

# RULES AND REGULATIONS

## Title 1—GENERAL PROVISIONS

### JOINT COMMITTEE ON DOCUMENTS

#### [ 1 PA. CODE CH. 1 ]

#### Preliminary Provisions; Definitions

The Joint Committee on Documents (JCD) amends § 1.4 (relating to definitions) to read as set forth at 40 Pa.B. 4392 (August 7, 2010).

#### *Statutory Authority*

Section 1.4 is amended under 45 Pa.C.S. § 503 (relating to general administration of part) and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

#### *Background of the Final-Form Rulemaking*

The Legislative Reference Bureau (LRB) purchases paper copies of the *Pennsylvania Bulletin* (*Bulletin*) and *Pennsylvania Code* (*Code*) for a variety of government entities enumerated in Chapter 15 (relating to distribution of publications). This has been the policy of the JCD since the inception of the *Bulletin* in 1970. Under 45 Pa.C.S. § 503, the JCD is required to encourage “the widest possible dissemination” of documents appearing in the *Code* and *Bulletin*.

The *Code* and *Bulletin* have been available at no charge on the Internet since 1996. The web sites receive approximately 500,000 visits each month. Subscribers to the print versions have steadily declined as a result of free electronic access.

This final-form rulemaking amends § 1.4 to define a “copy” to include a printed or electronic version. As a result, most entities listed in Chapter 15 will no longer receive paper copies of the *Code* and *Bulletin* paid for by the LRB. Budgetary constraints require that the LRB cease these payments. Informal surveys conducted by the staff of the JCD indicate that most of the Chapter 15 entities use the electronic versions of the *Code* and *Bulletin*.

#### *Summary of Comments*

The JCD received two public comments from librarians, one of which arrived after the close of the comment period. The Independent Regulatory Review Commission (IRRC) also commented on the proposed rulemaking.

The comments from the librarians opposed the elimination of the paper copy based on the public need to access these materials in paper as well as electronically. In addition, the librarians were concerned with the official printed version being different from the online version.

The JCD is not eliminating the paper copies of either publication. All Chapter 15 subscribers are free to purchase the paper version of the *Code* and *Bulletin*. The subscriptions for State entities will no longer be paid for by the LRB. Libraries, judges and the public may still purchase paper versions. The JCD regrets having to eliminate these subscriptions, but the budget appropriation will simply not cover the printing and the “free” copies. The printed version is still the “official” version and the LRB routinely certifies documents under § 17.34 (relating to reproductions and certified copies of documents).

IRRC questioned how the JCD intends to comply with the existing distribution requirements in light of Chapter 15. The JCD has amended its definition of “copy” to include the electronic version. Chapter 15 entities may still choose to purchase paper copies. There is simply no money in the budget for the LRB to continue to purchase the paper subscriptions.

#### *Effective Date*

The final-form rulemaking is effective on July 1, 2011.

#### *Fiscal Impact*

There will not be fiscal impact on the general public as a result of this final-form rulemaking. Political subdivisions may be slightly impacted if magisterial district judges choose to continue paper subscriptions. The LRB paid \$458,982 for Chapter 15 subscriptions in 2010. The Commonwealth will realize a savings but it is difficult to predict how many State entities will choose to purchase the print versions. It is anticipated that most will rely on the web sites, so substantial savings should result.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 27, 2010, the JCD submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 4392, to IRRC and the Chairpersons of the House State Government Committee and Senate Rules and Executive Nominations Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the JCD has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 27, 2011, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 28, 2011, and approved the final-form rulemaking.

#### *Contact Person*

Questions regarding this final-form rulemaking may be referred to Mary Jane Phelps, Director of the *Code* and *Bulletin* and Secretary to the JCD, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120, (717) 783-1530.

#### *Findings*

The JCD finds that:

(1) Public notice of proposed rulemaking was 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 regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This regulation does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 4392.

(4) This regulation is necessary and appropriate for administration and enforcement of the authorizing acts.

*Order*

The JCD, acting under the authorizing statutes, orders that:

(a) The regulations of the JCD, 1 Pa. Code Chapter 1, are amended by amending § 1.4 to read as set forth at 40 Pa.B. 4392.

(b) The Secretary of the JCD shall submit this order and 40 Pa.B. 4392 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Secretary of the JCD shall submit this order and 40 Pa.B. 4392 to IRRC and the Senate Rules and Executive Nominations and the House State Government Committees as required under the Regulatory Review Act.

(d) The Secretary of the JCD shall certify this order and 40 Pa.B. 4392 and deposit them with the LRB as required by law.

(e) This order shall take effect July 1, 2011.

MARY JANE PHELPS,  
*Secretary*

*(Editor's Note:* See 41 Pa.B. 2669 (May 21, 2011) for a notice relating to this final-form rulemaking.)

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 2502 (May 14, 2011).)

**Fiscal Note:** Fiscal Note 53-9 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-871. Filed for public inspection May 27, 2011, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION [ 58 PA. CODE CH. 131 ] Preliminary Provisions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 131.2 (relating to definitions) by adding, amending and deleting certain definitions.

The final-form rulemaking will not have an 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 41 Pa.B. 1633 (March 26, 2011).

#### 1. Purpose and Authority

The Commission amends § 131.2 by adding, amending and deleting certain definitions. The first amendment involves a reduction in the number of points required for a deer to meet the definition of an “antlered deer” in Wildlife Management Units (WMU) 1A, 1B, 2A, 2B and 2D. This reduction from four to three points is also accompanied by the elimination of consideration of brow tines as points. Commission staff has determined that this amendment will make it easier for hunters to determine the legal status of an antlered deer without having substantial impacts on the age structure of antlered deer populations in the affected WMUs. The re-

maining amendments involve the deletion of three redundant and outdated definitions as well as the addition of two definitions to aid in the implementation of the code.

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 § 131.2 are adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends § 131.2 by adding, amending and deleting certain definitions.

#### 3. Persons Affected

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

#### 4. Comment and Response Summary

The Commission received a total of 22 official comments concerning the final-form rulemaking. Of this total, 15 supported the “three-up” rule in the four-point area, 5 were confused by the “three-up” rule and 2 felt that the elimination of the brow tine as a “point” rule should also apply to the three-point area.

#### 5. Cost and Paperwork Requirements

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

#### 6. Effective Date

The final-form rulemaking will be effective upon 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 the 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 Chapter 131, are amended by amending § 131.2 to read as set forth at 41 Pa.B. 1633.

(b) The Executive Director of the Commission shall certify this order and 41 Pa.B. 1633 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 48-322 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-872. Filed for public inspection May 27, 2011, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 139 ]**  
**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2011-2012 hunting license year.

The final-form rulemaking will not have an 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 41 Pa.B. 1634 (March 26, 2011).

*1. Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2011-2012 seasons and daily season and possession limits are similar to those set forth in 2010-2011, the 2011-2012 seasons and bag limits have been amended to reflect 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.

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 (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.” The amendments to § 139.4 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends § 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 2011-2012 license year.

*3. Persons Affected*

Persons wishing to hunt or trap game or wildlife in this Commonwealth during the 2011-2012 license year may be affected by the final-form rulemaking.

*4. Comment and Response Summary*

The Commission received a total of 159 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

*Deer seasons*—Out of a total of 114 comments received concerning this subtopic, 1 requested that the late deer seasons be kept at 3 weeks, 6 supported a deer management program focused on habitat/herd health, 1 requested the closure of doe seasons in western Pennsylvania for a few years, 2 requested a reduction in doe allocations Statewide, 1 requested a reduction in doe licenses in western Pennsylvania, 1 requested a reduction in antlerless deer seasons, 1 requested that all October antlerless deer seasons be closed, 1 requested that doe seasons be closed for 2 years, 4 supported the split season format, 57 supported a 2-week concurrent season format, 2 requested that the split season format be applied Statewide, 4 requested to go back to a 2-week buck/3-day doe format, 1 requested a split season in Wildlife Management Unit (WMU) 1A, 4 requested a split season in WMU 3A, 1 requested a split season in WMU 3D, 1 requested a split season in WMU 4C, 1 supported a split season in WMU 2A, 13 opposed a split season in WMU 2A, 1 supported a split season in WMU 2C, 1 supported a split season in WMU 2D, 1 requested 2-week concurrent season in WMU 3B, 1 supported a split season in WMU 3B, 1 opposed a split season in WMU 4B, 1 opposed a split season in WMU 4D, 1 requested that crossbow hunters be restricted to buck only during early archery season, 1 requested the creation of a fall flintlock season to mirror early archery season dates, 1 supported the extra day of late flintlock muzzleloader season, 1 requested the creation of an antlered deer flintlock season for early November, 1 requested extending late flintlock season and 1 requested the elimination of the October muzzleloading season.

*Bear seasons*—Out of a total of seven comments received concerning this subtopic, one supported the proposed changes for the 2011-2012 bear seasons, one supported the Saturday opening day for firearms bear season, one opposed the Saturday opening day for firearms bear season, one opposed the 4-day Statewide bear season, two opposed the concurrent deer/bear seasons and one requested that bear season be extended to a full week.

*Turkey seasons*—Out of a total of eight comments received concerning this subtopic, one opposed closing fall turkey season during the overlap with bear season in WMU 2B, four supported the changes to fall turkey seasons for the 2011-2012 hunting license year, one requested opening the spring gobbler season earlier, one requested making the junior spring gobbler season an all day season and one requested the expansion of the daily bag limit for spring gobbler season be increased to two birds.

*Small game seasons*—Out of a total of 27 comments received concerning this subtopic, 1 requested the creation of a grouse only season in February, 1 requested the extension of grouse season to the end of February, 24 opposed the opening of a porcupine season and 1 requested that squirrel season be extended.

*Furbearer hunting/trapping seasons*—Out of a total of three comments received concerning this subtopic, one

requested the creation of a trapping season for ground-hogs, one requested the closure of fox season in southern WMUs on January 31st and one requested moving bobcat season to December 24—January 14 or December 10—December 31.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The final-form rulemaking will be effective from July 1, 2011, to June 30, 2012.

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 the 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 Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective from July 1, 2011, to June 30, 2012.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-321 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**(SEASONS AND BAG LIMITS TABLE)**

**2011-2012 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 14	6	12
Squirrels—(Combined species)	Oct. 15	and	Nov. 26	6	12
	Dec. 12	and	Dec. 23		
	Dec. 26		Feb. 25, 2012		
Ruffed Grouse	Oct. 15	and	Nov. 26	2	4
	Dec. 12	and	Dec. 23		
	Dec. 26		Jan. 28, 2012		
Rabbits, Cottontail Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 15	4	8
Rabbits, Cottontail	Oct. 22	and	Nov. 26	4	8
	Dec. 12	and	Dec. 23		
	Dec. 26		Feb. 25, 2012		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
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. 8	Oct. 15	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. 8	Oct. 15	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 22	Nov. 26	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. 22 Dec. 12 Dec. 26	and and and Nov. 26 Dec. 23 Feb. 4, 2012	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 22	Nov. 26	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Dec. 31	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons.		Unlimited	
Porcupines	Sept. 1	Mar. 31, 2012	6	12
	Season closed during the overlap with the regular firearms deer seasons.			
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female			1	1
WMUs 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Oct. 29	Nov. 12		
		and		
	Nov. 24	Nov. 26		
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 29	Nov. 18		
		and		
	Nov. 24	Nov. 26		
WMUs 2C, 2D, 2E, 4A, 4B and 4D	Oct. 29	Nov. 12		
		and		
	Nov. 24	Nov. 26		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C and 4E	Oct. 29	Nov. 18		
		and		
	Nov. 24	Nov. 26		
WMUs 5A	Nov. 1	Nov. 3		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey (Spring Gobbler) Statewide <sup>1</sup> Bearded Bird only	Apr. 28, 2012 and May 14, 2012	May 12, 2012  May 31, 2012	1  May be hunted 1/2 hour before sunrise to 12 noon  May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	2
Turkey (Spring Gobbler) Statewide Youth Hunt <sup>1</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied as required by law	April 21, 2012	April 21, 2012	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.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day Limit</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1	April 8, 2012	Unlimited	
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons.		Unlimited	

**FALCONRY**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2012	6	12
Quail	Sept. 1	Mar. 31, 2012	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2012	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2012	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2012	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2012	2	4

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

**WHITE-TAILED DEER**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> (Statewide)	Oct. 1 and Dec. 26	Nov. 12  Jan. 16, 2012	One antlered and an antlerless deer with each required antlerless license.
Deer, Archery (Antlerless only) WMUs 2B, 5C and 5D	Sep. 17 and Nov. 14	Sep. 30  Nov. 26	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Oct. 1 and Dec. 26	Nov. 12 Jan. 28, 2012	One antlered and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Nov. 28	Dec. 10	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Nov. 28	Dec. 2	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 3	Dec. 10	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> (Statewide)	Dec. 26	Jan. 16, 2012	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Dec. 26	Jan. 28, 2012	An antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) WMUs 2B, 5C and 5D	Dec. 26	Jan. 28, 2012	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

**BLACK BEAR**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, Archery <sup>4</sup> (Statewide)	Nov. 14	Nov. 18	1	1
Bear, Regular firearms <sup>4</sup> (Statewide)	Nov. 19	Nov. 23	1	1
Bear, Extended firearms <sup>4</sup> WMUs 3A, 3C, and	Nov. 28	Dec. 3	1	1
Portions of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.				

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Portions of WMUs 2G in Lycoming and Clinton Counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Rd. and South of Lusk Run Rd. to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Rd., South of Croak Hollow Rd. to Rt. 664 (at Swisssdale), South of Rt. 664 to Little Plum Rd. (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Rd., South of Sulphur Run Rd. to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.				
Bear, Extended firearms <sup>4</sup> WMUs 3D, 4C, 4D, 4E, 5B and 5C	Nov. 30	Dec. 3	1	1

**ELK**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Regular firearms <sup>5</sup> (Antlered and Antlerless)	Oct. 31	Nov. 5	1	One elk with required license
Elk, Special Conservation (Antlered and Antlerless)	Sep. 1	Nov. 5	1	One elk with required license
Elk, Extended firearms <sup>5</sup> (Antlered and Antlerless)	Nov. 7	Nov. 12	1	One elk with required license

**FURTAKING—TRAPPING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Minks and Muskrats (Statewide)	Nov. 19	Jan. 8, 2012		Unlimited
Beaver (Statewide)	Dec. 26	Mar. 31, 2012		
WMUs 1A, 1B, 3A and 3C (Combined)			20	40
WMUs 2A, 2B, 2D, 2E, 2F, 3B and 3D (Combined)			20	20
WMUs 2C, 2G, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D (Combined)			5	5
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 23	Feb. 19, 2012		Unlimited
Coyotes and Foxes—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 19, 2012		Unlimited
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Dec. 17	Jan. 8, 2012	1	1
Fisher (with appropriate permit) WMUs 2C, 2D, 2E and 2F	Dec. 17	Dec. 22	1	1

**FURTAKING—HUNTING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Statewide)				Unlimited
Coyotes—(During any big game season)				May be taken while lawfully hunting big game or with a furtaker's license.
Opossums, Skunks, Weasels (Statewide)				No closed season.



<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Raccoons and Foxes—(Statewide)	Oct. 22	Feb. 18, 2012		Unlimited
Bobcat (with appropriate permit)				
WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Jan. 17, 2012	Feb. 7, 2012	1	1

No open seasons on other wild birds or wild mammals.

<sup>1</sup> 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 two gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>2</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>3</sup> 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).

<sup>4</sup> Only one bear may be taken during the hunting license year.

<sup>5</sup> Only one elk may be taken during the hunting license year.

[Pa.B. Doc. No. 11-873. Filed for public inspection May 27, 2011, 9:00 a.m.]

## GAME COMMISSION [ 58 PA. CODE CH. 141 ]

### Hunting and Trapping; Special Regulations Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 141.1 (relating to special regulations areas) to expand the shotgun/muzzleloader single projectile exception to bear hunters and also to delete the defunct baiting provisions.

The final-form rulemaking will not have an 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 41 Pa.B. 1631 (March 26, 2011).

#### 1. *Purpose and Authority*

Current special regulations areas requirements generally prohibit the use of single projectile ammunition for big game hunting in the special regulations areas. One prominent exception to this rule allows the use of muzzleloading long guns or shotguns that fire single projectiles in majority of the special regulations areas. However, this exception formerly only extended to deer hunters. The Commission amends § 141.1 to expand this exception to also extend to bear hunters. The Commission has determined that this expansion will increase hunting opportunity and success for many bear hunters in these areas without sacrificing safety. The Commission also amends § 141.1 by deleting the defunct baiting provisions that expired on March 31, 2010.

Section 2102(d) of the code (relating to regulations) provides “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 amendments to § 141.1 are adopted under this authority.

#### 2. *Regulatory Requirements*

The final-form rulemaking amends § 141.1 by expanding the shotgun/muzzleloader single projectile exception to bear hunters and also by deleting the defunct baiting provisions.

#### 3. *Persons Affected*

Persons wishing to hunt bear through the use of a shotgun or muzzleloader firing a single projectile in the special regulations areas may be affected by the final-form rulemaking.

#### 4. *Comment and Response Summary*

There were no official comments received concerning the final-form rulemaking.

#### 5. *Cost and Paperwork Requirements*

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

#### 6. *Effective Date*

The final-form rulemaking will be effective upon 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 the 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 Chapter 141, are amended by amending § 141.1 to read as set forth at 41 Pa.B. 1631.

(b) The Executive Director of the Commission shall certify this order and 41 Pa.B. 1631 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 48-323 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-874. Filed for public inspection May 27, 2011, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 141.4 (relating to hunting hours) by removing the limitations prohibiting the hunting of woodchuck, opossum, skunk and weasel during legal hunting hours of the spring gobbler season and to amend Chapter 141, Appendix G (relating to hunting hours) by updating the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2011-2012 hunting license year.

The final-form rulemaking will not have an 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 41 Pa.B. 1627 (March 26, 2011).

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 in Appendix G are amended and updated each year to reflect the current year's hunting dates and corresponding legal hunting hours. The Commission amends Appendix G to update the tables of hunting hours for the 2011-2012 hunting year to reflect the annual change in days and subsequent hunting times. The Commission also amends § 141.4 to remove the limitations prohibiting the hunting of woodchuck, opossum, skunk and weasel during legal hunting hours of the spring gobbler season. The Commission has determined that this amendment will increase hunting opportunities

for hunters pursuing these species without creating unacceptable conflicts with hunters pursuing turkeys during gobbler season.

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 § 141.4 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends Appendix G to update the tables of hunting hours for the 2011-2012 hunting year to reflect the annual change in days and subsequent hunting times. The final-form rulemaking also amends § 141.4 by removing the limitations prohibiting the hunting of woodchuck, opossum, skunk and weasel during legal hunting hours of the spring gobbler season.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2011-2012 hunting year will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received concerning the final-form rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The final-form rulemaking will be effective upon 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 the 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 Chapter 141, are amended by amending § 141.4 and Appendix G to read as set forth at 41 Pa.B. 1627.

(b) The Executive Director of the Commission shall certify this order and 41 Pa.B. 1627 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 48-324 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 11-875. Filed for public inspection May 27, 2011, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Protective Material**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 141.20 (relating to protective material required) to restructure the various fluorescent orange requirements into a more comprehensible set of requirements without altering their substantive standards.

The final-form rulemaking will not have an 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 41 Pa.B. 1629 (March 26, 2011).

*1. Purpose and Authority*

Section 141.20 has been the subject of many regulatory amendments over the years both to create more stringent protective material requirements where greater safety was deemed warranted as well as to eliminate protective material where they were deemed no longer necessary. By and large these amendments have achieved their intended results. However, the repeated piece meal amendments completed over the years have created confusing and sometimes inconsistent language in this section. The Commission amends § 141.20 to rectify these problems and achieve a more comprehensible set of requirements. Substantive changes have not been made to the requirements of any hunting seasons.

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 § 141.20 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends § 141.20 by restructuring the various fluorescent orange requirements into a more comprehensible set of requirements without altering their substantive standards.

*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*

There were no official comments received concerning the final-form rulemaking.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

The final-form rulemaking will be effective upon 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 the 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 Chapter 141, are amended by amending § 141.20 to read as set forth at 41 Pa.B. 1629.

(b) The Executive Director of the Commission shall certify this order and 41 Pa.B. 1629 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 48-325 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-876. Filed for public inspection May 27, 2011, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Wild Pheasant Recovery Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 141.28 (relating to wild pheasant recovery areas) to create and define the geographic location of the Franklin County Wild Pheasant Recovery Area (WPRAs).

The final-form rulemaking will not have an 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 41 Pa.B. 1631 (March 26, 2011).

*1. Purpose and Authority*

The Ring-necked Pheasant Management Plan calls for restoring self-sustaining and huntable ring-necked pheasant populations in suitable habitats in this Commonwealth by establishing at least four WPRAs by 2015. Wild-trapped pheasants are being released in existing WPRAs in an effort to establish populations of at least ten hens per square mile in the spring. WPRAs have been closed to game farm pheasant stocking and pheasant hunting. Dog training and small game hunting are also restricted in WPRAs to periods outside the population establishment phase. Three WPRAs were established in 2009 and one in 2010. The Commission amends § 141.28 to create and define the geographic location of the Franklin County WPRAs. The Commission anticipates wild-trapped pheasant releases in this area sometime in 2012. The Commission also amends § 141.28 to permit the hunting of waterfowl and woodchucks (groundhogs) in areas designated as WPRAs.

Section 322(c)(4) of the code (relating to powers and duties of 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 amendments to § 141.28 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends § 141.28 to create and define the geographic location of the Franklin County WPRAs.

*3. Persons Affected*

Persons wishing to hunt wild pheasants, release propagated pheasants, train dogs or hunt small game within

the area designated as the Franklin County WPRAs may be affected by the final-form rulemaking.

*4. Comment and Response Summary*

There were no official comments received concerning the final-form rulemaking.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

The final-form rulemaking will be effective upon 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 the 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 Chapter 141, are amended by amending § 141.28 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-320 remains valid for the final adoption of the subject regulation.

**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.

\* \* \* \* \*

(5) *Franklin County WPRAs.* That portion of WMUs 4A and 5A in Franklin County from PA Rt. 30 on the northern border to the Pennsylvania/Maryland state border on the southern border, and from Cove Mountain on

the western border to the towns of Laurich and Williamson and the Conococheague Creek on the eastern border. The WPRRA is bounded on the north by PA Rt. 30 (Lincoln Highway). Beginning at the town of Fort Loudon at the intersection of PA Rt. 30 (Lincoln Highway) and PA Rt. 75, proceed east on PA Rt. 30 (Lincoln Highway), through St. Thomas and continue east to Laurich. Just east of Laurich, proceed south along Back Creek to SR 3012 (Jack Road). Proceed west along SR 3012 (Jack Road), then south along Weber Road. Continue south and southwest along Weber Road to the intersection of Weber, Grapevine and Jacks Mill Roads. Proceed southwest along Grapevine Road and then northwest to intersection with SR 3013. Turn south onto SR 3013 (St Thomas Williamson Road) and then west onto State Rt. 995. Proceed west and then south on State Rt. 995 through Williamson to the West Branch of the Conococheague Creek (north-east of Welsh Run). Proceed along the West Branch of the Conococheague Creek to the confluence with Conococheague Creek. Follow the Conococheague Creek south to the Pennsylvania/Maryland state border. Proceed west along the Pennsylvania/Maryland state border to State Rt. 456. Proceed northeast along State Rt. 456 to State Rt. 16. Proceed east on State Rt. 16 to Mountain Road. Proceed northeast on Mountain Road to State Rt. 75. Proceed northwest on State Rt. 75 to the intersection of State Rt. 75 and State Rt. 30 at Fort Loudon.

(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 or hunt small game except woodchucks and waterfowl from the first Sunday in February through July 31 within any area designated as a WPRRA.

[Pa.B. Doc. No. 11-877. Filed for public inspection May 27, 2011, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 141.41 (relating to general) to remove redundant and inconsistent language concerning mistake kills.

The final-form rulemaking will not have an 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 41 Pa.B. 1625 (March 26, 2011).

*1. Purpose and Authority*

On September 7, 2010, section 3 of the act of July 9, 2010 (P. L. 387, No. 54) (Act 54) became effective. While Act 54 primarily focused on increasing penalties for poaching offenses and habitual offenders, it also incorporated various procedural requirements regarding mistake kills into section 2306 of the code (relating to killing game or wildlife by mistake) that had previously been administered through § 141.41. Furthermore, portions of the new statutory text increased reporting periods thus rendering

portions of the regulatory text as inconsistent. The Commission amends § 141.41 to remove the redundant and inconsistent language.

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 § 141.41 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends § 141.1 by deleting redundant and inconsistent language concerning mistake kills.

*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*

There were no official comments received concerning the final-form rulemaking.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

The final-form rulemaking will be effective upon 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 the 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 Chapter 141, are amended by amending § 141.41 to read as set forth at 41 Pa.B. 1625.

(b) The Executive Director of the Commission shall certify this order and 41 Pa.B. 1625 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 48-326 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-878. Filed for public inspection May 27, 2011, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Furbearers**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended §§ 141.62 and 141.63 (relating to beaver trapping; and definitions) and added § 141.69 (relating to artificial cubbies) to define and clarify the standards regarding certain trapping activities.

The final-form rulemaking will not have an 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 41 Pa.B. 1626 (March 26, 2011).

*1. Purpose and Authority*

The Commission adopted a variety of amendments to define and clarify the standards regarding certain trapping activities. First, the Commission amends § 141.62 to clarify that the 20 trap or snare limitation is a Statewide total, not a wildlife management unit, watercourse or waterway limitation. The Commission also amends § 141.63 to provide definitions for the terms “artificial cubby” and “foot encapsulating trap.” Lastly, the Commission adds § 141.69 to authorize and set the conditions attendant to the use of artificial cubbies in trapping activities.

Section 2102(d) of the code (relating to regulations) provides “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 amendments to §§ 141.62 and 141.63 and the addition of § 141.69 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends §§ 141.62 and 141.63 and adds § 141.69 to define and clarify the standards regarding certain trapping activities.

*3. Persons Affected*

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

*4. Comment and Response Summary*

There were no official comments received concerning the final-form rulemaking.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

The final-form rulemaking will be effective upon 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 the 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 Chapter 141, are amended by amending §§ 141.62 and 141.63 to read as set forth at 41 Pa.B. 1626 and by adding § 141.69 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 41 Pa.B. 1626 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 48-327 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter D. FURBEARERS**

**§ 141.69. Artificial cubbies.**

(a) *General rule.* Furtakers are permitted to trap furbearers through the use of body-gripping traps set in artificial cubbies when the following conditions are met:

(1) The artificial cubby is placed within an established watercourse, waterway, marsh, pond or dam.

(2) The entrance to the artificial cubby does not exceed 50 square inches.

(3) The triggering mechanism of the trap is recessed within the artificial cubby at least 7 inches from the entrance.

(4) The artificial cubby is anchored in a manner so that it cannot be moved or rolled.

(b) *Exception.* Subsection (a)(2)—(4) does not apply to body-gripping traps that are 5 1/2 inches or less and set in artificial cubbies to target mink or muskrat.

[Pa.B. Doc. No. 11-879. Filed for public inspection May 27, 2011, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 143 ]**

**Hunting and Furtaker Licenses; Bear Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 12, 2011, meeting, amended § 143.67 (relating to application) to grant the Director the authority to establish the application deadlines for bear licenses at periods as the Director determines.

The final-form rulemaking will not have an 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 41 Pa.B. 1625 (March 26, 2011).

1. *Purpose and Authority*

Prior to 2005, a hunter could purchase a bear license at the time he purchased a license or at any time up to the close of the established bear seasons. Certain individuals took advantage of this expansive purchasing period by harvesting bears during the concurrent regular firearms bear and deer seasons without the required bear license. It was only after these individuals successfully harvested a bear that they would then purchase a bear license to generate the appearance that they had lawfully harvested the bear. On April 26, 2005, the Commission amended § 143.67 to establish an earlier deadline for purchasing bear licenses, specifically prior to the opening of regular firearms deer season. See 35 Pa.B. 3934 (July 16, 2005). While this earlier deadline proved to remedy a portion of the problem, the Commission has since observed evidence that this same unscrupulous practice is being utilized by hunters to abuse the bear license requirement during the regular firearms bear season. The Commission amends § 143.67 to grant the Director the authority to establish the application deadlines for bear licenses at earlier periods as the Director determines in a further effort to curb these fraudulent license purchases.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and perfor-

mance of license issuing activities. The amendments to § 143.67 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 143.67 to grant the Director the authority to establish the application deadlines for bear licenses at periods as the Director determines.

3. *Persons Affected*

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

4. *Comment and Response Summary*

There were no official comments received concerning the final-form rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending § 143.67 to read as set forth at 41 Pa.B. 1625.

(b) The Executive Director of the Commission shall certify this order and 41 Pa.B. 1625 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 48-328 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-880. Filed for public inspection May 27, 2011, 9:00 a.m.]

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