

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Wildlife Conservation Officers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 131.6 (relating to administration of police powers by wildlife conservation officers).

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 37 Pa.B. 1325 (March 24, 2007).

1. Purpose and Authority

An issue that has proven perpetually problematic for the Commission has been the exercise of police powers by wildlife conservation officers. Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) provides clear and broad police power authority to wildlife conservation officers acting within the scope of their employment. Despite this broad authorization, however, it is the general policy of the Commission that the primary responsibility of the wildlife conservation officer is the enforcement of the code and that all general law enforcement duties shall remain the responsibility of the appropriate law enforcement agencies empowered to conduct those activities. In an effort to reduce legal challenges, reduce potential civil liability and also provide recognition of the importance of the relevant competing interests on this issue, the Commission amended § 131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

Section 901(a)(17) of the code states in relevant part "All powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe." Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Take any necessary action to accomplish and assure the purposes of this title." The amendments to § 131.6 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 131.6 to redirect the extent and manner in which the Commission authorizes salaried wildlife conservation officers to engage in the administration of police powers.

3. Persons Affected

Persons within the jurisdictional limits of this Commonwealth may be affected by the final-form 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 rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 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 131, are amended by amending § 131.6 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A 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 48-244 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.6. Administration of police powers by wildlife conservation officers.

(a) General.

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conservation officers, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa.C.S. (relating to the Crimes Code) or any other offense classified as a misdemeanor or felony and, in addition, to serve and execute warrants and subpoenas for these offenses.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, "when acting within the scope of their employment" means that period of time that a wildlife conservation officer is currently engaged in any activity the officer is employed to perform at the time and places the officer is authorized to perform the activity.

(b) *Procedures.*

(1) A wildlife conservation officer shall arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only to the degree necessary to protect life and property in any one or more of the following circumstances:

- (i) The offense occurs in the officer's presence.
- (ii) The offense occurs on lands or waters owned, leased or otherwise controlled by the Commission.
- (iii) The offense arises out of Commission operations.
- (iv) Another law enforcement agency has reasonably requested the assistance.

(2) A wildlife conservation officer who exercises any authority vested by section 901(a)(17) of the act shall do the following, without unreasonable delay:

- (i) Notify the appropriate State or local law enforcement agency of the enforcement action.
- (ii) Secure and maintain onsite information and evidence as deemed appropriate.
- (iii) Transmit secured information and evidence to the appropriate State or local law enforcement agency for further investigation or prosecution, or both.
- (iv) Prosecute violations, as may be reasonably necessary if the appropriate State or local law enforcement agency declines further action.

[Pa.B. Doc. No. 07-1137. Filed for public inspection June, 29, 2007, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 137]
Wildlife; Release of Animals

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 137.2 (relating to release of animals).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1333 (March 24, 2007).

1. *Purpose and Authority*

Wild boar, Russian boar and feral hog all refer to a breed of pigs that are believed to have been brought into this Commonwealth by hunting preserves. Many of these feral hogs have either escaped or been intentionally released into the wild and evidence suggests they are successfully reproducing. The Commission's participation in the Commonwealth's Invasive Species Council has resulted in a collaborative determination that feral hogs are an invasive species that must be eliminated and kept out of the wild. Feral hogs are known to pose a number of threats to the health, safety and welfare of wildlife, wildlife habitat, private property, humans and this Commonwealth's agricultural industry. The Commission is currently taking a number of steps to help combat this growing problem, but it recognizes that eliminating feral hogs from the wild cannot be successful if their continued release into the wild is not restricted. Therefore, the

Commission amended § 137.2 to prohibit the release of members of the suidae family into the wild.

Section 322(c)(9) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Prohibit the possession, importation, exportation or release of any species of birds or animals which may be considered dangerous or injurious to the general public or to the wildlife 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 § 137.2 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amended § 137.2 to prohibit the release of members of the suidae family into the wild.

3. *Persons Affected*

Persons who release members of the suidae family into the wild will be affected by the final-form 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 Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 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 137, are amended by amending § 137.2 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A 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 48-250 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.2. Release of animals.

(a) Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on to any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail and chukar partridge may be released for dog training or hunting purposes.

(b) It is unlawful to release any animal that is a member of the *suidae* family into the wild.

(c) A person violating this section is subject to the penalties provided in the act.

[Pa.B. Doc. No. 07-1138. Filed for public inspection June 29, 2007, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 139.4 (relating to seasons and bag limits for the license year).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1327 (March 24, 2007).

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2007-2008 seasons and daily season and possession limits are similar to those set in 2006-2007, the 2007-2008 seasons and bag limits have been amended to conform to current available 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 changes for hunters next season will be expanded squirrel, rabbit and pheasant hunting opportunities Statewide, additional expanded pheasant hunting opportunities in Wildlife Management Units (WMU) 5C and 5D, expanded fall turkey hunting opportunities in WMUs 2G and 4D,

reduced fall turkey hunting opportunities in WMUs 2A and 2F, expanded spring turkey hunting opportunities Statewide, expanded deer hunting opportunities in WMUs 2B, 5C and 5D, expanded elk hunting opportunities in Elk Hunt Zone 1 during the September season and expanded mink and bobcat hunting/trapping opportunities. As the next license year is fast approaching, the Commission amended § 139.4 to provide updated seasons and bag limits for the 2007-2008 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 adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 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 2007-2008 license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2007-2008 license year will be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 572 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Season (In General)

Out of a total of 553 comments received concerning this subtopic, 10 supported and 94 opposed the Commission’s current deer program, 7 supported and 99 opposed herd reduction, 16 supported limiting each hunter to only one deer harvest per day, 13 supported and 161 opposed the time frame of the concurrent deer rifle season, 12 opposed opening the concurrent deer rifle season on a Monday rather than on a weekend, 10 opposed starting antlerless deer rifle season on the first Monday rather than the first Saturday after Thanksgiving, 1 opposed the length of the concurrent deer rifle season (too short), 2 opposed the length of the concurrent deer rifle season (too long), 1 opposed antlerless hunting in Asaph State Forest, 1 opposed hunting between I-81 and SR 924, 125 opposed the establishment of any antlerless deer season for 1 or 2 years and 1 opposed the special deer rifle season beginning the final weekend of the October muzzleloader season rather prior to the same.

Deer Archery Season

Out of a total of ten comments received concerning this subtopic, six supported and four opposed a longer archery deer season.

Deer Muzzleloader Season

Out of a total of two comments received concerning this subtopic, both opposed the establishment of the October muzzleloader season for all bur junior hunters.

Turkey Seasons

Out of a total of three comments received concerning this subtopic, one opposed a shorter fall turkey season in

WMU 2F, one opposed a shorter fall turkey season in WMU 2G and one opposed starting spring gobbler season so late in the spring.

Small Game Season

Out of a total of two comments received concerning this subtopic, one supported the extension of rabbit season and one supported the extension of grouse season.

Furbearer Hunting/Trapping Season

Out of a total of two comments received concerning this subtopic, one opposed the establishment of a trapping season and one opposed the length of the cable restraint season (too short).

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The final-form rulemaking will be effective from July 1, 2007, to June 30, 2008, upon publication in the *Pennsylvania Bulletin*.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 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 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

(c) This order will be effective from July 1, 2007, to June 30, 2008, upon publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-251 remains valid for the final adoption of the subject regulation.

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)
2007-2008 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	6	12
Squirrels—(Combined species)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Feb. 9, 2008	6	12
Ruffed Grouse—(Statewide)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Jan. 26, 2008	2	4

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"

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Rabbits, Cottontail	Oct. 20 Dec. 10 Dec. 26	and and Nov. 24 Dec. 22 Feb. 9, 2008	4	8
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	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, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 20	Nov. 24	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, 5C and 5D	Oct. 20 Dec. 10 Dec. 26	and and Nov. 24 Dec. 22 Feb. 9, 2008	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 and 5D where the season is closed.	Oct. 20	Nov. 24	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2008	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
Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
Wildlife Management Units 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 12		
Wildlife Management Unit 2B (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 17		
Wildlife Management Units 2C, 2E, 2F, 4A and 4B	Oct. 27	Nov. 12		
Wildlife Management Units 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 27	Nov. 17		
Wildlife Management Units 5A and 5B	Closed to fall turkey hunting.			
Wildlife Management Units 5C and 5D (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 2		
Turkey (Spring Gobbler) Statewide ⁵ Bearded Bird only	April 26, 2008	May 26, 2008	1	2

Species	First Day	Last Day	Daily Limit	Season Limit
Turkey (Spring Gobbler) Statewide Youth Hunt ⁵ Bearded Bird only Eligible Junior Hunters only with the required license and when properly accompanied	April 19, 2008	April 19, 2008	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	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1 and Dec. 28	Nov. 24 April 6, 2008		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

FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2008	6	12
Quail	Sept. 1	Mar. 31, 2008	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2008	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2008	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2008	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2008	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 and Antlerless—(Statewide) ¹ (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Sept. 29 and Dec. 26	Nov. 10 Jan. 12, 2008	One antlered and an antlerless deer with each required antlerless license.
Deer, Antlerless—WMUs 2B, 5C and 5D (Archery—Bows and Arrows and Crossbows)	Sept. 15 and Nov. 12	Sept. 28 Nov. 24	An antlerless deer with each required antlerless license.
Deer, Antlerless—WMU 2B (Archery—Bows and Arrows and Crossbows)	Dec. 10	Dec. 22	An antlerless deer with each required antlerless license.
Deer, Regular Antlered and Antlerless—(Statewide) ¹	Nov. 26	Dec. 8	One antlered, and an antlerless deer with each required antlerless license.

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ² 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. 18	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) ¹ (Flintlock Muzzleloading season)	Dec. 26	Jan. 12, 2008	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 26, 2008	An antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 5C and 5D	Dec. 10 and Dec. 26	Dec. 22 Jan. 26, 2008	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

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age—(Bows and Arrows only) ⁴ Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B and 4D	Nov. 14	Nov. 15	1	1
Bear, any age—(Statewide) ⁴	Nov. 19	Nov. 21	1	1
Bear, any age ⁴ Wildlife Management Units 3C and that portion of 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 26	Dec. 1	1	1
Also, those portions of Wildlife Management Units 2G and 3B in Lycoming County that lie North of the West branch of the Susquehanna River from the Rt. 405 bridge, West to the Rt. 220 bridge, East of Rt. 220 to Rt. 44 and East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West branch of the Susquehanna River.				
Bear, any age ⁴ Wildlife Management Unit 3D	Nov. 28	Dec. 1	1	1
Bear, any age ⁴ Rockview Prison	Nov. 26	Dec. 1	1	1

Species	First Day	Last Day	Daily Limit	Season Limit
ELK				
Elk, Antlered and Antlerless ⁶ (With each required license)	Nov. 5	Nov. 10	1	1
Elk, Antlered and Antlerless ⁶ (With each required license) Elk Hunt Zone ¹	Sept. 3 Sept. 1, 2008	Sept. 29 and Sept. 27, 2008	1	1
FUR TAKING—TRAPPING				
Minks and Muskrats—(Statewide)	Nov. 17	Jan. 6, 2008		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2008		
Wildlife Management Units 2E, 2F and 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C and 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 21	Feb. 17, 2008		Unlimited
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 17, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C and 3D	Oct. 21	Feb. 17, 2008	1	1
FUR TAKING—HUNTING				
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 ⁷ (Statewide)	No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.			
Raccoons and Foxes—(Statewide) ⁷	Oct. 20	Feb. 16, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C and 3D	Oct. 20	Feb. 16, 2008	1	1

No open seasons on other wild birds or wild mammals.

¹ Only one antlered deer (buck) may be taken during the hunting license year.

² 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).

³ 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 1/2 hour after sunset.

⁴ Only one bear may be taken during the hunting license year.

⁵ 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).

⁶ Only one elk may be taken during the hunting license year.

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

[Pa.B. Doc. No. 07-1139. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 141]
Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted amendments to §§ 141.41, 141.43 and 141.47 (relating to general; deer; and elk).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1320 (March 24, 2007).

1. Purpose and Authority

The Commission received a number of requests from hunters to permit the lawful use of muzzleloading handguns to hunt various big game animals. Formerly, muzzleloading handguns were prohibited from use while hunting big game animals. The Commission determined that expanding the use of muzzleloading handguns to big game animals is reasonable so long as their use is limited to deer, bear and elk and to .50 caliber or larger muzzleloading handguns only. Therefore, the Commission amended §§ 141.41, 141.43 and 141.47 to permit the lawful use of .50 caliber or larger muzzleloading handguns while hunting deer, bear and elk.

The Commission also received a number of requests from certain hunters to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season. Formerly, § 141.43 prohibited the use of aperture or peep sights during the flintlock muzzleloading season. The Commission determined that the use of aperture or peep

sights during the flintlock muzzleloading season would be permissible since their use appears to be consistent with 18th century technology and therefore would not undermine the traditional nature of the flintlock muzzleloading season. Therefore, the Commission amended § 141.43 to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season.

The Commission also received a number of requests from hunters to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons. Formerly, § 141.43 prohibited the possession of any firearm while hunting during the early and late archery seasons with a bow and arrow or crossbow. The Commission determined that the dual use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons would be permissible only to the extent that the person is in possession of both a valid archery license and valid muzzleloader license and meets the greater protective material requirements for the muzzleloader season, if applicable. Therefore, the Commission amended § 141.43 to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, 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 §§ 141.41, 141.43 and 141.47 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amended §§ 141.41, 141.43 and 141.47 to permit the lawful use of .50 caliber or larger muzzleloading handguns while hunting deer, bear and elk. The final-form rulemaking amended § 141.43 to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season and to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons.

3. Persons Affected

Persons wishing to hunt deer, bear or elk in this Commonwealth with a muzzleloading firearm may be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received two official written comments in support of the Commission's proposal to permit the use of peep sights in the flintlock muzzleloader season.

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 Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments 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 amendments 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 §§ 141.41, 141.43 and 141.47 to read as set forth at 37 Pa.B. 1320.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1320 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 48-247 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1140. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Cable Restraint

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted amendments to § 141.63 and 141.66 (relating to definitions; and cable restraints).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1321 (March 24, 2007).

1. Purpose and Authority

Regulations concerning the use of cable restraint devices were first proposed at the Commission's October 5, 2004, meeting and were finally adopted at its January 25, 2005, meeting. These regulations essentially define the nature of the device, the manner of its use, as well as the time period for its use. Upon final completion of the 2005-2006 furtaking season, the Commission conducted a survey of all certified cable restraint users to assess use, efficiency, selectivity and capture related injuries or mortalities. The survey results indicated the following findings: 1) recent trap testing data now supports the use of 1 × 19 cable; 2) extending the cable length by 1 foot will allow for cable restraints to be set legally in a variety of winter snow conditions; 3) a clearer definition of "relaxing-type lock" will reduce confusion for trappers purchasing commercially available devices; and 4) increasing the weight rating of the breakaway device will improve efficiency and effectiveness of cable restraint devices when large coyotes are captured. Based upon the results of these postseason surveys, the Commission amended § 141.63 to improve the definition of "cable restraint" by permitting the use of 1 × 19 cable, extending the cable length limit to 7 feet, more clearly defining "relaxing-type lock" and increasing the weight rating of the breakaway device to 375 pounds.

The Commission recently identified that the prior version of § 141.66 overly restricted the classes of persons that are eligible to be certified through the Commission's cable restraint training course in apparent contravention of certain statutory exemptions found in sections 2363 and 2706 of the code (relating to trapping exception for certain persons; and resident license and fee exemptions). In an effort to permit individuals who are authorized to trap without license to more fully enjoy their privilege by being eligible to participate in the Commission's cable

restraint training course, the Commission amended § 141.66 to expand the program's eligibility requirements.

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(d) of the code authorizes the Commission to "promulgate regulations stipulating the size and type of traps, 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 §§ 141.66 and 141.66 were adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.63 to improve the definition of "cable restraint" by permitting the use of 1 x 19 cable, extending the cable length limit to 7 feet, more clearly defining "relaxing-type lock" and increasing the weight rating of the breakaway device to 375 pounds. The final-form rulemaking also amends § 141.66 to permit individuals meeting certain statutory license exemptions to participate in cable restraint training courses.

3. *Persons Affected*

Persons wishing to trap in this Commonwealth with cable restraint devices will be affected by the final-form 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 Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments 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 amendments 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 §§ 141.63 and 141.66 to read as set forth at 37 Pa.B. 1321.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1321 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 48-245 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1141. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted amendments to § 141.4 and Chapter 141, Appendix G (relating to hunting hours)

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1323 (March 24, 2007).

1. *Purpose and Authority*

In recent years there has been a growing interest among hunters to expand legal hunting hours to include the 1/2-hour period after sunset (also known as evening civil twilight). While the Commission is always looking for appropriate ways to increase hunting opportunity for sporting men and women, it recognizes its responsibility to do so with caution. The Commission is aware that permissive hunting occurring during the 1/2-hour period after sunset has the distinct possibility of causing confusion amongst hunters regarding differing closing times for certain wildlife, increasing the occurrence of wounding loss of game animals and, most importantly, increasing safety hazards associated with hunting activities due to rapidly decreasing levels of light during that time period. However, after review of available data regarding hunting hours in other states as well as safety statistics from within this Commonwealth, the Commission determined that the risks of an expansion are acceptable. Therefore, the Commission amended § 141.4 to expand legal hunting hours to include the 1/2-hour period after sunset for certain species.

It is important to note that as a result of this amendment, the Commission determined that the former table

of hunting hours should be replaced with a sunrise/sunset table that will have cross application to the differing legal hunting hour periods of the various game species. Therefore, the Commission also amended Appendix G to replace the table of hunting hours with a sunrise/sunset table for the 2007-2008 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(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 amendments to Appendix G were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 141.4 and Appendix G to expand legal hunting hours to include the 1/2-hour period after sunset for certain species and also replaced the table of hunting hours with a sunrise/sunset table for the 2007-2008 license year.

3. Persons Affected

Persons wishing to hunt or trap within this Commonwealth will be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 233 official written comments concerning this final-form rulemaking; 202 were in support and 31 were in opposition to the Commission's proposal to extend legal hunting hours.

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 Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 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 amendments 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 § 141.4 and Appendix G to read as set forth at 37 Pa.B. 1323.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1323 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 48-246 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1142. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Protective Material

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 141.20 (relating to protective material required).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1324 (March 24, 2007).

1. Purpose and Authority

The Commission received a number of calls from hunters regarding protective material requirements for hunters hunting from artificial or manufactured blinds during the deer, elk or bear seasons. These hunters identified a conceptual conflict in requiring hunters to wear protective material inside a blind where its visual effectiveness is severely diminished. These hunters have requested the ability to post protective material outside the blind, where it is more readily observable, instead of wearing the required amount of protective material on their person in the blind. Since the posting of protective material outside of an artificial or manmade blind that conceals movement from within is undeniably more consistent with the safety interests involved, the Commission determined that permitting hunters to post a minimum of 100 square inches of protective material within 15 feet from the blind in a manner that it is visible in a 360° arc is acceptable. Therefore, the Commission amended § 141.20 to permit the posting of 100 square inches of daylight fluorescent orange-colored material within 15 feet of a blind meeting the requirements in section 2308(b)(3) of the code (relating to unlawful devices and methods) instead of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate con-

cerning 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 adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.20 to permit the posting of 100 square inches of daylight fluorescent orange-colored material within 15 feet of a blind meeting the requirements in section 2308(b)(3) of the code instead of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined.

3. *Persons Affected*

Persons wishing to hunt deer, elk or bear from a blind meeting the requirements in section 2308(b)(3) of the code will be affected by the final-form 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 Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 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 § 141.20 to read as set forth at 37 Pa.B. 1324.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1324 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 48-248 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1143. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Management Assistance Program Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 147.674 (relating to issuance of DMAP harvest permits).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1333 (March 24, 2007).

1. *Purpose and Authority*

Since the implementation of the Deer Management Assistance Program (DMAP) in 2003, harvest permit fees for residents and nonresidents have remained unchanged. However, operating costs throughout this Commission have increased significantly, especially since the Commission's last license fee increase occurred in 1999. Given the added recreational opportunities that DMAP harvest permits offer and the nominal cost currently associated with them, the Commission determined that an increase in permit fees will better represent the value of the privilege and improve funding for the management of wildlife resources. Therefore, the Commission amended § 147.674 to increase DMAP harvest permit fees from \$6 to \$10 for residents and \$26 to \$35 for nonresidents.

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." 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 § 147.674 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 147.674 to increase DMAP harvest permit fees from \$6 to \$10 for residents and \$26 to \$35 for nonresidents.

3. *Persons Affected*

Persons wishing to purchase DMAP harvest permits from the Commission will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

The Commission received two official written comments in opposition of the Commission's proposal to increase DMAP permit fees.

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 Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 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 147, are amended by amending § 147.674 to read as set forth at 37 Pa.B. 1333.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1333 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 48-249 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1144. Filed for public inspection June 29, 2007, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD Expiration of Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203 (relating to temporary regulations),

was authorized to adopt temporary regulations. The authority to adopt temporary regulations expired on April 15, 2007. The temporary regulations will expire on July 5, 2007.

For the past 10 months, the Board has been promulgating permanent regulations to replace the temporary regulations. Proposed rulemakings have been adopted by the Board and published in the *Pennsylvania Bulletin* for all of the temporary chapters.

Final-form regulations, for the following chapters have been adopted by the Board, have been approved by the standing committees, the Independent Regulatory Review Commission and the Office of Attorney General, and published in the *Pennsylvania Bulletin*:

Chapter 401a. Preliminary Provisions
Chapter 403a. Board Operations and Organization
Chapter 405a. Bureau of Investigations and Enforcement
Chapter 407a. Public Access to Board Files
Chapter 451a. Recordkeeping Requirements
Chapter 471a. Filing Fees
Chapter 481a. Diversity

These chapters are in effect now.

Final-form rulemakings have been approved by the Board and have been submitted to or approved by the standing committees, the IRRC and the Office of Attorney General for the following chapters:

Chapter 461a. Slot Machine Testing and Certification Requirements
Chapter 463a. Possession of Slot Machines
Chapter 465a. Accounting and Internal Controls
Chapter 466a. Slot Computer Systems
Chapter 467a. Commencement of Slot Operations
Chapter 491a. General Rules of Practice
Chapter 501a. Compulsive and Problem Gambling Requirements
Chapter 503a. Self-Exclusion
Chapter 511a. Persons Required to be Excluded
Chapter 513a. Underage Gaming

Final publication of these chapters can be anticipated to occur during the next 3 months and final publication of the remaining chapters shortly thereafter.

After July 5, 2007, and until final publication of each of the final regulations, the Board will rely on the statutory provisions of 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act) to govern Board operations. However, applicants for and holders of Board licenses, permits, certifications or registrations are expected to look to the proposed and final-form regulations that have been adopted by the Board for guidance on any matter that is not completely addressed by 4 Pa.C.S. Part II.

THOMAS A. DECKER,
Chairperson

[Pa.B. Doc. No. 07-1145. Filed for public inspection June 29, 2007, 9:00 a.m.]