

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 141]

Preliminary Provisions; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, proposed to amend §§ 131.2 and 141.41 (relating to definitions; and general) to define and implement the use of the atlatl and dart during any firearms 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 January 24, 2006, meeting of the Commission. Comments can be sent to, until April 14, 2006, the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, the only lawful devices that may be used to harvest white-tailed deer in this Commonwealth are manually operated centerfire rifles and handguns, shotguns, muzzleloading long guns and long, recurve, compound and crossbows. The Commission has recently received a number of requests from persons wishing to expand the list of lawful devices for deer hunting to include use of the atlatl and dart. This proposed rulemaking certainly represents a new hunting and harvest opportunity requested by a small segment of the hunting community. However, the Commission's staff is concerned that the atlatl and dart in the hand of an average hunter would not possess sufficient lethality to ethically and humanely harvest a deer. After much deliberation and due consideration of the relevant issues and concerns, the Board of Commissioners determined that it is appropriate to accommodate the request of the atlatl and dart supporters. Therefore, the Commission is proposing to amend §§ 131.2 and 141.41 to define and implement the use of the atlatl and dart during any firearms deer 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 amendments to §§ 131.2 and 141.41 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 131.2 and 141.41 to define and implement the use of the atlatl and dart during any firearms deer season.

3. Persons Affected

Persons wishing to use an atlatl and dart to harvest deer during any firearms deer season 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.

CARL G. ROE,
Executive Director

Fiscal Note: 48-229. 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:

* * * * *

Atlatl—A 15 to 30 inch board or rod-like device with a handle at the aft end and a projection (as a hook or thong to hold a dart in place until released) at the fore end, used for propelling a dart by increasing the mechanical advantage of the user's forward arm motion. This device derives its propulsive energy solely from the forward motion of the user's arm and the bending and recovery of the dart. The energy used to propel the dart may not be derived from any other source.

* * * * *

Dart—A flexible projectile propelled by an atlatl with an overall length between 5 and 8 feet, fletching at the aft end (designed only for guidance) and a broadhead mounted at the fore end. No electronic device may be part of or attached to the dart. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be part of or attached to any dart.

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CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

(a) *Permitted acts.* It is lawful to take:

* * * * *

(4) Deer with an atlatl and dart during any fire-arms season for deer.

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