

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 58 PA. CODE CHS. 143 AND 147 ]

#### Hunting and Furtaker Licenses and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2009, meeting, adopted the following rulemaking:

Amend Chapter 143, Subchapters A, B, D, E, J and K, and Chapter 147, Subchapters R and S (relating to deer control; and bobcat hunting-trapping permit) to accommodate the implementation of the Commission's new Pennsylvania Automated License System (PALS) 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. 1477 (March 29, 2008).

#### 1. Purpose and Authority

The Commission has been working in partnership with the Pennsylvania Fish and Boat Commission (PFBC) to create and implement the Commonwealth's first PALS for recreational licenses. The PALS has allowed the Commission and PFBC to replace their respective paper-based licensing systems with a common computer-based automated licensing system. Implementing this computerized PALS within this Commonwealth will significantly streamline the application and purchase process for customers, virtually eliminate manual auditing and reporting for agents, and provide tremendous new electronic functionality to assist the Commission and PFBC support staff in monitoring license administration. In addition, the data from the PALS will enable the Commission and PFBC to monitor license sales, create strategic business plans based on trend analysis and, most importantly, create marketing plans based on more accurate customer demographics. Therefore, in an effort to accommodate the implementation of the Commission's new PALS within this Commonwealth, the Commission has amended Chapter 143, Subchapters A, B, C, D, E, J and K, and Chapter 147, Subchapters R and S.

It is important to note that this rulemaking was tabled subsequent to its proposal due to the recurrent unavailability of an operational PALS during this time frame. In light of the progress made to the system during the past year, the Commission anticipates a full hard roll out of the system on June 15, 2009. As a consequence, the Commission has reactivated this proposal to make the necessary regulatory changes to effectuate use of the system.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the commission shall adopt regulations for "The administration, control and performance of activities conducted pursuant to the provisions of this chapter." Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game

or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to Chapter 143, Subchapters A, B, C, D, E, J and K, and Chapter 147, Subchapters R and S were adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking will amend Chapter 143, Subchapters A, B, C, D, E, J and K, and Chapter 147, Subchapters R and S to accommodate the implementation of the Commission's new PALS within this Commonwealth.

#### 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 a total of three official written comments concerning this final-form rulemaking. The comments were generally in opposition of the implementation of the PALS within this Commonwealth.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking may result in some additional cost and paperwork associated with the implementation of the Commission's new PALS within this Commonwealth. However, the Commission has determined that if there is any additional expense associated with this effort, it will not be substantial and would be absorbed by the current budget. The final-form rulemaking should not result in any other 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 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 143 and 147, are amended by amending §§ 143.1, 143.11, 143.26, 143.41, 143.43—143.45, 143.48—143.50, 143.52, 143.53, 143.68, 143.181—143.184, 143.186, 143.187, 147.672, 147.673, 147.675 and 147.676 and by deleting §§ 143.81—143.87 to read as set forth at 38 Pa.B. 1477 and by amending §§ 143.42, 143.51 and 147.674 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 38 Pa.B. 1477 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 48-268 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKER LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.42. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Application*—The original PALS form issued with a regular hunting license or the original or reasonable facsimile of the universal form contained in the *“Hunting and Trapping Digest”* that is used in applying for an antlerless license or an unsold tag.

*County allocation*—The number of licenses allocated by the Commission to an individual county.

*County treasurer*—A county treasurer in this Commonwealth or a person carrying out the duties and responsibilities of a county treasurer in counties functioning under a home rule charter.

*Date issued*—The date printed on the license at the time of issuance indicating when the license was mailed or given to the person named on the license.

*Envelope*—The official envelope issued with a regular hunting license which shall be used by the applicant to mail completed applications to a county treasurer.

*Home address*—The location where a person is legally domiciled; a true, fixed and permanent home and principal residence; and the place to which, whenever the applicant is temporarily absent, he intends to return.

*License*—The numbered license which is issued by the county treasurer or the Commission authorizing the holder thereof to hunt antlerless deer in a specific wildlife management unit.

*Management unit allocation*—The number of licenses allocated by the Commission to an individual wildlife management unit.

*PALS*—Pennsylvania Automated License System.

*Unsold tag*—An antlerless deer license permitting properly licensed persons to take an antlerless deer during any firearms antlerless deer season, archery or flintlock muzzleloader and muzzleloader deer seasons in the wildlife management unit of issue.

*Unsold tag application*—The form contained in the *“Hunting and Trapping Digest”* used in applying for an unsold tag.

*Void*—A voided license which remains nonissuable.

**§ 143.51. Application and issuance of unsold tags.**

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the first Monday in August, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) The original PALS form issued with a regular hunting license or the original or reasonable facsimile of the universal form contained in the *“Hunting and Trapping Digest”* that is used in applying for an antlerless license or an unsold tag.

(c) The applicant shall use the official antlerless deer license application envelope.

(d) Unless otherwise ordered by the Director, remittance in the form of a negotiable check or money order for the total amount due as specified in the act, payable to “County Treasurer,” shall accompany the application.

(e) Unsold tags shall be issued through the Commission’s PALS. The county treasurer shall write in ink the applicants customer ID numbers on the face of the check or money order. If there are no licenses available in the applicant’s first unit of preference, the county treasurer shall issue a license for the applicant’s next unit of preference in the order given. If all three units have no licenses available, the county treasurer shall return the application to the applicant indicating that the selected units were sold out.

(f) Beginning on the third Monday in August, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to a county treasurer.

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter R. DEER CONTROL**

**DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS**

**§ 147.674. Issuance of DMAP harvest permits.**

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued through the Commission’s PALS.

(b) Two harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license.

(c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$10 for residents and \$35 for nonresidents. A fee of \$6 will be assessed for the replacement of any DMAP harvest permit.

(d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

(e) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

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