

RULES AND REGULATIONS

Title 58—RECREATION

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 April 22, 2008, meeting, adopted the following rulemaking:

Amend § 141.45 (relating to turkey) to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey.

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 38 Pa.B. 1590 (April 5, 2008).

1. *Purpose and Authority*

On June 30, 2007, Governor Rendell signed into law Senate Bill 580, the act of June 30, 2007 (P. L. 62, No. 18). This legislation effectively amended section 2383 of the code 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, the Commission amended § 141.45 (relating to turkey) to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey to maintain consistency.

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 of § 141.45 was adopted under this authority.

2. *Regulatory Requirements*

The final-form 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 final-form rulemaking.

4. *Comment and Response Summary*

The Commission received one comment respecting this final-form rulemaking in support of eliminating the regulatory prohibition against the use of dogs while hunting wild turkey during the fall.

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 upon final 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 R. Palmer, 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 this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.45 to read as set forth at 38 Pa.B. 1590.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 1590 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 48-266 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1189. Filed for public inspection June 27, 2008, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 141 AND 143] Hunting and Trapping and Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 22, 2008, meeting, adopted the following rulemaking:

Amend §§ 141.48, 143.206 and 147.207 (relating to elk hunt zones; validity of license and unlawful acts) to redesignate "elk management areas/units" as "elk hunt zones" and § 143.203 (relating to drawing).

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 38 Pa.B. 1482 (March 29, 2008).

1. Purpose and Authority

The Commission recently redesignated all the "elk management areas/units" found within this Commonwealth's Northcentral region as "elk hunt zones." This redesignation is reflected in the Commission's elk management plan as well as the *Hunting and Trapping Digest*, however, this change is not properly reflected in current regulations. Therefore, in an effort to correct this lack of consistency, the Commission amended §§ 141.48, 143.206 and 143.207 by redesignating "elk management areas/units" as "elk hunt zones."

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 amendments of §§ 141.48, 143.206 and 143.207 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking will amend §§ 141.48, 143.206 and 143.207 to redesignate "elk management areas/units" as "elk hunt zones."

3. Persons Affected

Persons wishing to hunt elk within this Commonwealth 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 any additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final-form 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 R. Palmer, 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 these 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 Chapters 141 and 143, are amended by amending §§ 141.48, 143.203, 143.206 and 143.207 to read as set forth at 38 Pa.B. 1482.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 1482 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 48-264 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 08-1190. Filed for public inspection June 27, 2008, 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 22, 2008, meeting, adopted the following rulemaking:

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

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 38 Pa.B. 1597 (April 5, 2008).

1. Purpose and Authority

A uniform system of wildlife management units (WMUs) was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of this new wildlife management unit 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. Wildlife management unit boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. At the time of the approval of the new wildlife management unit 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 Ebsenburg 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 amended § 139.17 to provide updated wildlife management unit 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 of § 139.17 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking will amend § 139.17 to provide updated WMU boundaries.

3. *Persons Affected*

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

4. *Comment and Response Summary*

The Commission received 17 comments respecting this final-form rulemaking. Out of this total, five were in support and five were in opposition to the Commission's proposal to update the WMU boundaries. In addition, five comments recommended that WMUs be made smaller, one comment claimed wildlife management units were too confusing and one recommended specific adjustments to WMU 5C's boundaries.

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 upon final-form 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 R. Palmer, 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 this 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 § 139.17 to read as set forth at 38 Pa.B. 1597.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 1597 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 48-263 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1191. Filed for public inspection June 27, 2008, 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 22, 2008, meeting, adopted 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 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 38 Pa.B. 1591 (April 5, 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 this Commonwealth. Some notable 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 (WMUs) 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 elimination of the September season after 2008, and finally expanded bobcat hunting/trapping opportunities in WMU 4D.

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 of § 139.4 was adopted under this authority.

2. *Regulatory Requirements*

The final-form 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 final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 361 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Season (in general)

Out of a total of 303 comments received concerning this subtopic, 14 supported and 115 opposed the Commission's current deer program, 32 supported and 43 opposed retaining concurrent deer seasons, 10 supported retaining concurrent deer seasons for youth, 1 opposed closing concurrent deer seasons on private land in WMUs 2B, 2G, 3C and 4B, 1 opposed closing concurrent deer season on Deer Management Assistant Program (DMAP) properties in WMUs 2B, 2G, 3C and 4B, 14 supported and 4 opposed limiting antlerless deer hunting to the second week of the concurrent deer season in WMUs 2B, 2G, 3C and 4B, 30 opposed limiting antlerless deer hunting to the second week of the concurrent deer season in WMUs 2B, 2G, 3C and 4B only, 1 opposed antlerless seasons after the rut, 2 opposed allowing hunters to harvest more than 1 deer per license year, 2 opposed allowing hunters to harvest more than 1 antlered and 1 antlerless per license year, 1 opposed allowing hunters to harvest more than 1 deer per day, 23 opposed opening all antlerless seasons for 1 or 2 years, 1 opposed all doe seasons on public land for 1 or 2 years, 1 supported and 4 opposed October antlerless seasons, 1 opposed all antlerless seasons after Christmas due to dropped antlers, 1 opposed antlerless seasons in the southwest due to EHD and 2 opposed not allowing rifle hunters to hunt during the rut.

Deer Archery Season

Out of a total of four comments received concerning this subtopic, all opposed a longer archery deer season.

Deer Muzzleloader Season

Out of a total of five comments received concerning this subtopic, all opposed the duration of muzzleloader hunting opportunities.

Bear Season

Out of a total of two comments received concerning this subtopic, one opposed the opening of the extended season in WMU 3D in areas below 500 foot elevation and one opposed the exclusion of WMU 3D from the bear archery season.

Turkey Season

Out of a total of two comments received concerning this subtopic, one opposed the inclusion of the Monday of Memorial Day in the spring gobbler season and one opposed closing WMU 5A to fall turkey hunting.

Small Game Season

Out of a total of 43 comments received concerning this subtopic, 2 supported and 36 opposed allowing ruffed grouse hunting in the barrens, 2 opposed the length of ruffed grouse season (too short) and 3 opposed the length of small game seasons (too short).

Furbearer Hunting/Trapping Season

Out of a total of two comments received concerning this subtopic, one supported a bobcat season and 1 opposed the length of coyote season (too long).

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The effective dates of the final-form rulemaking are July 1, 2008, to June 30, 2009.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard A. Palmer, 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 this 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 shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-262 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)
 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 WMUs 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 WMUs 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 WMUs 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 25	Nov. 29	2	4
Ringneck Pheasant—Male or female combined in WMUs 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 WMUs except in WMUs 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 25	Nov. 29	4	8

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2009	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
WMUs 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 15		
WMU 2B (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 22		
WMUs 2C, 2E, 2F, 4A and 4B	Nov. 1	Nov. 15		
WMUs 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Nov. 1	Nov. 22		
WMUs 5A and 5B	Closed to fall turkey hunting			
WMUs 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

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 WMUs 2B, 5C and 5D	Oct. 4	Nov. 15	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 10, 2009	
Deer, Antlerless—WMUs 2B, 5C and 5D (Archery—Bows and Arrows and Crossbows)	Sept. 20	Oct. 3	An antlerless deer with each required antlerless license.
	Nov. 17	Nov. 29	
	Dec. 15	Dec. 23	
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 & 8} WMUs 2D, 2G, 3C and 4B	Dec. 1	Dec. 5	One antlered deer
Deer, Regular Antlered and Antlerless ^{2 & 8} 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 Commission 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. 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 WMUs 2B, 5C and 5D	Dec. 15	Dec. 23	An antlerless deer with each required antlerless license.
	Dec. 26	Jan. 24, 2009	
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 WMUs 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

Portions of WMUs 2G in Lycoming and Clinton counties, and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Road and South of Lusk Run Road to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Road, South of Croak Hollow Road to Rt. 664 (at Swissdale), South of Rt. 664 to Little Plum Road (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Road, South of Sulphur Run Road to Rt. 44, 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

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

Minks and Muskrats—(Statewide)	Nov. 22	Jan. 11, 2009		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2009		
WMUs 2E, 2F and 2G (Combined)			20	20
WMUs 1A, 1B, 3A, 3B, 3C and 3D (Combined)			20	40
WMUs 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 & Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1, 2009	Feb. 22, 2009		Unlimited
Bobcat ⁶ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D and 4D	Oct. 26	Feb. 22, 2009	1	1

Species	First Day	Last Day	Daily Limit	Season Limit
FURTAKING—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			No closed season. These species may (Statewide) not be hunted prior to noon during the spring gobbler turkey season.	
Raccoons and Foxes—(Statewide) ⁷	Oct. 25	Feb. 21, 2009		Unlimited
Bobcat ⁶ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D amd 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 act (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 2 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 act (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 WMUs 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. 08-1192. Filed for public inspection June 27, 2008, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 22, 2008, meeting, adopted the following rule-making:

Amend § 147.701 (relating to general) to permit non-resident furtaker license holders to apply for and receive a bobcat hunting/trapping permit, to permit the Commission to automatically select bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow, and to update the bobcat tagging procedures and remove the requirement that all bobcat carcasses be physically presented to the

Commission for examination, data collection and permanent tagging.

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 38 Pa.B. 1483 (March 29, 2008).

1. *Purpose and Authority*

The Commission first authorized the hunting/trapping of bobcats in 2000 after 30 years of complete protection. Due to the low numbers of bobcat permits initially made available, the Commission limited the issuance of permits to residents of this Commonwealth only. The number of bobcat permits currently issued now exceeds 1,000 annually and a growing number of nonresidents have requested to have the opportunity to apply for and receive a bobcat hunting/trapping permit. Due to the abundance of the number of available bobcat hunting/trapping permits as well as the fact that nonresident furtakers make up less than 1% of the total number of licensed furtakers in this Commonwealth, the Commission amended § 147.701 to permit nonresident furtaker license holders to apply for and receive a bobcat hunting/trapping permit.

In 2003, the Commission began awarding preference points to individuals who applied for but did not receive a bobcat harvest permit during a given year. The preference point system was designed to incrementally increase the probability of an individual's chances of being drawn for a bobcat hunting/trapping permit each year the applicant was unsuccessful. After reviewing the relevant data, the Commission has found that the current drawing process, albeit completely random, has the capability of allowing an applicant to attain the maximum number of preference points, yet never be drawn for a permit while at the same time allowing another applicant to be successfully drawn multiple times over the course of a number of years. In an effort to reduce this real or perceived inequity in the drawing process, the Commission amended § 147.701 to permit the Commission to automatically select bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow.

Formerly, the tagging requirements found in § 147.701 required a successful hunter/trapper to submit the bobcat carcass to the Commission for examination, data collection and permanent tagging. The Commission determined that presentation of the carcass was no longer necessary for these purposes and that administration of the permanent tag issuance can be more efficiently accomplished by means of telephone and mail. Therefore, the Commission amended § 147.701 to update the bobcat tagging procedures and remove the requirement that all bobcat carcasses be physically presented to the Commission for examination, data collection and permanent tagging.

Section 2901(b) of the code (relating to authority to issue permits) provides that "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 of § 147.701 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking will amend § 147.701 to permit nonresident furtaker license holders to apply for and receive a bobcat hunting/trapping permit, to permit the Commission to automatically select bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow, and to update the bobcat tagging procedures and remove the requirement that all bobcat carcasses be physically presented to the Commission for examination, data collection and permanent tagging.

3. *Persons Affected*

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

4. *Comment and Response Summary*

The Commission received one comment respecting this final-form rulemaking in support of automatically selecting bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow.

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 upon final-form 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 R. Palmer, 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 this 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 § 147.701 to read as set forth at 38 Pa.B. 1483.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 1483 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 48-265 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1193. Filed for public inspection June 27, 2008, 9:00 a.m.]

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GAME COMMISSION
[58 PA. CODE CH. 137]
Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 22, 2008, meeting, adopted the following rulemaking:

Amend § 137.1 (relating to importation, possession, sale and release of certain wildlife) to require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth and to prohibit the importation, possession, sale and release of all nonhuman primates within this Commonwealth.

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 38 Pa.B. 1484 (March 29, 2008).

1. *Purpose and Authority*

Currently, § 137.1 requires a person importing lawfully acquired wildlife, or parts thereof, for menagerie, educational or scientific purposes to obtain an importation permit, but does not require an importation permit for exotic wildlife dealer or exotic wildlife possession permit holders. In an effort to create consistency in the regulations and increase the Commission's capabilities to address wildlife epidemiological concerns, the Commission is proposing to amend § 137.1 to specifically require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth. The Commission is also proposing to prohibit the importation, possession, sale and release of all nonhuman primates within this Commonwealth in response to human health/safety and wildlife habitat health purposes.

Section 2901(b) of the code (relating to authority to issue permits) provides that "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 appropri-

ate 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 of § 137.1 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking will amend § 137.1 to require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth and to prohibit the importation, possession, sale and release of all nonhuman primates within this Commonwealth.

3. *Persons Affected*

Persons wishing to import, possess, sell or release exotic or nonindigenous wildlife, including nonhuman primates, within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

The Commission received one comment respecting this final-form rulemaking in support of prohibiting the importation, possession, sale or release of any nonhuman primates within this Commonwealth.

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 upon final-form 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 R. Palmer, 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 this 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 § 137.1 to read as set forth at 38 Pa.B. 1484.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 1484 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 48-267 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1194. Filed for public inspection June 27, 2008, 9:00 a.m.]
