

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Turkey

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted amendments to § 141.45 (relating to turkey).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 36 Pa.B. 22 (January 7, 2006).

1. Purpose and Authority

Formerly, § 141.45 did not clearly define the types of devices that may lawfully be used to harvest wild turkey during the fall season, as it did for the spring gobbler season and for seasons of other game species. The absence of this type of language created confusion for hunters and Commission staff regarding 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 amended § 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 adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 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 final rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.45 to read as set forth at 36 Pa.B. 22.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 22 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-221 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-700. Filed for public inspection April 28, 2006, 9:00 a.m.]