

# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CH. 143 ]

### Hunting and Furtaker Licenses; Change of Residency Registration

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to add § 143.13 (relating to change of residency registration) to require holders of hunting and furtaking licenses who change their residency status to acquire a change of residency registration within 30 days of the change otherwise their licenses will become invalid.

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 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission recently reviewed its policy concerning what it requires from licensed hunters and trappers who change their residency from resident to nonresident or from nonresident to resident. Currently, if a resident of this Commonwealth becomes a nonresident after having previously purchased a hunting or furtaking license, that license is deemed invalid and the person is required to repurchase a nonresident hunting or furtaking license at full cost to continue engaging in hunting or trapping activities within this Commonwealth during that license year. The result is quite the opposite for nonresidents who become residents after previously having a hunting or furtaking license, whom are not required to repurchase a new license or even report the change in residency. In both cases, the Commission identified value in obtaining updates from its license holders when a change in residency occurs. The Commission is proposing to add § 143.13 to harmonize the approach that it takes concerning both types of residency change. Under this proposed section, changes in residency will require the license holder to acquire a change of residency registration within 30 days of the change in residency otherwise the license will automatically become invalid. Once a change of residency registration has been submitted, a further repurchase of license will not be required for residents or nonresidents that have changed their residency status.

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 addition of § 143.13 was proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will add § 143.13 to require holders of hunting and furtaking licenses who change their residency status to acquire a change of residency registration within 30 days of the change otherwise their licenses will become invalid.

#### 3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth who change their residency status will be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking may result in additional cost and paperwork. It is anticipated that this additional cost and paperwork will be nominal and covered by current budgets and work assignments.

#### 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 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:** 48-342. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 143. HUNTING AND FURTAKE LICENSES

#### Subchapter A. GENERAL

#### § 143.13. Change of residency registration.

(a) *General rule.* A change in residency status from resident to nonresident or from nonresident to resident, as defined in sections 102, 2702 and 2703 of the act (relating to definitions; residents; and nonresidents), automatically invalidates a person's hunting or furtaking license 30 days after the change in status unless the licensee completes and submits a change in residency registration to the Commission on the form provided.

(b) *Possession and production.* A change in residency registration shall be maintained with and as a part of the person's license materials until the close of the current license year and shall be produced as a part of the person's license materials upon request or demand of a landowner or officer whose duty it is to enforce the act.

(c) *Fee.* A fee of \$6 will be assessed for a change of residency registration.

[Pa.B. Doc. No. 12-1045. Filed for public inspection June 8, 2012, 9:00 a.m.]

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Protective Material Required**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to amend § 141.20 (relating to protective material required) to apply the more restrictive fluorescent orange requirements to wildlife management units (WMU) 1A, 1B and 2A that apply to other WMUs where use of rifles to hunt turkey is authorized.

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 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

On April 24, 2012, the Commission adopted amendments to § 139.4 (relating to seasons and bag limits for the license year) to expand fall turkey hunting opportunities in WMUs 1A, 1B and 2A by removing the “shotgun, bow and arrow only” limitation. This amendment will effectively allow hunters within WMUs 1A, 1B and 2A to hunt fall turkey with rifles. As a result of this change, the Commission is proposing to amend § 141.20 to apply the more restrictive fluorescent orange requirements to WMUs 1A, 1B and 2A that apply to other WMUs where use of rifles to hunt turkey is authorized.

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 proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.20 by applying the more restrictive fluorescent orange requirements to WMUs 1A, 1B and 2A that apply to other WMUs where use of rifles to hunt turkey is authorized.

3. *Persons Affected*

Persons wishing to hunt wild turkey during the fall turkey seasons in WMUs 1A, 1B and 2A will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and 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:** 48-341. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.20. Protective material required.**

\* \* \* \* \*

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

\* \* \* \* \*

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for applicable **game or** wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units [ **1A, 1B, 2A,** ] 2B, 5B, 5C and 5D.

\* \* \* \* \*

(4) Move about or relocate while in compliance with subsection (a) and while stationary place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter’s location so it is visible in a 360° arc when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units **1A, 1B, 2A,** 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A.

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[Pa.B. Doc. No. 12-1046. Filed for public inspection June 8, 2012, 9:00 a.m.]

[ 58 PA. CODE CH. 131 ]

**Preliminary Provisions; Definitions**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to amend § 131.2 (relating to definitions) to delete two sentences from the definition of “bow” relating to draw-locks and the minimum draw weights of bows. The proposal also adds definitions of the terms “decoy” and “meat or animal products.”

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 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of

Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Bow**—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. [ **A track, trough, channel or other device capable of mechanically holding the bow at full or partial draw may not be attached to the bow.** ] The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a manually held release aid. [ **A bow shall have a peak draw weight not less than 35 pounds.** ]

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**Crossbow bolt**—An arrow propelled by a crossbow.

**Decoy**—For the purpose of section 2308(b)(6) of the act (relating to unlawful devices and methods), an artificial representation or facsimile of a bird or animal used to attract other birds or animals. The term does not include living birds or animals.

**Deputy Game Commission officer**—A deputy wildlife conservation officer.

\* \* \* \* \*

**Institutions of higher learning**—Colleges and universities accredited by the Department of Education.

**Meat or animal products**—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representations or facsimiles.

**Plugged shotgun**—For the purpose of section 2308(a)(4) of the act [ (relating to unlawful devices and methods) ], any shotgun containing a one-piece plug, stop or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

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[Pa.B. Doc. No. 12-1047. Filed for public inspection June 8, 2012, 9:00 a.m.]

1. Purpose and Authority

The Commission proposes to amend § 131.2 by adding, amending and deleting certain definitions. The first proposed amendment involves the deletion of two sentences from the definition of “bow.” The first sentence concerns the prohibition of devices commonly known as draw-locks on bows. The Commission determined that the prohibition of this drawing aid was no longer necessary given the recent expansion to permit crossbows during archery season. The second sentence was deemed redundant to similar language proposed in § 141.43 (relating to deer) and therefore no longer necessary. See 39 Pa.B. 5016 (August 22, 2009). The second proposed amendment involves the addition of the definition of “decoy.” The third amendment involves the addition of the definition of “meat or animal products.”

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 proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 131.2 by deleting two sentences from the definition of “bow” relating to draw-locks and the minimum draw weights of bows. The proposed rulemaking will also add definitions of the terms “decoy” and “meat or animal products.”

3. Persons Affected

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

4. Cost and Paperwork Requirements

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

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 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:** 48-340. No fiscal impact; (8) recommends adoption.

[ 58 PA. CODE CH. 147 ]

Special Permits; Application for Agriculture Deer Control Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to amend § 147.552 (relating to application) to replace the reference to "wildlife management units 5C and 5D" with the more appropriate reference to "the southeast special regulations areas."

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 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

On March 31, 2010, the Commission's 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired. The Commission's final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. On February 1, 2011, the Commission amended § 147.552 and § 147.556 (relating to lawful devices and methods) to create a focused, limited authorization permitting the baiting of white-tailed deer in wildlife management units (WMU) 5C and 5D on approved properties enrolled in the "Red Tag" program. The Commission's reference to WMUs 5C and 5D was in error as this geographical reference is not compatible with the term "special regulations areas" as referenced in section 2308(b)(2)(iii) of the act (relating to unlawful devices and methods) and described in § 141.1(b) (relating to special regulations areas). The Commission is proposing to amend § 147.552 to replace the reference to "wildlife management units 5C and 5D" with the more appropriate reference to the "southeast special regulations areas."

Section 2901(b) of the code (relating to authority to issue permits) provides "...the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner,

methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 147.552 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.552 to replace the reference to "wildlife management units 5C and 5D" with the more appropriate reference to the "southeast special regulations areas."

3. Persons Affected

Persons wishing to hunt white-tailed deer through the use of bait on approved red tag properties will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

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 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: 48-343. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

AGRICULTURE

§ 147.552. Application.

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(d) Applicants from [ wildlife management units 5C and 5D ] the southeast special regulations areas only may be eligible to obtain approval to engage in limited baiting activities to enhance deer control activities on their properties. Approval will be based solely upon an applicant's demonstrable need for a baiting authorization as evidenced by written justifications or other evidence submitted on or in addition to the application at the time of application or renewal.

[Pa.B. Doc. No. 12-1048. Filed for public inspection June 8, 2012, 9:00 a.m.]