

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On May 18, 2011, the Environmental Quality Board accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Delaware Riverkeeper Network, requests the amendment of 25 Pa. Code § 93.9f (relating to drainage list F) to redesignate an unnamed tributary to Schuylkill River 01714, known locally as Mill Creek, in Berks County from Warm Water Fishes, Migratory Fishes to Exceptional Value. Copetitioners include the Berks County Conservation District, Township of Union Environmental Advisory Council, Department of Conservation and Natural Resources, Berks Conservancy and 65 watershed residents.

Under 25 Pa. Code § 93.4d(a) (relating to processing petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters. The Department's assessment notice for this rulemaking petition will appear in a future issue of the *Pennsylvania Bulletin*.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is accessible on the Department's web site at http://www.portal.state.pa.us/portal/server.pt/community/environmental_quality_board/14005/eqb_meeting_schedule_2011/815592 (see May 18, 2011, meeting).

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 11-881. Filed for public inspection May 27, 2011, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Mentored Youth Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 12, 2011, meeting, to amend § 147.804 (relating to general) to allow a mentor to transfer a valid antlerless license issued to him to an eligible mentored youth upon the harvest of an antlerless deer.

The proposed rulemaking will not have an 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 April 12, 2011, meeting of the Commission. Comments can be sent until June 24, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Since the successful implementation of the Mentored Youth Hunting Program (MYHP) in fall 2006, the Commission has been striving to find ways to improve this innovative program. The Commission reviewed comments from hunters and sporting organizations across this Commonwealth supporting an expansion of the MYHP to allow for limited antlerless deer hunting by mentored youth. The Commission recently determined that the appropriate resources are now available and this initiative can finally move forward. The Commission is proposing to amend § 147.804 to allow a mentor to transfer a valid antlerless license issued to him to an eligible mentored youth upon the harvest of an antlerless deer. A mentored youth will be eligible to receive a maximum of one antlerless deer license each license year.

Section 2701(a) of the code (relating to license requirements) states that "Except in defense of person or property or pursuant to exemptions authorized ... by the commission for implementing a MYHP, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by 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 amendments to § 147.804 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.804 by adding language to allow a mentor to transfer a valid antlerless license issued to the mentor to an eligible mentored youth upon the harvest of an antlerless deer.

3. Persons Affected

Persons wishing to hunt antlerless deer within this Commonwealth under the MYHP will 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 affects of transferring tags on the Pennsylvania Automated License System. However, the Commission has determined that if there is additional expense associated with this effort, it will not be substantial and would be absorbed by the current budget.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rule-making, 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: 48-329. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED YOUTH HUNTING PROGRAM PERMIT

§ 147.804. General.

* * * * *

(c) A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey, **spring gobbler season only**. [A mentored youth's hunting eligibility is further limited to:

- (i) **Spring gobbler season only for turkey.**
- (ii) **Antlered deer only during any applicable deer seasons. However, mentored youth hunters are**

subject to the same antler restrictions that apply to junior license holders as provided in the definition of antlered deer in § 131.2 (relating to definitions).]

* * * * *

(e) A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (c) **and are subject to the same antler restrictions that apply to junior license holders in § 131.2 (relating to definitions).**

* * * * *

(g) **Notwithstanding the prohibitions in section 2711(3) and (5) of the act (relating to unlawful acts concerning licenses), a mentor is authorized to transfer an antlerless license issued to him to an eligible mentored youth. The antlerless license shall be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the antlerless license may not occur until after the mentored youth has harvested the antlerless deer, but before tagging the carcass. A mentored youth may receive by transfer no more than one antlerless deer license each license year. A mentored youth is ineligible to make direct application for an antlerless license.**

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