

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Protective Material Required

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 6, 2006, meeting, proposed to amend § 141.20 (relating to protective material required).

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 June 6, 2006, meeting of the Commission. Comments can be sent, until September 29, 2006, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

On April 18, 2006, the Commission adopted the seasons and bag limits for the upcoming 2006-2007 hunting license year, which includes the much anticipated archery bear season that will take place during the week prior to the traditional Statewide bear season. Despite the successful creation of the archery bear season, the Commission recognizes that it remains necessary to amend § 141.20 to specifically except the bear archery season from certain fluorescent orange requirements. The Commission intends to treat the archery bear season in a manner similar to the archery deer season. Fluorescent orange is generally not required during the archery deer season. Without this amendment, archery bear hunters will be required to comply with default fluorescent orange requirements, which call for a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc at all times while hunting. Therefore, the Commission is proposing to amend § 141.20 to create and accommodate fluorescent orange requirements for the newly created archery bear season. The Commission also took the opportunity to reorganize and reword a few of the subparagraphs in § 141.20 to improve clarity in the regulation.

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 § 141.20 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking amends § 141.20 to create and accommodate fluorescent orange requirements for the newly created archery bear season.

3. Persons Affected

Persons wishing to hunt bear in this Commonwealth during the newly created archery bear 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 Richard R. Palmer, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-234. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.20. Protective material required.

(a) [**It**] **General.** Except as otherwise provided in subsection (b), it is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc. This shall include going to or from a hunting location before or after legal shooting hours. Except as provided in subsection (b)(2) and (3), camouflage orange clothing is lawful provided it contains the minimum amount of fluorescent orange-colored material.

(b) *Permitted acts.* It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for:

* * * * *

(vi) [**Furbearers.**

(vii) **Coyotes except from the first day to the last day inclusive of the Statewide regular firearms deer season or any bear season.]**

Deer during the archery deer season with a bow and arrow or crossbow and bolt by properly licensed archery hunters except as provided in paragraphs (3)(iii) and (4).

(vii) Bear during the archery bear season with a bow and arrow by properly licensed bear hunters except as provided in paragraph (3)(iv).

(viii) **Furbearers.**

(ix) Coyotes except from the first day to the last day inclusive of the regular firearms deer season, any firearms bear season and spring turkey season within each wildlife management unit.

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(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for:

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(iii) Deer with a bow and arrow or crossbow and bolt during any **deer** archery season which is concurrent with the fall turkey season **within each wildlife management unit.**

(iv) Bear with a bow and arrow during any bear archery season, which is concurrent with the fall turkey season within each wildlife management unit.

(4) Be on stand and stationary while hunting for turkey during the fall season in Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A **or deer during any firearms deer season that precedes the regular firearms deer season** and in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunters' location so it is visible in a 360° arc.

[(5) Except as provided in paragraph (3)(iii) and during any firearms season for deer that precedes the regular firearms season, hunt for deer with a bow and arrow or crossbow during any archery deer season without wearing daylight fluorescent orange-colored material. When stationary during the overlap with the firearms season for deer in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunters' location so it is visible in a 360° arc.]

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[Pa.B. Doc. No. 06-1802. Filed for public inspection September 15, 2006, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Special Regulations Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 6, 2006, meeting, proposed to amend § 141.1 (relating to special regulations areas).

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 June 6, 2006, meeting of the Commission. Comments can be sent, until September 29, 2006, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is directed by law to use hunting in managing white-tailed deer. The Commission has encouraged and supported hunting as the primary means of managing deer populations by annually making hunting opportunities available, increasing hunter opportunities and providing deer hunters with tools to increase their success. With the recent creation of the "Plan to Reduce Human-Deer Conflicts in Developed Areas," also known as the Urban Deer Management Strategy, this same approach will be used when safe and appropriate in developed areas.

Strategy 1.1.3 of the Urban Deer Management Strategy calls for the use of regulated baiting to increase hunter harvest in developed wildlife management units. In 2004, the State legislature authorized the Commission to regulate the use of bait for deer removal in special regulations areas in southeastern Pennsylvania. While traditional hunting, that is, hunting without bait, is the most economical way to manage deer populations, by allowing the use of bait while hunting, there is a potential to increase harvest, hunter success and hunter opportunity in developed areas. Providing this tool in the most developed areas will be beneficial to hunters, urban residents and the Commission's deer management program. Therefore, the Commission is proposing to amend § 141.1 to permit hunters to use or take advantage of bait while hunting deer within the southeast special regulations area of this Commonwealth.

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 § 141.1 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking amends § 141.1 to permit hunters to use or take advantage of bait while hunting deer within the southeast special regulations area of this Commonwealth.

3. Persons Affected

Persons wishing to hunt deer within the southeast special regulations area of 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 rule-making, contact Richard R. Palmer, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-235. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

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(d) *Permitted acts.* It is lawful to:

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(5) Hunt or take deer in the southeast area through the use of or by taking advantage of bait.

(i) Bait may be distributed up to a maximum of three times per day, during legal hunting hours only. Each distribution of bait may be no greater than 10 pounds.

(ii) Bait may also be distributed at any deer treatment bait station used for tick control. The distribution conditions as noted in subparagraph (i) do not apply.

(iii) It shall be the responsibility of the hunter to ensure that the land has been baited in compliance with this paragraph prior to hunting in that area.

(iv) This paragraph will expire on _____ (Editor's Note: The blank refers to a date 3 years after the effective date of adoption of this proposed rulemaking.).

[Pa.B. Doc. No. 06-1803. Filed for public inspection September 15, 2006, 9:00 a.m.]

MILK MARKETING BOARD

[7 PA. CODE CHS. 143 AND 144]

Electronic Methods for Testing Milk for Fat Content; Transactions Between Dealers and Producers—Payment; Testing

The Milk Marketing Board (Board) will conduct a public hearing on October 12, 2006, at 1 p.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and comments regarding proposed amendments to 7 Pa. Code Chapters 143 and 144 (relating to transactions between dealers and producers; and electronic methods for testing milk for fat content). The proposed amendments are to sections of Chapters 143 and 144 dealing with electronic methods for testing milk for fat content and regarding dealer payments to producers based on the results of the electronic testing methods.

There is no requirement for prior notification or entry of appearance to be able to provide testimony or comments at the hearing. A draft of the proposed amendments may be obtained at the Board's website at www.mmb.state.pa.us or by contacting the Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 06-1804. Filed for public inspection September 15, 2006, 9:00 a.m.]