

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2009.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed addition of § 65.19 (relating to approved trout waters open to year-round fishing) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Currently, there are a number of waters listed in the *Pennsylvania Fishing Summary* as approved trout waters open to year-round fishing. These waters are regulated the same as approved trout waters except that they are open to fishing from March 1 through the opening day of trout season. Fishing for trout is permitted during this period, but no trout may be taken or possessed. In a recent review of the Commission's regulations, Commission staff discovered that this special regulation program was never formally adopted by the Commission. The Commission therefore proposes that a new section in Chapter 65 (relating to special fishing regulations) be added, thereby formally establishing this regulatory program. The Commission proposes that § 65.19 be added to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-200. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.19. Approved trout waters open to year-round fishing.

(a) The Executive Director, with the approval of the Commission, may designate waters as approved trout waters open to year-round fishing. The designation of waters as approved trout waters open to year-round fishing will be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as approved trout waters open to year-round fishing except in compliance with the following seasons and size and creel limits. It is not a violation of this section if a trout is immediately returned unharmed to the waters from which it is taken.

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11 (or the first Saturday after March 28 for waters in the Regional Opening Day of Trout Season Program) to midnight Labor Day	7 inches	5 (combined species)
	Extended Season: 12:01 a.m. day after Labor Day to midnight last day of February of the following year.	7 inches	3 (combined species)
	12:01 first day of March to first Saturday after April 11 (or the first Saturday after March 28 for waters in the Regional Opening Day of Trout Season Program)		NO HARVEST—Catch and immediate release only

(c) It is unlawful to fish in waters designated as approved trout waters open to year-round fishing without a current trout/salmon permit.

[Pa.B. Doc. No. 08-624. Filed for public inspection April 4, 2008, 9:00 a.m.]

[58 PA. CODE CH. 69]
Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 69.12a (relating to special regulations applicable to Lake Erie tributary streams) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Currently, from the day after Labor Day until the opening day of trout season in April, all Lake Erie tributary streams are closed to fishing from 10 p.m. to 5 a.m. except for Walnut Creek and Elk Creek north of Route 5. The portion of Walnut Creek from Route 5 north to Manchester Road flows through a residential area. All of the property owners historically have allowed public fishing in Walnut Creek in this area and tolerated the problems associated with night time fishing.

During this year's steelhead season, however, several of the property owners expressed concerns to the Commission's law enforcement staff regarding the problems they are facing associated with night time fishing. Anglers fishing in this area at night are causing the property owners' dogs to become alarmed and start barking.

Property owners also indicate that they can hear anglers' loud voices and radios being played during the night time hours. Unfortunately, continued night time fishing in this section of Walnut Creek jeopardizes the privacy of the property owners and creates unnecessary disturbances to the entire neighborhood. The Commission also received two letters from property owners expressing similar concerns.

The Commission's law enforcement staff met with several of the property owners in an attempt to address their concerns. One potential solution that was discussed was to prohibit angling during the night time hours in this area. The property owners agreed to continue to allow public fishing between 5 a.m. and 10 p.m. The Commission therefore proposes that § 69.12a be amended to prohibit fishing in Walnut Creek from Route 5 north to Manchester Road Bridge between the hours of 10 p.m. and 5 a.m. The Commission proposes that § 69.12a be amended to read as set forth in Annex A.

By separate notice published in the *Pennsylvania Bulletin*, the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), already has taken immediate action to amend the Commission's regulation in § 69.12a to prohibit fishing in Walnut Creek from Route 5 north to Manchester Road Bridge between the hours of 10 p.m. and 5 a.m. The temporary modification went into effect immediately upon posting in the vicinity of the area affected and will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the amendment.

F. Paperwork

The proposed rulemaking will slightly increase paperwork and will create new paperwork requirements in that the Commission will post signs notifying anglers of the regulatory change. The Commission's Bureau of Law Enforcement will post both sides of the stream from the Manchester Road Bridge south to Route 5 and will post signs at the Walnut Creek Marina. After the first year that the change goes into effect, the Commission does not expect to have to post the stream.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Commission's costs for signage will be modest. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-201. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12a. Special regulations applicable to Lake Erie tributary streams.

* * * * *

(c) From 12:01 a.m. on the day after Labor Day, until the first Saturday after April 11 of the following year, all Lake Erie tributary streams are closed to fishing from 10 p.m. until 5 a.m. on the following day except for Walnut Creek north of Manchester Road Bridge and Elk Creek north of Route 5.

* * * * *

[Pa.B. Doc. No. 08-625. Filed for public inspection April 4, 2008, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, proposed the following rulemaking:

Amend § 141.45 (relating to turkey) to eliminate the regulatory prohibition against the use of dogs while hunting wild 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 January 29, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 18, 2008.

1. Purpose and Authority

On June 30, 2007, Governor Rendell signed into law the act of June 30, 2007 (P. L. 62, No. 18). This legislation effectively amended section 2383 of the code (relating to dogs pursuing, injuring or killing big game) to create an exception to the prohibition against the use of dogs to hunt big game by specifically permitting the use of a dog to pursue, chase, scatter and track wild turkeys during the fall wild turkey season. With the passage of this legislation, § 141.45 must be amended to maintain consistency with the recently amended statute. Therefore, the Commission is proposing to amend § 141.45 to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey.

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 § 141.45 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.45 to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey.

3. Persons Affected

Persons wishing to hunt turkey during the fall turkey season within 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 Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-266. 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:

* * * * *

(2) Use [**dogs,**] drives or electronic callers.

* * * * *

[Pa.B. Doc. No. 08-626. Filed for public inspection April 4, 2008, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, proposed the following rulemaking:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2008-2009 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 January 29, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 18, 2008.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2008-2009 seasons and daily season and possession limits are similar to those set in 2007-2008, the 2008-2009 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 the Commonwealth. Some notable proposed changes for hunters next season will be expanded pheasant hunting opportunities for junior hunters, expanded crow hunting opportunities Statewide, reduced antlerless deer hunting opportunities in Wildlife Management Units (WMU) 2D, 2G, 3C and 4B during the regular firearms season, reduced elk hunting opportunities in Elk Hunt Zone 1 during the September season due to the elimina-

tion of the September season after 2008, expanded bobcat hunting/trapping opportunities in WMU 4D and finally, new wild boar hunting opportunities during the fall big game seasons Statewide. As the next license year is fast approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2008-2009 license year.

Section 322(c)(1) of the code (relating to powers and duties of the 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 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 2008-2009 license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2008-2009 license year 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 effective dates of the proposed rulemaking are July 1, 2008, to June 30, 2009.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

(Editor's Notice: As part of this proposed rulemaking, the Commission is proposing to delete the existing text of § 139.4 which appears in 58 Pa. Code pages 139-3—139-14, serial pages (328389)—(328400) and replace it with the text which appears in Annex A. The new text has been printed in regular type to enhance readability.)

Fiscal Note: 48-262. 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)
2008-2009 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. 11	Oct. 17	6	12
Squirrels—(Combined species)	Oct. 18 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Feb. 7, 2009	6	12
Ruffed Grouse—(Statewide)	Oct. 18 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Jan. 24, 2009	2	4
Rabbits, Cottontail	Oct. 25 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Feb. 7, 2009	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. 11	Oct. 18	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. 11	Oct. 18	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 25	Nov. 29	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. 25 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Feb. 7, 2009	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. 25	Nov. 29	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2009	1	2

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
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)	Nov. 1	Nov. 15		
Wildlife Management Unit 2B (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 22		
Wildlife Management Units 2C, 2E, 2F, 4A and 4B	Nov. 1	Nov. 15		
Wildlife Management Units 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Nov. 1	Nov. 22		
Wildlife Management Units 5A and 5B	Closed to fall turkey hunting.			
Wildlife Management Units 5C and 5D (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 7		
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	April 25, 2009	May 25, 2009	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible Junior Hunters only with the required license and when properly accompanied.	April 18, 2009	April 18, 2009	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)	Jul. 4, 2008	Apr. 5, 2009		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
Wild Boar	May be taken while lawfully hunting deer, bear and fall turkey.			Unlimited

FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2009	6	12
Quail	Sept. 1	Mar. 31, 2009	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2009	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2009	4	8

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2009	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2009	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) ² (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Oct. 4 and Dec. 26	Nov. 15 and Jan. 10, 2009	One antlered and an antlerless deer with each required antlerless license.
Deer, Antlerless—WMUs 2B, 5C and 5D (Archery—Bows and Arrows and Crossbows)	Sep. 20 and Nov. 17 and Dec. 15	Oct. 3 and Nov. 29 and Dec. 23	An antlerless deer with each required antlerless license.
Deer, Regular Antlered and Antlerless ² WMUs 1A, 1B, 2A, 2B, 2C, 2E, 2F, 3A, 3B, 3D, 4A, 4C, 4D, 4E, 5A, 5B, 5C and 5D	Dec. 1	Dec. 13	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular Antlered only ² and ⁸ WMUs 2D, 2G, 3C and 4B	Dec. 1	Dec. 5	One antlered deer
Deer, Regular Antlered and Antlerless ² WMUs 2D, 2G, 3C and 4B	Dec. 6	Dec. 13	One antlered, and an antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ³ PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license	Oct. 23	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 18	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) ² (Flintlock Muzzleloading season)	Dec. 26	Jan. 10, 2009	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 2B, 5C and 5D	Dec. 15 and Dec. 26	Dec. 23 and Jan. 24, 2009	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 WMUs 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B and 4D	Nov. 19	Nov. 20	1	1
Bear, any age—(Statewide) ⁴	Nov. 24	Nov. 26	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.	Dec. 1	Dec. 6	1	1
Also, those portions of WMUs 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 WMUs 4C, 4D and 4E	Dec. 3	Dec. 6	1	1
Bear, any age ⁴ Rockview Prison	Dec. 1	Dec. 6	1	1

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Antlered and Antlerless ⁵ (With each required license)	Nov. 3	Nov. 8	1	1
Elk, Antlered and Antlerless ⁵ (With each required license) Elk Hunt Zone 1	Sep. 1	Sep. 27	1	1

FURTAKING—TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats—(Statewide)	Nov. 22	Jan. 11, 2009		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2009		
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. 26	Feb. 22, 2009		Unlimited
Coyotes and Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1, 2009	Feb. 22, 2009		Unlimited
Bobcat ⁶ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D and 4D	Oct. 26	Feb. 22, 2009	1	1

FURTAKING—HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(Statewide)				Unlimited
Coyotes—(During any archery deer season)				
Coyotes—(During the regular firearms deer season and any bear season)				
Coyotes—(During the spring gobbler turkey season)				
Opossums, Skunks, Weasels ⁷ (Statewide)				
Raccoons and Foxes—(Statewide) ⁷	Oct. 25	Feb. 21, 2009		Unlimited
Bobcat ⁶ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D and 4D	Oct. 25	Feb. 21, 2009	1	1

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the code (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ 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 code (relating to resident license and fee exemptions).

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

⁵ Only one elk may be taken during the hunting license year.

⁶ 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.

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

⁸ Season changes in Wildlife Management Units 2D, 2G, 3C and 4B are for the purpose of a 4-year study which must be completed before additional units are modified.

[Pa.B. Doc. No. 08-627. Filed for public inspection April 4, 2008, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, proposed the following rulemaking:

Amend § 139.17 (relating to wildlife management units) to provide updated wildlife management unit (WMU) boundaries.

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 29, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 18, 2008.

1. Purpose and Authority

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. At the time of the approval of new WMU system it was agreed to evaluate the structure of the units after 5 years. The 2007-2008 seasons will mark the 5th year, therefore the Commission reviewed staff input and developed the following limited WMU map revisions: 1) Clarify the boundary line between WMUs 2C and 2E near Ebensburg to reduce confusion; 2) Correct the boundary line between WMUs 4B and 4D to accommodate new highway construction on United States Traffic Route 22 near Lewistown; 3) Relocate the boundary line between WMUs 3B and 3C between Towanda and Tunkhannock from United States Traffic Route 6 to the Susquehanna River to increase hunter access and reduce property fragmentation; and 4) Expand WMU 5C to include the Cities of Reading and Allentown to accommodate continuing increases in human populations in southeast Pennsylvania, thus affecting boundary lines with WMUs 5B, 4C and 3D. These proposed changes to WMU boundary lines will have minimal impact on wildlife databases. Therefore, the Commission is proposing to amend § 139.17 to provide updated wildlife WMU boundaries.

Section 322(c)(4) of the code (relating to powers and duties of the commission) specifically authorizes the

Commission to "Define geographic limitations or restrictions." 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 § 139.17 was proposed pursuant to this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 139.17 to provide updated WMUs.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth 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 Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-263. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

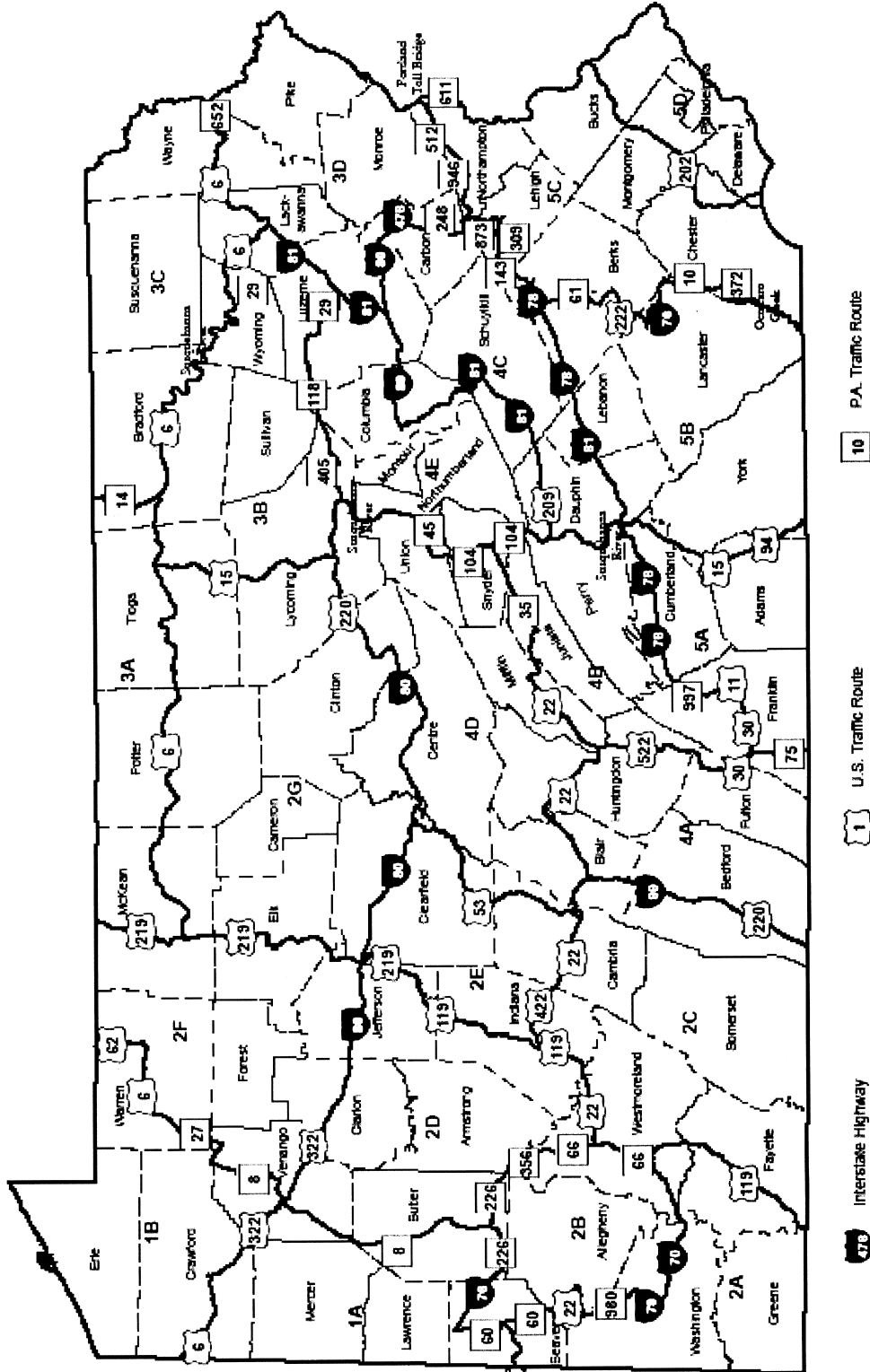
§ 139.17. Wildlife management units.

* * * * *

(b) The outline map of Pennsylvania found in Appendix H sets forth wildlife management units.

(Editor's Note: The Commission is proposing to delete the map which appears in 58 Pa. Code page 141.28, serial page (328430) and replace it with the following map.)

WILDLIFE MANAGEMENT UNITS



[Pa.B. Doc. No. 08-628. Filed for public inspection April 4, 2008, 9:00 a.m.]