

PROPOSED RULEMAKING

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 27, 2009, meeting, proposed to add § 141.28 (relating to wild pheasant recovery areas) to define the geographic locations of the wild pheasant recovery areas and prohibit the release of propagated pheasants and certain dog training activities within same.

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 27, 2009, 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 17, 2009.

1. Purpose and Authority

The Ring-necked Pheasant Management Plan calls for restoring self-sustaining and huntable ring-necked pheasant populations in suitable habitats by establishing Wild Pheasant Recovery Areas (WPRAs). Wild-trapped pheasants will be released in WPRAs in an effort to establish populations of at least 10 hens per mi² in the spring, while WPRAs remain closed to game farm pheasant stocking and pheasant hunting, and dog training is restricted during the population establishment period. The moratorium on game farm pheasant releases is aimed at minimizing the possibility of reducing genetic diversity and improving survivorship of wild pheasants. Pheasant hunting curtailment is important to eliminating the incidental taking of hen pheasants thus limiting population viability. Dog training restrictions are essential to maximizing survivorship and direct taking of hens, especially during the spring nesting and summer brood rearing periods. The Commission is proposing to add § 141.28 to define the geographic locations of the wild pheasant recovery areas and prohibit the release of propagated pheasants and certain dog training activities within same.

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(c) of the code (relating to regulations) directs that "The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." 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 addition of § 141.28 was proposed under to this authority.

2. Regulatory Requirements

The proposed rulemaking will add § 141.28 to define the geographic locations of the wild pheasant recovery areas and prohibit the release of propagated pheasants and certain dog training activities within the defined locations.

3. Persons Affected

Persons wishing to hunt wild pheasants, release propagated pheasants or train dogs within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final 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: 48-279. No fiscal impact; (8) recommends adoption.

(Editor's Note: The following section is new. The text has been printed in regular print to enhance readability.)

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.28. Wild pheasant recovery areas.

(a) *Definition.* For the purpose of this section, the phrase "wild pheasant recovery area" (WPRAs) includes and is limited to the following geographic locations.

(1) *Pike Run WPRAs.* The portion of Washington County, WMU 2A, bounded on the east by the Monongahela River, on the north by I-70, on the west by PA Rt. 917 to Swagler Rd. to Spring Valley Rd. to PA Rt. 2015 to Lone Pine Rd. to the intersection with Tenmile Creek in West Zollarsville, and bounded on the south by Tenmile Creek.

(2) *Somerset WPRAs.* That portion of Somerset County, WMU 2C, bounded on the western side starting at the intersection of Coleman Station Rd. and to Stutzmantown Rd. proceeding south on Coleman Station Rd. to Brotherton Rd. continuing south to Shultz Rd./Round Hill Rd. then onto Wills Church Rd. then to Archery Rd. Boundary follows Berlin Plank Rd. (US Rt. 219) into the town of Berlin where it joins the Mason Dixon Highway (US Rt. 219) proceeding south to Pine Hill Rd. then onto Goodtown Rd. to Walker School Rd. to Sawmill Rd. Boundary crosses PA Rt. 160 to intersection with PA Rt.

31. Following Roxbury Rd. north to Shanksville Rd. connecting to the northern boundary of Stutzmantown Rd. again to the intersection of Coleman Station Rd.

(3) *Central Susquehanna WPR*A. Portions of Management Unit 4E in Northumberland, Montour, Columbia and Lycoming counties from the West Branch of the Susquehanna River to the south and east of the intersection of PA Rts. 54 and 405 south to the intersection with PA Rt. 642 and the West Branch of the Susquehanna River in Milton. The southern boundary is defined by PA Rt. 642 east from Milton to Maudsley, then PA Rt. 642 begins the east side of the WPR boundary north to Jerseytown and then continues to the northern boundary following Whitehall Rd. (PA Rt. 44) towards White Hall. The northern boundary consists of smaller state and township roads proceeding from the West Branch of the Susquehanna River south and east along PA Rt. 405 to PA Rt. 54 east in Northumberland County. Then proceeding north on Crawford Rd. (Rt. 507), continuing northeast on Hughes Rd. (Rt. 655), crossing under I-180, ending at Susquehanna Trail (PA Rt. 1007). Continuing south on Susquehanna Trail (PA Rt. 1007) to Schmidt Rd. (Rt. 564). Proceeding east and southeast on Schmidt Rd. (Rt. 564). Continuing northeast on Balliet Rd. (Rt. 664) and Miller Rd. (Rt. 653) to Hockley Hill Rd. (PA Rt. 1011). Proceeding south on Hockley Hill Rd. (PA Rt. 1011) and east and south on Pugmore Lane to Showers Rd. (PA Rt. 1010). Continuing east on Showers Rd. (PA Rt. 1010), crossing into Montour County, and proceeding south on Gearhart Hollow Rd. (Rt. 441), east on Hickory Rd. (PA Rt. 1008), northeast on Mingle Rd. (Rt. 433), east on Hickory Rd. (PA Rt. 1008), north on Muncy Exchange Rd. (PA Rt. 1003), northeast on Country Line Rd., crossing into Lycoming County, east and north on Ridge Rd., southeast on G Wagner Rd., crossing into Columbia County, south on Katy's Church Rd., to the border of State Game Lands 226. South along the State Game Lands 226 boundary and then east and southeast along the State Game Lands 226 boundary, then south on Ants Hill Rd. Proceeding east on Shultz Rd., south on Swartz Rd., west on Schoolhouse Rd. to Whitehall Rd. (PA Rt. 44) northwest of Jerseytown and southeast of Whitehall.

(b) *Prohibitions*. It is unlawful to:

(1) Release artificially propagated pheasants any time within any area designated as a wild pheasant recovery area.

(2) Train dogs in any manner from the end of small game season through July 31 within any area designated as a wild pheasant recovery area.

[Pa.B. Doc. No. 09-515. Filed for public inspection March 20, 2009, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2009, meeting, proposed to amend § 141.66 (relating to cable restraints) to permit properly licensed trappers to take and utilize nontarget furbearing species captured in a cable restraint device during an open season for the same.

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 27, 2009, 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 17, 2009.

1. *Purpose and Authority*

In January 2005, the Commission first defined and authorized the limited use of cable restraint devices to harvest red fox, gray fox and coyote. Since the inception of its lawful use by this Commonwealth's trappers, the Commission has identified a low but recognizable incidence of nontarget furbearing species (including raccoons, opossum, skunk and bobcat) being captured in legal sets of these devices. Due to the limited authorization on the species that can be lawfully harvested through the use of the cable restraint devices, the Commission has historically treated the capture of all other nontarget furbearing species as mistake catches despite the fact that there are typically open seasons on these species at the time of capture. In an effort to avoid this result, the Commission is proposing to amend § 141.66 to permit properly licensed trappers to take and utilize nontarget furbearing species captured in a cable restraint device during an open season for the same. The amendment will also allow an incidentally captured bobcat to be harvested if the trapper possesses a valid bobcat harvest permit. This modification does not in any manner change the legal definition of a legal cable restraint or the manner or location where these devices may be set.

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 (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 § 141.66 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.66 to permit properly licensed trappers to take and utilize nontarget furbearing species captured in a cable restraint device during an open season for the same.

3. *Persons Affected*

Persons wishing to trap furbearing species with cable restraint devices within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork. Rather, the proposed rulemaking will likely reduce costs and paperwork associated with the disposition of furbearing species mistakenly captured in cable restraint devices.

5. *Effective Date*

The proposed rulemaking will be effective upon final 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: 48-280. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.66. Cable restraints.

(a) Cable restraint devices may be used from January 1 until the end of the established trapping season to harvest red fox, gray fox and coyote. **Nontarget furbearing species incidentally captured in a cable restraint device during an open season for that species may be taken and utilized, provided the trapper possesses an applicable licenses and permits.**

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[Pa.B. Doc. No. 09-516. Filed for public inspection March 20, 2009, 9:00 a.m.]

**[58 PA. CODE CH. 141]
Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2009, meeting, proposed to amend § 141.4, Appendix G (relating to hunting hours) for the 2009-2010 hunting 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 27, 2009, 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 17, 2009.

1. *Purpose and Authority*

Each year there is a shift in calendar days for each month. As a result of this occurrence, the tables of hunting hours found in § 141.4 must be amended and updated each year to reflect the current year's hunting dates and corresponding legal hunting hours. The Commission is proposing to amend § 141.4 to update the tables of hunting hours for the 2009-2010 hunting year to

reflect the annual change in days and subsequent hunting times.

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(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 § 141.4 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.4 to update the tables of hunting hours for the 2009-2010 hunting year to reflect the annual change in days and subsequent hunting times.

3. *Persons Affected*

Persons wishing to hunt or trap within this Commonwealth during the 2009-2010 hunting 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, 2009, to June 30, 2010.

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: 48-282. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

APPENDIX G

(Editor's Note: The Commission is proposing to replace the tables in Appendix G which appears in 58 Pa. Code pages 141-26—141-28, serial pages (335718), (340221) and (340222)) and replace it with the following tables.)

**HUNTING HOURS TABLE FOR
JUNE 28, 2009 THROUGH JULY 3, 2010**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:07	9:03
July 5—11	5:12	9:02
July 12—18	5:17	8:56
July 19—25	5:23	8:51
July 26—Aug. 1	5:29	8:44
Aug. 2—8	5:36	8:36
Aug. 9—15	5:42	8:27
Aug. 16—22	5:51	8:17
Aug. 23—29	5:56	8:06
Aug. 30—Sept. 5	6:02	7:55
Sept. 6—12	6:09	7:44
Sept. 13—19	6:16	7:32
Sept. 20—26	6:22	7:21
Sept. 27—Oct. 3	6:29	7:09
Oct. 4—10	6:34	6:58
Oct. 11—17	6:43	6:48
Oct. 18—24	6:51	6:38
Oct. 25—31	6:59	6:29
Nov. 1—7*ends	6:07	5:21
Nov. 8—14	6:15	5:15
Nov. 15—21	6:23	5:10
Nov. 22—28	6:30	5:07
Nov. 29—Dec. 5	6:37	5:05
Dec. 6—12	6:43	5:05
Dec. 13—19	6:48	5:06
Dec. 20—26	6:49	5:08
Dec. 27—Jan. 2	6:52	5:12
Jan. 3—9	6:53	5:22
Jan. 10—16	6:52	5:25
Jan. 17—23	6:50	5:32
Jan. 24—30	6:46	5:40
Jan. 31—Feb. 6	6:40	5:49
Feb. 7—13	6:30	5:57
Feb. 14—20	6:25	6:05
Feb. 21—27	6:15	6:14
Feb. 28—Mar. 6	6:05	6:19
Mar. 7—13*begins	6:55	7:29
Mar. 14—20	6:44	7:36
Mar. 21—27	6:32	7:44
Mar. 28—Apr. 3	6:21	7:51
Apr. 4—10	6:10	7:58
Apr. 11—17	5:59	8:05
Apr. 18—24	5:48	8:12
Apr. 25—May 1	5:40	8:21
May 2—8	5:30	8:26
May 9—15	5:25	8:33

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 16—22	5:15	8:40
May 23—29	5:10	8:46
May 30—June 5	5:05	8:52
June 6—12	5:02	8:57
June 13—19	5:02	9:00
June 20—26	5:03	9:03
June 27—July 3	5:07	9:03
*Daylight Saving Time		

**MIGRATORY GAME BIRD HUNTING
HOURS TABLE**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 30—Sept. 5	6:02	7:25
Sept. 6—12	6:09	7:14
Sept. 13—19	6:16	7:02
Sept. 20—26	6:22	6:49
Sept. 27—Oct. 3	6:29	6:39
Oct. 4—10	6:34	6:28
Oct. 11—17	6:43	6:18
Oct. 18—24	6:51	6:08
Oct. 25—31	7:00	5:59
Nov. 1—7*ends	6:07	4:49
Nov. 8—14	6:15	4:45
Nov. 15—21	6:23	4:40
Nov. 22—28	6:30	4:37
Nov. 29—Dec. 5	6:37	4:35
Dec. 6—12	6:43	4:35
Dec. 13—19	6:48	4:36
Dec. 20—26	6:49	4:38
Dec. 27—Jan. 2	6:52	4:42
Jan. 3—9	6:53	4:48
Jan. 10—16	6:52	4:55
Jan. 17—23	6:50	5:02
Jan. 24—30	6:46	5:10
Jan. 31—Feb. 6	6:40	5:19
Feb. 7—13	6:30	5:27
Feb. 14—20	6:25	5:35
Feb. 21—27	6:15	5:44
Feb. 28—Mar. 6	6:05	5:49
Mar. 7—13*begins	6:55	6:59
Mar. 14—20	6:44	7:06
Mar. 21—27	6:32	7:14
Mar. 28—Apr. 3	6:21	7:21
Apr. 4—10	6:10	7:28
Apr. 11—17	5:59	7:35
*Daylight Saving Time		

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