

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

[25 PA. CODE CH. 208]

Board Of Coal Mine Safety Acceptance of Rule-making Petition for Study

On March 17, 2010, the Board of Coal Mine Safety (Board) accepted two rulemaking petitions for study. The first petition, submitted by Karen Hampton, requests the amendment of two sections to be proposed in 25 Pa. Code §§ 208.1 and 208.70 for inclusion of the requirements pertaining to the placement, training and maintenance of an automated external defibrillator (AED). The Board proposes to add the definition of an “automated external defibrillator.” The Board also proposes to add § 208.70 detailing where AEDs are to be located, the maintenance of AEDs and the training standards miners are required to meet for the use of AEDs. Section 208.70 will also extend the requirements and protection under 42 Pa.C.S. § 8331.2 (relating to Good Samaritan civil immunity for use of automated external defibrillator).

The second petition, submitted by John Gallick, requests the amendment of proposed §§ 208.1 and 208.71 for the further clarification of what constitution an “accident” and when a mine operator is required to contact the Department of Environmental Protection (Department) within 15 minutes of the incident. Under the Bituminous Coal Mine Safety Act (52 P.S. §§ 690-101—690—708), the definition of “accident” includes, but is not limited to, a list 14 of predetermined events. The petition suggests amending the list to include two additional incidents for a total of 16 predetermined events. The petition would also remove the word “including” from the definition of accidents which would then be defined as the 16 predetermined events.

Under the Board’s accepting of the petitions, the Department will prepare a rulemaking package for the inclusion of the requirements pertaining to the placement, training and maintenance of automated external defibrillators. The Department is also preparing a proposed rulemaking package to amend the definition of “accident” as well as further detailing the accident notification requirements.

The previously-referenced petitions are available to the public by contacting the Board of Coal Mine Safety, Fayette County Health Center, 100 New Salem Road, Uniontown, PA, (724) 439-7289, and are accessible on the Department’s web site at www.depweb.state.pa.us (select “Public Participation;” “Board of Coal Mine Safety;” “Meeting/Agendas Handouts/Minutes”).

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-593. Filed for public inspection April 2, 2010, 9:00 a.m.]

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 143.45 (relating to completing and submitting applications) to authorize county treasurers to begin selling antlerless licenses over the counter on the first Monday in October.

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 26, 2010, 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 14, 2010.

1. Purpose and Authority

Commission staff recently met with the County Treasurer’s Association (Association) to discuss outcomes and concerns related to the first year of antlerless deer license issuance through the Pennsylvania Automated Licensing System (PALS). The Association suggested that a change be made to the regulation to help them process applications more efficiently. The Association asked that State-wide over the counter sales begin earlier so that hunters will not have to apply by mail. The Commission is proposing to amend § 143.45 (relating to completing and submitting applications) to authorize county treasurers to begin selling antlerless licenses over the counter on the first Monday in October.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. 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 § 143.45 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 143.45 to authorize county treasurers to begin selling antlerless licenses over the counter on the first Monday in October.

3. Persons Affected

Persons wishing to apply for antlerless deer licenses from county treasurers over the counter 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 R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-305. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.45. Completing and submitting applications.

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than by regular first class mail delivered through and by the United States Postal Service. Applications for unsold antlerless deer licenses shall be accepted by county treasurers over the counter and may immediately be processed if licenses are available beginning on the first Monday in [**November**] **October**.

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[Pa.B. Doc. No. 10-594. Filed for public inspection April 2, 2010, 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) proposed the following rulemaking at its January 26, 2010, meeting:

Amend Chapter 141, Appendix G (relating to hunting hours) to update the tables of hunting hours for the 2010-2011 hunting year to reflect the annual change in days and subsequent hunting times.

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 26, 2010, 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 14, 2010.

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 Chapter 141, Appendix G 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 Chapter 141, Appendix G to update the tables of hunting hours for the 2010-2011 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 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 Chapter 141, Appendix G were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend Chapter 141, Appendix G to update the tables of hunting hours for the 2010-2011 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 2010-2011 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, 2010, to June 30, 2011.

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: 48-303. 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: As part of this proposal, the Commission is proposing to replace the tables in Appendix G which appear in 58 Pa. Code pages 141-30—141-32, serial pages (343752)—(343754) with the following tables.)

**HUNTING HOURS TABLE
FOR JUNE 27, 2010 THROUGH JULY 2, 2011**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 27—July 3	5:07	9:03
July 4—10	5:11	9:01
July 11—17	5:16	8:57
July 18—24	5:22	8:52
July 25—31	5:28	8:45
Aug. 1—7	5:35	8:37
Aug. 8—14	5:42	8:29
Aug. 15—21	5:52	8:19
Aug. 21—28	5:55	8:08
Aug. 29—Sept. 4	6:01	7:57
Sept. 5—11	6:08	7:46
Sept. 12—18	6:14	7:34
Sept. 19—25	6:21	7:23
Sept. 28—Oct. 2	6:28	7:11
Oct. 3—9	6:35	7:00
Oct. 10—16	6:42	6:50
Oct. 17—23	6:50	6:40
Oct. 24—30	6:57	6:31
Oct. 31—Nov. 6*ends	6:05	5:23
Nov. 7—13	6:13	5:14
Nov. 14—20	6:21	5:09
Nov. 21—27	6:29	5:07
Nov. 28—Dec. 4	6:36	5:06
Dec. 5—11	6:42	5:06
Dec. 12—18	6:47	5:07
Dec. 19—25	6:49	5:09
Dec. 26—Jan. 1	6:52	5:12
Jan. 2—8	6:52	5:17
Jan. 9—15	6:52	5:23
Jan. 16—22	6:50	5:33
Jan. 23—29	6:46	5:39
Jan. 30—Feb. 5	6:41	5:47
Feb. 6—12	6:34	5:56
Feb. 13—19	6:26	6:04
Feb. 20—26	6:17	6:08
Feb. 27—Mar. 5	6:07	6:20
Mar. 6—12*begins	6:58	7:28
Mar. 13—19	6:46	7:35
Mar. 20—26	6:34	7:42
Mar. 27—Apr. 2	6:23	7:50
Apr. 3—9	6:12	7:57
Apr. 10—16	6:01	8:04
Apr. 17—23	5:50	8:09
Apr. 24—30	5:40	8:18
May 1—7	5:30	8:25
May 8—14	5:25	8:32

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 15—21	5:15	8:39
May 22—28	5:10	8:45
May 29—June 4	5:05	8:51
June 5—11	5:03	8:56
June 12—18	5:02	9:00
June 19—25	5:03	9:03
June 26—July 2	5:06	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. 29—Sept. 4	6:01	7:27
Sept. 5—11	6:08	7:16
Sept. 12—18	6:14	7:04
Sept. 19—25	6:21	6:53
Sept. 26—Oct. 2	6:28	6:41
Oct. 3—9	6:35	6:30
Oct. 10—16	6:42	6:20
Oct. 17—23	6:50	6:10
Oct. 24—30	6:57	6:01
Oct. 31—Nov. 6*ends	6:05	4:53
Nov. 7—13	6:13	4:44
Nov. 14—20	6:21	4:39
Nov. 21—27	6:29	4:37
Nov. 28—Dec. 4	6:36	4:36
Dec. 5—11	6:42	4:36
Dec. 12—18	6:47	4:37
Dec. 19—25	6:49	4:39
Dec. 26—Jan. 1	6:52	4:42
Jan. 2—8	6:52	4:47
Jan. 9—15	6:52	4:53
Jan. 16—22	6:50	5:03
Jan. 23—29	6:46	5:09
Jan. 30—Feb. 5	6:41	5:17
Feb. 6—12	6:34	5:26
Feb. 13—19	6:26	5:34
Feb. 20—26	6:17	5:38
Feb. 27—Mar. 5	6:07	5:50
Mar. 6—12*begins	6:58	6:58
Mar. 13—19	6:46	7:05
Mar. 20—26	6:34	7:12
Mar. 27—Apr. 2	6:23	7:20
Apr. 3—9	6:12	7:27
Apr. 10—16	6:01	7:34

*Daylight Saving Time

[Pa.B. Doc. No. 10-595. Filed for public inspection April 2, 2010, 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) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 141.1 (relating to special regulations areas) to authorize the continued use of bait to hunt deer in the southeast special regulations areas by deleting the sunset provision.

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 26, 2010, 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 14, 2010.

1. Purpose and Authority

In 2006, the Commission amended § 141.1 to permit the limited use of bait to hunt and take deer in the southeastern special regulations areas of this Commonwealth. This authorization included a sunset clause that is set to expire on March 31, 2010, unless the Commission further authorizes its continuation. Commission staff has worked throughout this trial period to assess whether the use of bait actually increased deer harvest opportunity, harvest and hunter success and will conclude this review following the conclusion of this year's hunting seasons and issue a report prior to the April Commission meeting. The Commission has initiated this regulatory amendment in an effort to provide the opportunity to finalize regulations relating to baiting prior to the 2010-2011 *Hunting and Trapping Digest* going to press in late April. To this end, the Commission is proposing to amend § 141.1 to authorize the continued use of bait to hunt deer in the southeast special regulations areas by deleting the sunset provision.

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 § 141.1 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.1 to authorize the continued use of bait to hunt deer in the southeast special regulations areas by deleting the sunset provision.

3. Persons Affected

Persons wishing to hunt deer within the southeast special regulations areas of 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: 48-298. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) Permitted acts. It is lawful to:

* * * * *

(5) Hunt or take deer on private lands only in the southeast area through the use of or by taking advantage of bait.

(i) Bait may be placed or distributed 2 weeks prior to the opening of the first deer season through the close of the last deer season in each wildlife management unit. Bait accumulation in any one location may not exceed 5 gallons total volume at a given time.

[(ii) This paragraph became effective December 26, 2006, and expires March 31, 2010, unless the Commission authorizes its continued legal effectiveness prior to March 31, 2010.]

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[Pa.B. Doc. No. 10-596. Filed for public inspection April 2, 2010, 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) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 141.62 (relating to beaver trapping) to remove the applicability of the 2 body-gripping traps per trapper limitation to WMU 1B.

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 26, 2010, 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 14, 2010.

1. *Purpose and Authority*

WMU 1B has the greatest number of beaver damage complaints in the entire State. Beaver damage/nuisance complaints within this unit normally range between 50 and 100 complaints each year. Last year, 23% of all beaver complaints received by the Commission occurred in WMU 1B. Not surprisingly, WMU 1B has had the highest beaver harvest during the past 20 years than any other unit. Furthermore, there is strong evidence that beaver populations in WMU 1B have grown to the point where they are no longer in balance with their habitat. Nonpreferred foods are being utilized and it appears that all suitable beaver range is occupied. The daily and season limits of 20 and 40 for beavers are rarely reached by trappers in this WMU. As a consequence of these findings, the Commission has determined that a long term increase in the beaver harvest is needed within WMU 1B. The Commission is proposing to amend § 141.62 to remove the applicability of the two body-gripping traps per trapper limitation to WMU 1B. Increasing the number of body-gripping traps for each trapper should greatly improve beaver trapping efficiency and success, thus measurably increasing harvest.

Section 2102(b)(1) of the code (relating to regulations) authorizes the commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.” Section 2102(d) of the code authorizes the commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment to § 141.62 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.62 to remove the applicability of the two body-gripping traps per trapper limitation to WMU 1B.

3. *Persons Affected*

Persons wishing to trap beaver within WMU 1B 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: 48-300. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.62. Beaver trapping.

* * * * *

(b) *Unlawful acts.* It is lawful to:

* * * * *

(4) In an area where beavers are known to inhabit, set, tend or operate more than a combined total of 20 traps or snares no more than 10 of which may be traps. No more than two of the traps may be body gripping traps except in Wildlife Management Units **1B**, 3A, 3B, 3C and 3D where the two body gripping trap limit does not apply.

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[Pa.B. Doc. No. 10-597. Filed for public inspection April 2, 2010, 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) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 141.66 (relating to cable restraints) to establish December 26 as the opening date for the usage of cable restraints.

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 26, 2010, 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 14, 2010.

1. *Purpose and Authority*

Based upon comments from the cable restraint users' survey conducted by the Commission, as well as input from the Pennsylvania Trappers Association, it is clear that trappers are interested in using cable restraint devices earlier in the traditional trapping season. The Commission has determined that opening the cable restraint season 6 days earlier on the day after Christmas will provide a small amount of additional opportunity without significantly impacting other user groups and their hunting opportunities. The Commission is proposing to amend § 141.66 to establish December 26 as the opening date for the usage of cable restraints.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(d) of the code authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.66 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend amend § 141.66 to establish December 26 as the opening date for the usage of cable restraints.

3. Persons Affected

Persons wishing to trap red fox, gray fox or coyote with a cable restraint 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: 48-301. 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] December 26 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] devices during an open

season for that species may be taken and utilized, provided the trapper possesses [an] all applicable licenses and permits.

* * * * *

[Pa.B. Doc. No. 10-598. Filed for public inspection April 2, 2010, 9:00 a.m.]

[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) proposed the following rulemaking at its January 26, 2010, meeting:

Amend §§ 141.48 and 143.206 (relating to elk management area and elk hunt zones; and validity of license) to define important geographical terms and authorize the use of unfilled elk licenses to be used to harvest elk anywhere within this Commonwealth outside of the elk management area during any extended elk season following the regular elk season.

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 26, 2010, 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 14, 2010.

1. Purpose and Authority

Work is ongoing to update and implement the Commission's elk management plan. A somewhat confusing aspect of elk management policy for agency staff and the public has been references to terms such as elk range, elk management area, elk hunt zones and how the Commission describes places in this Commonwealth where the Commission does not want elk established on the landscape. Clarification is being incorporated into the elk management plan and supporting, complimentary regulations are needed to implement the plan's goals and objectives including how hunters and hunting will be used in the management of elk both in and outside the recognized elk management area. To this end, the Commission is proposing to amend §§ 141.48 and 143.206 to define important geographical terms and authorize the use of unfilled elk licenses to be used to harvest elk anywhere within this Commonwealth outside of the elk management area during any extended elk season following the regular elk season.

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 §§ 141.48 and 143.206 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 141.48 and 143.206 to define important geographical terms and authorize the use of unfilled elk licenses to be used to harvest elk anywhere within this Commonwealth outside of the elk management area during any extended elk season following the regular elk season.

3. *Persons Affected*

Persons wishing to hunt elk 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: 48-299. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.48. Elk [hunting] management area and elk hunt zones.

(a) [The divisional line between two or more elk hunt zones shall be the center of the highway, natural water course, other natural boundary or marked boundary.

(b) The elk hunt zones will be established by the Director prior to the opening of elk season.]

Elk management area. The elk management area is comprised of that portion of Wildlife Management Unit 2G in McKean, Potter, Tioga, Elk, Cameron, Clinton, Lycoming, Clearfield and Centre Counties, bounded on the north by Route 6, on the east by Route 287, on the south by Route 220 and I-80 and on the west by Route 219.

(b) **Elk hunt zones.** The elk management area is comprised of one or more elk hunt zones as established by the Director on an annual basis prior to the opening of elk season. The divisional line between two or more elk hunt zones shall be the center of the highway, natural watercourse, other natural boundary or marked boundary.

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter K. ELK LICENSES

§ 143.206. Validity of license.

[An elk license is valid for taking elk only in the elk hunt zones designated on the elk license and is

valid for an antlerless, antlered or either sex elk as designated on the elk license.]

(a) **Elk hunt zones.** Except as provided in subsection (c), an elk license is valid for taking elk only in the elk hunt zones designated on the elk license.

(b) **Elk gender.** Except as provided in subsection (c), an elk license is valid for taking only an antlerless, antlered or either sex elk as designated on the elk license.

(c) **Exception.** Any unfilled antlered or antlerless elk license for any designated elk hunt zones is additionally valid for taking either an antlered or antlerless elk anywhere within this Commonwealth outside of the elk management area during any designated extended elk season following the regular elk season.

[Pa.B. Doc. No. 10-599. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 135.1 (relating to scope) and add Subchapter M (relating to purchase of properties at auction and tax sales) to Chapter 135 to authorize the Executive Director to bid on real estate, oil, gas or mineral rights at auction or tax sales.

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 26, 2010, 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 14, 2010.

1. *Purpose and Authority*

As authorized in 34 Pa.C.S. § 701(a) (relating to acquisition of property), the Commission may acquire property by purchase, gift, lease, eminent domain, or otherwise, including, but not limited to auction purchases. The Commission is further authorized to purchase tax delinquent lands, waters, oil, gas and minerals as provided by law, including, but not limited to, tax sales. Tax sales or auctions often are announced between regular Commission meetings and are to be held sooner than is practicable to organize and hold a special meeting or notational vote. The Commission is proposing to amend § 135.1 and add Subchapter M to Chapter 135 to authorize the Executive Director to bid on real estate, oil, gas or mineral rights at auction or tax sales.

Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Take any necessary action to accomplish and assure the purposes of this title." 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 § 135.1 and addition of Subchapter M to Chapter 135 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.1 and add Subchapter M to Chapter 135 to authorize the Executive Director to bid on real estate, oil, gas or mineral rights at auction or tax sales.

3. Persons Affected

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-304. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§ 135.1. Scope.

This chapter regulates and controls the use **and administration** of lands, waters and buildings under Commission, ownership, lease or jurisdiction.

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

Subchapter M. PURCHASE OF PROPERTIES AT AUCTION AND TAX SALES

Sec.

135.241. Delegation of authority.

§ 135.241. Delegation of authority.

(a) The Commission will delegate authority to the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction.

(b) The exercise of this authority delegated to the Director is limited to the following:

(1) The Director will notify the Board of Commissioners of the pending auction sale date and verify that due to unforeseen time constraints the Director deems there to be an immediate need to react to the sale in the best interest of the Commission and sportsmen.

(2) The purchase price at auction may not exceed \$500,000 without further additional approval from the majority of the Board of Commissioners.

(3) Successful bids shall be made known to the general public at the next regularly scheduled meeting of the Board of Commissioners.

(c) Further action will not be necessary on the part of the Board of Commissioners to hold settlement, pay the remainder of the purchase price or consummate the transaction.

[Pa.B. Doc. No. 10-600. Filed for public inspection April 2, 2010, 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) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2010-2011 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 26, 2010, 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 14, 2010.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2010-2011 seasons and daily season and possession limits are similar to those set in 2009-2010, the 2010-2011 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 include expanded cottontail rabbit hunting opportunities for junior hunters; a Statewide closure of all Northern Bobwhite quail hunting; reduced wild turkey hunting opportunities in WMUs 2B, 2G, 3A, 3B, 3C, 3D, 4C, 4D, 4E, 5C and 5D, expanded wild turkey hunting opportunities in WMU 2F and 5A; expanded archery deer hunting opportunities in WMUs 2B, 5C and 5D; reduced antlerless deer hunting opportunities during the regular firearms season in WMUs 2C, 2E, 4D and 4E; expanded archery bear hunting opportunities Statewide; reduced bear hunting opportunities in WMUs 2G, 3B, 4C, 4D, 4E, 5C and 5D; reduced bobcat hunting/trapping opportunities in WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E; the creation of fisher hunting/trapping opportunities in WMUs 2C, 2D, 2E and 2F; and finally expanded elk hunting opportunities outside of the elk management area. 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 2010-2011 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking . . .” The amendments to § 139.4 were 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 2010-2011 license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2010-2011 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, 2010, to June 30, 2011.

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: 48-297. No fiscal impact; (8) recommends adoption.

Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in 58 Pa. Code pages 139-3—139-14, serial pages (343719)—(343730) with the following table.)

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)
2010-2011 OPEN HUNTING AND FUR TAKING 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. 9	Oct. 15	6	12
Squirrels—(Combined species)	Oct. 16	Nov. 27	6	12
	Dec. 13	Dec. 23		
	Dec. 27	Feb. 5, 2011		
Ruffed Grouse	Oct. 16	Nov. 27	2	4
	Dec. 13	Dec. 23		
	Dec. 27	Jan. 22, 2011		
Rabbits, Cottontail Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 16	4	8
Rabbits, Cottontail	Oct. 23	Nov. 27	4	8
	Dec. 13	Dec. 23		
	Dec. 27	Feb. 26, 2011		

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				
Ring-necked 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. 9	Oct. 16	2	4
Ring-necked 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. 9	Oct. 16	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 23	Nov. 27	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 23 Dec. 13 Dec. 27	and and Feb. 5, 2011	2	4
Bobwhite Quail	No open season, except captive raised or propagated bobwhite quail may be taken on regulated hunting grounds, and public and private lands by permit.			
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 27	Jan. 1, 2011	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)	Oct. 30	Nov. 13		
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 30	Nov. 19		
WMUs 2C, 2D, 2E, 4A, 4B and 4D	Oct. 30	Nov. 13		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C and 4E	Oct. 30	Nov. 19		
WMU 5A	Nov. 2	Nov. 4		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	April 30, 2011	May 31, 2011	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible Junior Hunters only, with the required license and when properly accompanied as required by law	April 23, 2011	April 23, 2011	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

(a) Hunting hours in § 141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 2	April 10, 2011		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

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2011	6	12
Bobwhite Quail	No open season, except captive raised or propagated bobwhite quail may be taken on regulated hunting grounds, and public and private lands by permit.			
Ruffed Grouse	Sept. 1	Mar. 31, 2011	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2011	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2011	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2011	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
Deer, Archery (Antlered and Antlerless) ² (Statewide)	Oct. 2	Nov. 13	One antlered and an antlerless deer with each required antlerless license.
	Dec. 27	Jan. 15, 2011	
Deer, Archery (Antlerless only) WMUs 2B, 5C and 5D	Sept. 18	Oct. 1	An antlerless deer with each required antlerless license.
	Nov. 15	Nov. 27	
Deer, Archery (Antlered and Antlerless) ² WMUs 2B, 5C and 5D	Oct. 2	Nov. 13	One antlered and an antlerless deer with each required antlerless license.
	Dec. 27	Jan. 29, 2011	
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2A, 2B, 2F, 3A, 3B, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Nov. 29	Dec. 11	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 2C, 2D, 2E, 2G, 3C, 4B, 4D and 4E	Nov. 29	Dec. 3	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2C, 2D, 2E, 2G, 3C, 4B, 4D and 4E	Dec. 4	Dec. 11	One antlered, and an antlerless deer with each required antlerless license.

Species	First Day	Last Day	Season Limit
Deer, Special firearms (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. 21	Oct. 23	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 16	Oct. 23	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² (Statewide)	Dec. 27	Jan. 15, 2011	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² WMUs 2B, 5C and 5D	Dec. 27	Jan. 29, 2011	An antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless only) WMUs 2B, 5C and 5D	Dec. 27	Jan. 29, 2011	An antlerless deer with each required antlerless license.
Deer, (Antlerless only) (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.

BLACK BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age (Archery only) ⁴ (Statewide)	Nov. 15	Nov. 19	1	1
Bear, any age (Statewide) ⁴	Nov. 20	Nov. 23	1	1

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Regular (Antlered and Antlerless) ⁵	Nov. 1	Nov. 6	1	One elk with required license.
Elk, Special Conservation (Antlered and Antlerless) ⁵	Sept. 1	Nov. 6	1	One elk with required license.
Elk, Extended (Antlered and Antlerless) ⁵	Nov. 8	Nov. 13	1	One elk with required license.

FUR TAKING—TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats—(Statewide)	Nov. 20	Jan. 9, 2011	Unlimited	
Beaver—(Statewide)	Dec. 26	Mar. 31, 2011		
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. 24	Feb. 20, 2011	Unlimited	
Coyotes and Foxes—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 20, 2011	Unlimited	

Species	First Day	Last Day	Daily Limit	Season Limit
Bobcat—(with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Dec. 18	Jan. 9, 2011	1	1
Fisher—(with appropriate permit) WMUs 2C, 2D, 2E and 2F	Dec. 18	Dec. 23	1	1

FURTAKING—HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(Statewide)				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 (Statewide)				No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.
Raccoons and Foxes—(Statewide)	Oct. 23	Feb. 19, 2011		Unlimited
Bobcat—(with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Dec. 18	Jan. 8, 2011	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.

[Pa.B. Doc. No. 10-601. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 147.701 (relating to general) to update and implement the restructured permitting process for bobcats and fishers.

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 26, 2010, 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 14, 2010.

1. Purpose and Authority

During the fall 2001, the Commonwealth reopened hunting/trapping season on bobcats after many years of closure. Even since this initial season, the Commission has continued to regulate the harvest of bobcats by limiting the allocation of available permits to hunt or trap them. Less permits allocated equals less bobcats harvested, or so the logic goes. As the years have passed by, the Commission has recognized a significant increase

in bobcat population indices. The Commission has determined that while this harvest regulation methodology certainly remains effective, it can effectively manage harvest by season length instead and increase bobcat hunting/trapping participation opportunity at the same time. Despite the availability of an unlimited number of permits, the Commission has determined that it is prudent to retain the bobcat permitting system to continue to assess interest, participation, effort and harvest during a bobcat taking season. Drafting off of this new bobcat "season length" harvest management model, the Commission is also creating new limited opportunities to trap fishers within this Commonwealth due to rebounding fisher populations in certain areas of the State. Although an unlimited number of permits will be available to trappers interested in participating in this brand new season, season length will be used to manage harvest. The Commission is proposing to amend § 147.701 to update and implement the restructured permitting process for bobcats and fishers.

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." The amendment to § 147.701 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.701 to update and implement the restructured permitting process for bobcats and fishers.

3. Persons Affected

Persons wishing to hunt or trap bobcats or fishers within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking may result in some additional cost and paperwork associated with the issuance of an increased volume of bobcat and fisher permits through the Commission's Pennsylvania Automated Licensing System (PALS). However, the Commission has determined that increased volume will result in a net reduction of cost and paperwork as compared to the administrative processes being replaced.

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: 48-302. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter S. [BOBCAT HUNTING-TRAPPING PERMIT] FURBEARER HUNTING-TRAPPING PERMITS

§ 147.701. General.

[This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.

(2) Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number or hunter ID number on the application. A nonrefundable \$5 application fee shall accompany the application.

(3) Applications shall be submitted in accordance with periods set by the Director.

(4) Only one application per person may be submitted. Anyone submitting more than one application for a permit will have all applications rejected.

(5) Current applicants with the maximum number of preference points as specified by the Director will automatically receive a bobcat harvest permit. The selection of additional permit applications will be made by random drawing from all eligible applications submitted. Incomplete, illegible or duplicate applications will not be included in the drawing. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and will be open to the public.

(6) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits will be mailed by the first Friday in October. The total number of permits issued for the license year will be set by the Director no later than the first day of June.

(7) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, wildlife management unit of harvest and method of harvest and attach the tag to the bobcat. The temporary carcass tag must remain attached to the animal until a permanent tag is provided. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 54]

Advanced Notice of Proposed Rulemaking Order

Public Meeting held
February 25, 2010

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*Advance Notice of Proposed Rulemaking for Revision of
Electric Distribution Company Code of Conduct in
52 Pa. Code § 54.122; Doc. No. L-2010-2160942*

Advance Notice of Proposed Rulemaking Order

By The Commission:

Following the passage of the Electricity Generation Customer Choice and Competition Act¹ in 1996, the Public Utility Commission (Commission) established competitive safeguards to govern the relationships between electric distribution companies (EDCs), electric generation suppliers (EGSs) and retail electric customers. A Code of Conduct was codified in § 54.122 (relating to code of conduct), and intended to assure the provision of direct access on equal and nondiscriminatory terms, to prevent cross subsidization between EDCs and their affiliated suppliers, to prohibit unfair or deceptive practices by suppliers, and to establish and maintain an effective and vibrant competitive market in the purchase and sale of retail electric energy in Pennsylvania. The provisions of this Code of Conduct became effective July 8, 2000, and have not been revised in the interim.²

The Code of Conduct currently incorporates the following provisions:

- A prohibition against an EDC giving an affiliate EGS any preference in the processing of a request for competitive EGS service, or the disclosure or dissemination of customer information.
- A prohibition against an EDC or EGS engaging in false or deceptive advertising to customers with respect to retail choice.
- A prohibition against linking electric distribution service to the purchase, lease or use of any goods or services offered by the EDC or its affiliates, or an indirect or direct commitment not to deal with a non-affiliated EGS.
- A prohibition against implying to customers that delivery services provided to affiliate EGSs are superior to non-affiliated EGSs.
- A requirement that an EDC provide all regulated services and apply tariffs to unaffiliated EGSs, and share any information about the operational status and availability of its distribution system, in the same manner as it would to an affiliated EGS.
- A requirement that an EDC provide customers with a list of licensed EGSs upon request.
- A requirement that an EDC adopt these provisions as policy and train and instruct its employees.
- A dispute resolution process for EDCs and EGSs relating to violations of this Code of Conduct.

(ii) A permitted person taking a bobcat shall report the harvest to the Commission within 48 hours of the taking by telephoning the number specified on the permit.

(iii) A permanent tag for a bobcat taken under authority of a special permit shall be in the persons' possession and locked immediately upon receipt of the tag.

(iv) The tag shall remain attached to the bobcat until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(8) An applicant issued a bobcat hunting-trapping permit is not permitted to apply for another bobcat hunting-trapping permit the next license year. Applications from current applicants who have applied in the 2003-2004 license year and proceeding years will be included in the drawing until the applicant is successfully drawn and issued a permit.

(9) A bobcat guide permit will be issued as follows:

(i) A person who assists another person to hunt or take bobcats in any manner shall first secure a bobcat guide permit from the Commission.

(ii) The fee for a bobcat guide permit is \$10 for residents and \$25 for nonresidents.]

This section provides for permits to be issued for the hunting and trapping of bobcat and the trapping of fisher during the seasons established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.

(2) Permits will be made available through the Commission's Pennsylvania Automated Licensing System (PALS). The fee for the permit is \$5.

(3) Applications shall be submitted in accordance with periods set by the Director.

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat or fisher shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a permanent tag is provided.

(ii) A permitted person taking a bobcat or fisher shall report the harvest to the Commission within 48 hours of the taking by a means specified by the Director.

(iii) A permanent tag for a bobcat or fisher taken under this permit shall be provided by the Commission and locked immediately upon receipt of the tag. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth. The tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(iv) A permitted person taking a bobcat or fisher shall surrender the carcass of this animal within 30 days if requested by the Commission.

[Pa.B. Doc. No. 10-602. Filed for public inspection April 2, 2010, 9:00 a.m.]

¹ 66 Pa.C.S. §§ 2801—2812.

² 30 Pa.B. 3445.

[52 PA. CODE CHS. 54, 62 AND 76]

[L-00070186/57-257]

Universal Service and Energy Conservation Reporting Requirements and Customer Assistance Programs

The Code of Conduct focuses on the conduct of EDCs, and is designed to prevent EDCs from giving improper preferences to affiliated EGSs in the competitive retail market.

In the time since the Code of Conduct took effect, much has changed in the electric industry:

- Rate caps for a significant portion of Pennsylvanians have expired, with the remaining caps to end in less than 9 months.
- A large number of EGSs have been licensed and are serving a considerable amount of the electric load throughout this Commonwealth.
- The General Assembly has passed and the Commission has implemented sweeping legislation mandating the use of alternative energy sources and energy efficiency and conservation measures.
- There have been numerous technological advances related to the infrastructure used to provide electric service and the exchange of data related to the provision of that service.

In this context, and pursuant to a Motion of Commissioner Robert F. Powelson adopted at the Public Meeting of February 25, 2010, the Commission elected to undertake a review of the Code of Conduct. The Commission seeks comments from all interested parties on appropriate revisions to this regulation. In particular, comments are invited on how well the existing Code of Conduct has operated to date, whether the existing language should be amended and why, and whether there are other areas that the EDC Code of Conduct should address to fulfill the purposes of Chapter 28.³ The Commission's evaluation will include a review of similar regulations in other jurisdictions with retail electric choice to develop best practices on these issues.⁴

Accordingly, pursuant to 66 Pa.C.S. §§ 501 and 2804, the Commission issues this Advance Notice of Proposed Rulemaking for comment; *Therefore,*

It Is Ordered That:

1. This Advance Notice of Proposed Rulemaking be issued to solicit comments regarding revisions to the Code of Conduct in 52 Pa. Code § 54.122.
2. This Advance Notice of Proposed Rulemaking be published in the *Pennsylvania Bulletin* for review and comment, with comments due 45 days from the date of publication and reply comments due 30 days thereafter.
3. An original and 15 copies of any comments or reply comments be served upon the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.
4. The contact person for this rulemaking is Shane Rooney, Law Bureau, (717) 787-2871.
5. A copy of this Advance Notice of Proposed Rulemaking shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional electric distribution companies and all licensed electric generation suppliers.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-603. Filed for public inspection April 2, 2010, 9:00 a.m.]

³ Comments proposing changes or additions to the existing regulations should include regulatory language to accomplish those changes or additions.

⁴ The Commission has promulgated separate regulations that govern standards and pricing practices for retail electric service, bill format for residential and small business customers, disclosure statements for residential and small business customers, EGS marketing and sales activities, privacy of customer information, and the like 52 Pa. Code §§ 54.1—54.9. Revisions to those regulations are outside the scope of this rulemaking.

The Pennsylvania Public Utility Commission (Commission) proposes to amend Chapters 54, 62 and 76 (relating to electricity generation customer choice; natural gas supply customer choice; and customer assistance programs). Notice of the proposed rulemaking was originally published at 38 Pa.B. 776 (February 9, 2008). Under this notice, the Commission reopens the comment period to accept additional public comments until June 2, 2010.

The Commission wishes to invite additional comments and suggestions on specific topics including, but not limited to:

- 1) The impact of the Department of Public Welfare's proposed policy change regarding the use of Low-Income Home Energy Assistance Program (LIHEAP) funds on a distribution company's Customer Assistance Program (CAP) design.
- 2) Factors that may impact CAP costs and affordability of bills, such as increased CAP enrollment levels, the recent economic decline, the expiration of electric generation rate caps, the impact on residential rates from the initiation of energy efficiency and conservation programs under Act 129 of 2008, and the potential impact on residential bills from smart metering initiatives.
- 3) Whether cost recovery mechanisms, which have been implemented by some distribution companies, have produced savings from an improved timeliness of collection activities and whether these savings should be considered in evaluating costs claimed for rate recovery.
- 4) Proposed rules in 52 Pa. Code §§ 54.74 and 62.4 (relating to review of universal service and energy conservation plans, funding and cost recovery), which create a triennial review process that takes the form of a tariff filing and addresses CAP program funding.
- 5) Commissioner Kim Pizzingrilli's statement on *Dominion Peoples Universal Service and Energy Conservation Plan for 2009-2011*, Docket No. M-2008-2044646 (January 15, 2009), which discusses a Commission reporting requirement that directs all distribution companies to fully document the rate effect of program modifications in future universal service plans (USP). Under the requirement, distribution companies would include a table showing annual costs for each program, total cost for all USPs and the monthly cost of the programs on a per residential customer basis.
- 6) The Commission's USP approval process, specifically, whether the Commission should issue tentative orders to provide an opportunity for comments and reply comments before approving a distribution company's USP, and whether the companies' USPs should be served on the statutory advocates.

The contact persons for this matter are Stephanie Wimer, Assistant Counsel, Law Bureau, (717) 772-8839, stwimer@state.pa.us; and Grace McGovern, Consumer Services Policy Analyst, Bureau of Consumer Services, gmcgovern@state.pa.us, (717) 783-2067.

Interested persons are invited to submit written comments, an original and 15 copies, to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P. O. Box 3265, Harrisburg, PA 17105-3265. The comments should reference Docket No. L-00070186, and may include specific language for revising the proposed regulations. An electronic copy of the comments should be e-mailed to Stephanie Wimer, Law Bureau, stwimer@state.pa.us and Grace McGovern, Bureau of Consumer Services, gmcgovern@state.pa.us. Previously filed comments are available on the Commission's web site at www.puc.state.pa.us: <http://www.puc.state.pa.us/general/ConsolidatedCaseView.aspx?Docket=L-00070186>.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-604. Filed for public inspection April 2, 2010, 9:00 a.m.]
