28	Nov. 18		

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Species	First Day Limit	Last Day	Daily Limit	Season Limit
Wildlife Management Units 5A & 5B	Closed to fall turkey hunting			
Wildlife Management Units 5C & 5D (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 3		
Turkey (Spring Gobbler) Statewide <sup>5</sup> Bearded Bird only	April 28, 2007	May 26, 2007	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt <sup>5</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 21, 2007	April 21, 2007	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.

Species	First Day	Last Day	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1 and Dec. 29	Nov. 25  April 1, 2007	Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season		Unlimited

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
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FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2007	6	12
Quail	Sept. 1	Mar. 31, 2007	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2007	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2007	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2007	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2007	2	4

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

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlered & Antlerless—(Statewide) <sup>1</sup> (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Sept. 30 and Dec. 26	Nov. 11  Jan. 12, 2007	One antlered and an antlerless deer with each required antlerless license.

**DEER**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Season Limit</b>
Deer, Regular Antlered & Antlerless—(Statewide) <sup>1</sup>	Nov. 27	Dec. 9	One antlered, and an antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, <sup>2</sup> PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U. S. Armed Forces, or in the U. S. Coast Guard, with required antlerless license	Oct. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) <sup>1</sup> (Flintlock Muzzleloading season)	Dec. 26	Jan. 13, 2007	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 13, 2007	An antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 5C & 5D	Dec. 11 Dec. 26	and Jan. 27, 2007	An 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.

**BEAR**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Bear, any age—(Bows and Arrows only) <sup>4</sup> Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B & 4D	Nov. 15	Nov. 16	1	1
Bear, any age—(Statewide) <sup>4</sup>	Nov. 20	Nov. 22	1	1
Bear, any age <sup>4</sup> Wildlife Management Units 3B, 3C, 3D, 4C & 4E	Nov. 27	Dec. 2	1	1
Bear, any age <sup>4</sup> Rockview Prison	Nov. 27	Dec. 2	1	1

**ELK**

Elk, Antlered & Antlerless <sup>6</sup> (With each required license)	Nov. 6	Nov. 11	1	1
Elk, Antlered & Antlerless <sup>6</sup> (With each required license)	Sept. 17, 2007	Sept. 22, 2007	1	1

**FURTAKING—TRAPPING**

Minks and Muskrats—(Statewide)	Nov. 18	Jan. 6, 2007	Unlimited
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<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Beaver—(Statewide)	Dec. 26	Mar. 31, 2007		
Wildlife Management Units 2E, 2F & 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 22	Feb. 17, 2007		Unlimited
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 17, 2007		Unlimited
Bobcat <sup>3</sup> Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 22	Feb. 17, 2007	1	1
<b>FURTAKING—HUNTING</b>				
Coyotes—(Statewide)	Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.			Unlimited
Coyotes—(During any archery deer season)	May be taken while lawfully hunting deer or with a furtaker's license.			
Coyotes—(During the regular firearms deer season and any bear season)	May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360° arc.			
Coyotes—(During the spring gobbler turkey season)	May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.			
Opossums, Skunks, Weasels <sup>7</sup> (Statewide)	No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.			
Raccoons and Foxes—(Statewide) <sup>7</sup>	Oct. 21	Feb. 17, 2007		Unlimited
Bobcat <sup>3</sup> Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 21	Feb. 17, 2007	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> Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

<sup>4</sup> Only one bear may be taken during the hunting license year.

<sup>5</sup> Second spring gobbler may only be taken by persons who possess a valid special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees).

<sup>6</sup> Only one elk may be taken during the hunting license year.

<sup>7</sup> May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

**[58 PA. CODE CH. 141]  
Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to rescind §§ 141.25—141.27 (relating to early goose hunting season; early Canada goose hunting season on Middle Creek Wildlife Management Area; and early Canada goose hunting season on Pymatuning Wildlife Management Area) to eliminate redundant and unnecessary language.

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

Section 139.4 (relating to season and bag limits for the license year) states that “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 the authority of the Migratory Bird Treaty Act (16 U.S.C. §§ 703—711) as published in the Federal Register. . . .” Since the early goose seasons, including hunting zone definitions, are presently published and adopted each year by the United States Secretary of the Interior in the manner previously described, §§ 141.25, 141.26 and 141.27 are currently redundant and unnecessary. Therefore, the Commission is proposing to eliminate §§ 141.25, 141.26 and 141.27.

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, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.” 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.” Sections 141.25, 141.26 and 141.27 are proposed to be rescinded under this authority.

*2. Regulatory Requirements*

The proposed rulemaking will rescind §§ 141.25, 141.26 and 141.27 to remove redundant and unnecessary language.

*3. Persons Affected*

Persons wishing to hunt migratory birds in this Commonwealth may be affected by the proposed rulemaking.

*4. Cost and Paperwork Requirements*

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

*5. 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.

*6. 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:** 48-226. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

§ 141.25. [ **Early goose hunting season** ] (Reserved).

[ **(a) Early season and description.**

**(1) Subject to approval of the United States Fish and Wildlife Service, there will be an early Canada goose hunting season starting on September 1 (except when Sunday, then September 2), and ending on September 25 (except when Sunday, then September 24) Statewide.**

**(2) Geese may not be taken in that portion of Crawford County which is in the area south of S.R. 198 from the Ohio line to the intersection of S.R. 18, to the intersection of U.S. Route 322/S.R. 18, to the intersection of S.R. 3013, south to the Crawford/Mercer County line.**

**(3) Bag limit.** There is a daily bag limit of five and a possession limit of ten geese with the exception of the closed area in Crawford County and Middle Creek Wildlife Management Area.

**(b) Shooting hours.** Shooting hours for goose hunting during the early goose hunting season is 1/2 hour before sunrise to sunset.

**(c) Unlawful acts.** It is unlawful to hunt Canada geese during the early goose hunting season inside the boundaries of the closed areas. ]

§ 141.26. [ **Early Canada goose hunting season on Middle Creek Wildlife Management Area** ] (Reserved).

[ **During an early Canada goose season, the following apply:**

**(1) Opening of controlled hunting area.** In years when the United States Fish and Wildlife Service authorizes a regular fall Canada goose hunting season, and an early Canada goose hunting season, the Director may open the controlled hunting area at Middle Creek Wildlife Management Area for early Canada goose hunting.

**(2) Registration for Middle Creek controlled goose hunting area, early season and description.**

**(i) Section 135.103 (relating to registration for controlled goose hunting areas) applies.**



(ii) The restrictions as defined in § 135.104 (relating to restrictions on controlled goose hunting areas) apply.

(3) *Bag limits.* The bag limit in the controlled area of Middle Creek Wildlife Management Area is one goose. ]

§ 141.27. [ Early Canada goose hunting season on Pymatuning Wildlife Management Area ] (Reserved).

[ In lieu of fall season, the following apply:

(1) **Opening of controlled hunting areas.** In years when the United States Fish and Wildlife Service does not authorize a regular fall Canada goose hunting season, but does authorize an early Canada goose hunting season, the Director may open the controlled hunting area at Pymatuning Wildlife Management Area for Canada goose hunting. When the controlled hunting area is open during an early Canada goose hunting season, the closed areas in Crawford County, as defined in § 141.25(a)(2) (relating to early and late goose hunting seasons) do not apply.

(2) **Registration for Pymatuning controlled goose hunting area, early season and restrictions.**

(i) **Section 135.103 (relating to registration for controlled goose hunting areas) applies, except that applications will be accepted through the second Saturday in August and a public drawing will be held at the registration center at 10:00 a.m. on the second Saturday in August.**

(ii) The restrictions as defined in § 135.104 (relating to restrictions on controlled goose hunting areas) apply.

(3) *Bag limits.* The bag limit in the controlled area of Pymatuning Wildlife Management Area is one goose. ]

[Pa.B. Doc. No. 06-8. Filed for public inspection January 6, 2006, 9:00 a.m.]

## [58 PA. CODE CH. 141] Hunting and Trapping; Artificial Lights

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.7 (relating to use of artificial lights) to extend the recreational spotlighting ban to all regular firearms seasons within each wildlife management unit (WMU).

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

### 1. Purpose and Authority

The Commission recognizes that recreational spotlighting can have substantial negative impacts on landowner,

public and wildlife management concerns. In the past, by and through § 141.7, the Commission has consistently prohibited recreational spotlighting, but only during the 2-week concurrent antlered and antlerless deer rifle seasons. However, the language of this provision has been inflexible and unable to adapt to the Commission's recent use of the extended regular firearms seasons in certain WMUs. Since the justifications for the recreational spotlighting prohibition are equally applicable to the extended firearms deer seasons, the Commission is proposing to amend § 141.7 by extending the recreational spotlighting ban to all "regular firearms deer seasons" within each individual WMU. Section 139.2 (relating to definitions) defines "regular firearms deer season" as that "designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only." This expansion will have no effect on recreational spotlighting during the early archery, early muzzleloader or special firearms seasons of all WMUs. However, this expansion will impact recreational spotlighting during the late archery and (flintlock) muzzleloader seasons, but only in those WMUs where the regular firearms deer season extends into and runs concurrent with the late archery and (flintlock) muzzleloader 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, . . . the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." 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 . . . wildlife in this Commonwealth." The amendment to § 141.7 was proposed under this authority.

### 2. Regulatory Requirements

The proposed rulemaking will amend § 141.7 to extend the recreational spotlighting ban to all regular firearms deer seasons within each individual management unit.

### 3. Persons Affected

Persons wishing to engage in recreational spotlighting within a WMU having an extended regular firearms deer season will be affected by the proposed rulemaking.

### 4. Cost and Paperwork Requirements

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

### 5. 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.

### 6. 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:** 48-220. No fiscal impact; (8) recommends adoption.

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

**§ 141.7. Use of artificial lights.**

\* \* \* \* \*

(b) For the purpose of enforcing section 2311 of the act (relating to restrictions on recreational spotlighting), the terms "antlered deer rifle season" and "antlerless deer rifle season" mean that period of time from 12:01 a.m. on the first day of the [ **concurrent antlered and antlerless** ] **regular firearms deer season** to 12 midnight on the last day including Sundays **within each individual wildlife management unit.**

[Pa.B. Doc. No. 06-9. Filed for public inspection January 6, 2006, 9:00 a.m.]

**[58 PA. CODE CH. 141]**  
**Hunting and Trapping; Cable Restraints**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.63 (relating to definitions).

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

The Commission recently added § 141.66 (relating to cable restraints) to permit the lawful use of cable restraint devices to trap certain furbearers. The addition of this section requires the Commission to amend § 141.63 to provide a definition for "cable restraint." Unfortunately, due either to typographical error or plain misstatement, the new definition of "cable restraint" does not accurately describe its intended meaning. Therefore, the Commission is proposing to amend § 141.63 in an effort to correct this mistake and provide a more accurate definition of "cable restraint."

Section 322(c)(5) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps . . . 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 § 141.63 was proposed under this authority.

*2. Regulatory Requirements*

The proposed rulemaking will amend § 141.63 to provide a more accurate definition of "cable restraint" by making two minor language adjustments to the existing definition.

*3. Persons Affected*

Persons wishing to use cable restraint devices to trap certain furbearers will be affected by the proposed rulemaking.

*4. Cost and Paperwork Requirements*

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

*5. 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.

*6. 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:** 48-222. No fiscal impact; (8) recommends adoption.

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

**§ 141.63. Definitions.**

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of section 2361(a)(11) of the act (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

*Cable restraint*—A galvanized stranded steel cable with a minimum diameter of 3/32 inches. The cable must be constructed of either 7 bundles comprised of 7 wires per bundle or [ **19 bundles comprised of 7 wires** ] **7 bundles comprised of 19 wires** per bundle and be equipped with a mechanical sliding metal release lock. The cable may not exceed 6 feet in length from the anchor point to the relaxing lock contacting the **fully closed** loop stop, must be equipped with at least one swivel device (which allows for 360° rotation) between the loop and the anchor and must have stops affixed to the cable to ensure that the circumference of the cable which makes up the loop may not be greater than 38 inches when fully open, or less than 8 inches when fully closed.

A cable restraint must include a breakaway device affixed to the lock or cable that is rated at 325 pounds or less. The cable must be maintained in good condition so that all components operate properly.

\* \* \* \* \*

[Pa.B. Doc. No. 06-10. Filed for public inspection January 6, 2006, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.45 (relating to turkey).

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, § 141.45 does not clearly define the types of devices that may lawfully be used to harvest wild turkey during the fall season, as it does for the spring gobbler season and for seasons of other game species. The absence of this type of language creates confusion for hunters and Commission staff respecting what implements may lawfully be used during the fall turkey season. In addition, the Commission has been receiving many requests to expand the permissible use of crossbows to the fall and spring turkey seasons. After consideration of the safety and wildlife management aspects involved, the Commission has determined that an expansion is presently justified. Therefore, to be consistent with other hunting seasons, eliminate confusion and also expand hunting opportunity, the Commission is proposing to amend § 141.45 to clearly define the types of implements that may lawfully be used to hunt turkey during the fall season and also expand the lawful use of crossbows during both the fall and spring turkey season.

Section 322(c)(5) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(d) of the code (relating to regulations) authorizes the Commission to "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 § 141.45 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.45 to clearly define the types of devices that may lawfully be used to harvest wild turkey during the fall turkey season and also expand the lawful use of crossbows to both the fall and spring turkey seasons.

3. Persons Affected

Persons wishing to hunt wild turkey during the fall and spring turkey seasons will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. 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.

6. 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: 48-221. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.45. Turkey.

(a) While hunting wild turkey it is unlawful to:

\* \* \* \* \*

(5) Use anything other than rimfire, centerfire or muzzleloading rifles and handguns or shotguns, bows or crossbows.

(b) While hunting turkey during the spring gobbler season it is:

(1) Lawful to use bows, crossbows and shotguns with shot no larger than #4 lead, #4 Bismuth/tin or #2 steel and mouth or hand operated callers.

\* \* \* \* \*

[Pa.B. Doc. No. 06-11. Filed for public inspection January 6, 2006, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 141.22 (relating to small game) to identify the inapplicability of

the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The original intent of § 141.22(a)(5) was to limit to five persons the number of small game hunters who cooperate by lining up across a field and moving forward to flush game before the gun. The regulation was later amended to allow six persons in the hunting party. The regulation was never intended to prevent more than six persons from hunting together from a blind or from stationary positions where the hunters are not flushing game. Therefore, the Commission is proposing to amend § 141.22(a)(5) to identify the inapplicability of the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

Section 322(c)(6) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting . . . in this Commonwealth, including regulations relating to . . . the ways, manner, methods and means of hunting . . . in this Commonwealth." The amendment to § 141.22 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.22 to identify the inapplicability of the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

3. *Persons Affected*

Persons wishing to hunt waterfowl or dove from a blind or other stationary position will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *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.

6. *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:** 48-219. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.22. Small game.**

(a) *Unlawful acts.* It is unlawful to:

\* \* \* \* \*

(4) Hunt in a party of more than six persons. **This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary positions.**

[Pa.B. Doc. No. 06-12. Filed for public inspection January 6, 2006, 9:00 a.m.]

**[58 PA. CODE CHS. 143 AND 147]**

**Hunting and Furtaker Licenses and Special Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend §§ 143.202, 143.222, 147.674 and 147.701 to provide hunters with expanded application opportunities for elk licenses, special wild turkey licenses, bobcat permits and Deer Management Assistance Program (DMAP) harvest permits, § 143.224 (relating to unlawful acts) to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license and § 147.674 (relating to issuance of DMAP harvest permits) to eliminate the hunter application ineligibility provision.

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Current regulations provide customers with (at most) only two methods to apply for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits: 1) electronic application over the Commission's website; and 2) paper application through the United States Postal Service. In an effort to improve customer service, the Commission is proposing to amend §§ 143.202, 143.222, 147.674 and 147.701 to provide customers with a third option, which will allow customers to apply for these various licenses and permits over-the-counter at any Commission office. The proposed amendments will also provide the Commission the increased flexibility to expand the sale of various licenses and permits through the anticipated automated point-of-sale issuance system, which should be available in the short-term future.

Section 2323 of the code (relating to tagging and reporting big game kills) requires that "[w]ithin ten days of the kill, the person shall report the killing of any big game in the manner or methods prescribed by the

commission regulations." The Commission currently prescribes the harvest reporting requirements for each of the various big game licenses except for the special wild turkey license. The Commission recognizes that harvest reports prove to be necessary and important tools for the accurate assessment of the impacts and effectiveness of the Commission's management of the wildlife resources of this Commonwealth. Since the justifications supporting the reporting harvest information for the other various big game licenses are equally applicable to the special wild turkey license, the Commission is proposing to amend § 143.224 to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license.

The Commission recently amended § 147.674 to prevent the issuance of DMAP permits to persons who fail to complete and submit harvest report and survey information from the prior season. After implementation of this provision, the Commission recognized that enforcement of the same is an untenable and overly burdensome administrative requirement. Therefore, the Commission is proposing to amend § 147.674 to eliminate the hunter application ineligibility provision.

Section 2722(g) 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 [C]ommission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The [C]ommission 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 amendments to §§ 143.202, 143.222, § 143.224, 147.674 and 147.701 were proposed under this authority.

### 2. Regulatory Requirements

The proposed rulemaking will amend §§ 143.202, 143.222, 147.674 and 147.701 to provide hunters with expanded application opportunities for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits, § 143.224 to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license and § 147.674 to eliminate the hunter application ineligibility provision for DMAP harvest permits.

### 3. Persons Affected

Persons wishing to make application for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits, harvest a wild turkey under a special wild turkey license and DMAP permittees who fail to complete and submit harvest report and survey information from the prior season will be affected by the proposed rulemaking.

### 4. Cost and Paperwork Requirements

The proposed amendments to §§ 143.202, 143.222, § 143.224, 147.674 and 147.701 will likely result in some, albeit minor, additional administrative costs to the Commission in the form of additional administrative expenditure and paperwork. The proposed amendment to § 147.674 will eliminate some administrative costs to the Commission by eliminating certain internal permit eligibility processing steps.

### 5. 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.

### 6. 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: 48-217.** No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 143. HUNTING AND FURTAKER LICENSES

#### Subchapter K. ELK LICENSES

#### § 143.202. Application.

**[ (a) Applications for elk licenses shall be submitted to the Commission's Harrisburg Headquarters. The Executive Director will set periods for accepting applications.**

**(b) Applications for elk licenses shall be made using an electronic application on the Commission's Internet website, or a paper form made available by the Commission providing information as may be required by the Executive Director. A nonrefundable \$10 application fee shall accompany each application.**

**(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 hunter ID number. ]**

**Completed applications shall be submitted as determined by the Director. 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 or hunter ID number on the application. A nonrefundable \$10 application fee shall accompany the application.**

#### Subchapter L. SPECIAL WILD TURKEY LICENSES

#### § 143.222. Application.

**[ (a) Applications for special wild turkey licenses shall be submitted to the Commission's Harrisburg Headquarters. The Executive Director will set periods for accepting applications.**

**(b) Applications for special wild turkey licenses shall be made using an electronic application on**

the Commission's Internet website or a paper form made available by the Commission providing information as may be required by the Director. ]

Completed applications shall be submitted as determined by the Director. 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 or hunter ID number on the application.

§ 143.224. Unlawful acts.

It is unlawful [ for a person to do the following ] to:

\* \* \* \* \*

(3) Fail to tag any wild turkey taken with a special wild turkey license in accordance with the act relating to tagging big game.

(4) Fail to complete and submit harvest report information in accordance with instructions provided on the report card.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.674. Issuance of DMAP harvest permits.

\* \* \* \* \*

(b) Two [ coupons ] harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

(c) [ Coupon holders shall mail the completed coupons to the Commission along with a check or money order payable to the "Pennsylvania Game Commission." ] Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the [ coupon ] harvest permit is \$6 for residents and \$26 for nonresidents.

\* \* \* \* \*

[ (e) Permits and refunds will not be issued to persons who failed to complete and submit harvest report and survey information from the prior season. ]

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).

\* \* \* \* \*

(2) [ The fee for an application for a permit to take a bobcat is \$5. ] Completed applications shall be submitted as determined by the Director. 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 or hunter ID number on the application. A nonrefundable \$5 application fee shall accompany the application.

(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 hunter ID number. A \$5 application fee shall accompany the application and is nonrefundable. Applications shall be submitted to the Commission's Harrisburg Headquarters. ]

[ (4) ] \* \* \*

[ (5) ] (4) \* \* \*

[ (6) ] (5) \* \* \*

[ (7) ] (6) \* \* \*

[ (8) ] (7) \* \* \*

[ (9) ] (8) \* \* \*

\* \* \* \* \*

[ (10) ] (9) \* \* \*

\* \* \* \* \*

[Pa.B. Doc. No. 06-13. Filed for public inspection January 6, 2006, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Depredation Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 147.745 (relating to exclusions) to allow the issuance of depredation permits for a limited take of State listed endangered or threatened species if the taking were part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recently adopted various classification changes to the State endangered/threatened status for several bird species. In most cases these changes were prompted by recent declines in population due to habitat loss or alteration, disturbance and competition at breeding sites. These classification changes are important because they will add further protection to imperiled populations of these species. Despite the importance of protecting the most imperiled species and promoting their recovery within this Commonwealth, it is also important to manage these species' impact on human property and

economic endeavors, even when a species is classified as endangered or threatened. Section 2121(b) of the code (relating to killing game or wildlife to protect property) epitomizes this need for balance by acknowledging that a person may kill an endangered or threatened species destroying agricultural crops if the person first gives the Commission the opportunity to trap and transfer the animal causing the damage. Unfortunately, trap and transfer efforts do not generally provide a permanent solution to the problem, nor do these efforts protect and conserve the endangered or threatened species.

Depredation permits are special permits issued to take certain wildlife to protect property and help prevent economic loss. As currently written, § 147.745 prohibits the issuance of a depredation permit for the taking of any endangered or threatened species, whether Federally or State listed. The Commission is proposing to amend § 147.745 to allow a depredation permit to be issued for a limited take of State listed endangered or threatened species if the taking is part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

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 and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendment to § 147.745 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.745 to allow the issuance of depredation permits for a limited take of State listed endangered or threatened species if the taking were part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

3. *Persons Affected*

Persons wishing to obtain a depredation permit to take any State listed endangered or threatened species may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *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.

6. *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:** 48-224. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter U. DEPREDATION**

**§ 147.745. Exclusions.**

\* \* \* \* \*

(b) A depredation permit will not be issued for the taking of any endangered or threatened species, as defined in 50 CFR Part 17 (relating to endangered and threatened wildlife and plants) [ **and § 133.21 (relating to classification of birds)** ]. A depredation permit may be issued for a limited taking of endangered or threatened species as defined in § 133.21 (relating to classification of birds) if the taking is intended to reinforce and support nonlethal control methods as part of an integrated damage management program. A depredation permit will be denied if the taking of a specific species as defined in § 133.21 would be detrimental to the population of that species as a whole, as determined by available biological data.

\* \* \* \* \*

[Pa.B. Doc. No. 06-14. Filed for public inspection January 6, 2006, 9:00 a.m.]

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

**Special Permits; Falconry Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend §§ 147.102 and 147.109 (relating to examination and fees; and restrictions on taking raptors).

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission recently consulted with the Pennsylvania Falconry and Hawk Trust regarding the relaxation of current time limitations restricting falconry permit applicants. Currently, § 147.102 states that examinations for falconry permits will be provided only during the month of May each year. Also, § 147.109 states that applications for nonresident falconry permits may be submitted between January 1 and February 28 annually. To provide more opportunities to falconry permit applicants, the Commission is proposing to amend § 147.102 to expand the falconry permit examination period to January 1 through June 30 annually and § 147.109 to expand the nonresident application period to January 1 through August 15 annually.

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 re-

sources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 147.102 and 147.109 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.102 to expand the falconry permit examination period to January 1 through June 30 annually and § 147.109 to expand the nonresident application period to January 1 through August 15 annually.

3. *Persons Affected*

Persons wishing to apply for a falconry permit in this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *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.

6. *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:** 48-223. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter F. FALCONRY**

**§ 147.102. Examination and fees.**

(a) New falconers shall begin at the apprentice class and are required to pass a supervised examination with a grade of 80%. Falconry examinations will be provided or approved by the United States Fish and Wildlife Service. Examinations will be given **[ in May ] from January 1 to June 30** of each year at each regional headquarters building. The examination may relate to basic biology, care and handling of raptors, literature, regulations and other appropriate subject matter.

\* \* \* \* \*

**§ 147.109. Restrictions on taking raptors.**

\* \* \* \* \*

(b) Taking restrictions for nonresidents are as follows:

\* \* \* \* \*

(4) Applications may only be submitted between January 1 and **[ February 28 ] August 15** annually.

\* \* \* \* \*

[Pa.B. Doc. No. 06-15. Filed for public inspection January 6, 2006, 9:00 a.m.]

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

**Special Permits; Protected Specimen**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 4, 2005, meeting, proposed to amend § 147.142 (relating to possession of deer accidentally killed by a motor vehicle) to permit the lawful possession of furbearers accidentally killed on the highway by persons possessing a valid furtaking license.

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 October 4, 2005, meeting of the Commission. Comments can be sent, until January 20, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The skins from the various furbearers found in the wilds of this Commonwealth are a valuable Pennsylvania resource. Each year many of these furbearers are accidentally struck and killed on this Commonwealth's highways by automobiles, which typically results in the unfortunate waste of many of the skins from these animals. Current regulations prohibit anyone, including licensed furtakers, from utilizing road-killed furbearers without first purchasing them from the Commission, because these animals were not lawfully taken or harvested with a firearm or trap. Unfortunately, it is not always economical for anyone to purchase a road-killed furbearer for utilization. In an effort to reduce the waste of this Commonwealth's valuable resources and provide additional opportunity to licensed furtakers, the Commission is proposing to amend § 147.142 to permit persons possessing a valid furtaking license to take possession and make use of furbearing animals accidentally killed on this Commonwealth's highways.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that "The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent agency of the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with this chapter." Section 2102(a) of the code (relating to regulations) 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 § 147.142 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.142 to permit the lawful possession of furbearers accidentally killed on the highway by persons possessing a valid furtaking license.



3. *Persons Affected*

Persons wishing to take possession of furbearers accidentally killed on the highway will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking may result in some additional costs to the Commission by creating increased, albeit minor, demand on regional dispatcher resources relating to receiving calls from persons taking possession of furbearers accidentally killed on the highway during the closed season for that furbearer.

5. *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.

6. *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:** 48-218. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter H. PROTECTED SPECIMEN**

§ 147.142. Possession of [ deer ] wildlife accidentally killed by a motor vehicle.

\* \* \* \* \*

(b) [ **It is unlawful:**

**(1) To possess a deer accidentally killed on the highway for more than 24 hours without applying for a permit number.**

**(2) To give the whole or an edible part of a deer to a person.**

**(3) To fail to comply with one or more conditions of the permit.**

**(4) For a nonresident to possess a deer accidentally killed on the highway.] Holders of a valid furtakers license may take possession of a furbearer accidentally killed on the highway. Persons taking possession of any furbearer under this section during the closed season for taking that furbearer shall within 24 hours contact any Commission regional office to make notification of the possession.**

**(c) It is unlawful:**

**(1) To possess a deer accidentally killed on the highway for more than 24 hours without applying for a permit number.**

**(2) To give the whole or an edible part of a deer to a person.**

**(3) To fail to comply with one or more conditions of the permit.**

**(4) For a nonresident to possess a deer accidentally killed on the highway.**

**(5) To possess a furbearer accidentally killed on the highway for more than 24 hours without notifying the Commission.**

**(d) This section is not applicable under circumstances when a person is charged with violating another statute or regulation involving deer or furbearers. This section may not be used nor will it be accepted as a defense in a legal proceeding involving these cases.**

[Pa.B. Doc. No. 06-16. Filed for public inspection January 6, 2006, 9:00 a.m.]