

# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

### Hunting and Trapping; Beaver Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2014, meeting to amend § 141.62 (relating to beaver trapping) to expand the trap authorization to 10 inches in height to 12 inches in width and additionally require a single offset trigger positioned in parallel not more than 1 1/2 inches from either vertical section of a set trap.

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 January 28, 2014, meeting of the Commission. Comments can be sent until April 4, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Current regulations prohibit a person from trapping beaver using a body gripping trap larger than 10 inches by 10 inches. The Commission recently received a request to expand the trap authorization to 10 inches in height to 12 inches in width to accommodate certain commercially available products. The Commission reviewed applicable safety and wildlife management concerns and determined that this nominal expansion of authorized body gripping traps will not have a negative impact on the wildlife resources of this Commonwealth. The Commission is proposing to amend § 141.62 to expand the trap authorization to 10 inches in height to 12 inches in width and additionally require a single offset trigger positioned in parallel not more than 1 1/2 inches from either vertical section of a set trap.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 141.62 are proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend § 141.62 to expand the trap authorization to 10 inches in height to 12 inches in width and additionally require a single offset trigger positioned in parallel not more than 1 1/2 inches from either vertical section of a set trap.

#### 3. Persons Affected

Persons wishing to trap beaver through the use of body gripping traps within this Commonwealth 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.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-364. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter D. FURBEARERS

#### § 141.62. Beaver trapping.

\* \* \* \* \*

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

\* \* \* \* \*

(3) Set body gripping traps larger than 10 inches [ **x 10 inches** ] in height by 12 inches in width or without a single offset trigger positioned in parallel not more than 1 1/2 inches from either vertical section of a set trap.

\* \* \* \* \*

[Pa.B. Doc. No. 14-516. Filed for public inspection March 14, 2014, 9:00 a.m.]

[ 58 PA. CODE CH. 141 ]

### Hunting and Trapping; Elk

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2014, meeting to amend § 141.47 (relating to elk) to eliminate the Route 555 corridor safety zone.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 28, 2014, meeting of the Commission. Comments can be sent until April 4, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

In 2004, the Board of Commissioners adopted regulations creating a 150-yard safety zone for elk along the Route 555 corridor from Weedville to Hicks Run in an effort to address existing problems with road hunting and the killing of highly visible elk in yards and public places found within this area. The Commission determined that

this safety zone is no longer necessary and that existing laws and regulations can adequately protect the public and wildlife from unsafe or unethical behavior. Furthermore, the Commission also determined that harvest of some of the elk within this corridor is necessary to maintain elk populations in more appropriate habitats. The Commission is proposing to amend § 141.47 to eliminate the Route 555 corridor safety zone.

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(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 § 141.47 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.47 to eliminate the Route 555 corridor safety zone.

3. Persons Affected

Persons owning property or wishing to hunt elk within the Route 555 corridor safety zone 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.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-360. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter C. BIG GAME**

**§ 141.47. Elk.**

\* \* \* \* \*

(b) *Prohibitions.* While hunting elk during the elk season, it is unlawful to:

\* \* \* \* \*

**[ (5) Hunt within 150 yards from the center line of Route 555, from the intersection of Routes 255 and 555, to the intersection of Huston Hill Road and Route 555.**

**(6) ] (5) Hunt within the Hick's Run no hunt zone, this being the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within .3 mile of Route 555.**

[Pa.B. Doc. No. 14-517. Filed for public inspection March 14, 2014, 9:00 a.m.]

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

**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2014, meeting to amend Chapter 141, Appendix G (relating to hunting hours) by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2014-2015 hunting/trapping license year.

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 January 28, 2014, meeting of the Commission. Comments can be sent until April 4, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Each year there is a shift in calendar days for each month. As a result of this occurrence, the time tables in Appendix G must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. The Commission is proposing to amend Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2014-2015 hunting/trapping license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(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 Appendix G are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend Appendix G by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2014-2015 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2014-2015 hunting year 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 effective dates of the proposed rulemaking are July 1, 2014, to June 30, 2015.

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.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-363. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**APPENDIX G. HUNTING HOURS**

*(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of the tables which appear in 58 Pa. Code pages 141-33—141-35, serial pages (366873)—(366875) and replace them with the following tables.)*

**HUNTING HOURS TABLE  
FOR JUNE 29, 2014 THROUGH JULY 5, 2015**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 29—July 5	5:08	9:02	Jan. 4—10	6:53	5:20
July 6—12	5:12	9:00	Jan. 11—17	6:51	5:27
July 13—19	5:18	8:56	Jan. 18—24	6:49	5:35
July 20—26	5:24	8:50	Jan. 25—31	6:44	5:43
July 27—Aug. 2	5:30	8:43	Feb. 1—7	6:38	5:51
Aug. 3—9	5:38	8:34	Feb. 8—14	6:31	5:59
Aug. 10—16	5:44	8:24	Feb. 15—21	6:22	6:07
Aug. 17—23	5:51	8:14	Feb. 22—28	6:13	6:16
Aug. 24—30	5:57	8:04	Mar. 1—7	6:03	6:23
Aug 31—Sept. 6	6:04	7:52	Mar. 8—14 *Begins	6:52	7:31
Sept. 7—13	6:11	7:41	Mar. 15—21	6:41	7:38
Sept. 14—20	6:17	7:29	Mar. 22—28	6:30	7:45
Sept. 21—27	6:24	7:18	Mar. 29—Apr. 4	6:18	7:53
Sept. 28—Oct. 4	6:31	7:07	Apr. 5—11	6:07	8:00
Oct. 5—11	6:38	6:56	Apr. 12—18	5:56	8:07
Oct. 12—18	6:45	6:45	Apr. 19—25	5:46	8:14
Oct. 19—25	6:53	6:36	Apr. 26—May 2	5:36	8:21
Oct. 26—Nov. 1	7:01	6:27	May 3—9	5:27	8:28
Nov. 2—8 *Ends	6:09	5:20	May 10—16	5:20	8:35
Nov. 9—15	6:17	5:14	May 17—23	5:13	8:42
Nov. 16—22	6:25	5:09	May 24—30	5:08	8:48
Nov. 23—29	6:32	5:06	May 31—June 6	5:04	8:53
Nov. 30—Dec. 6	6:39	5:05	June 7—13	5:02	8:58
Dec. 7—13	6:44	5:05	June 14—20	5:01	9:01
Dec. 14—20	6:49	5:06	June 21—27	5:02	9:03
Dec. 21—27	6:52	5:09	June 28—July 4	5:05	9:02
Dec. 28—Jan. 3	6:53	5:14	*Daylight Saving Time		

**MIGRATORY GAME BIRD HUNTING HOURS TABLE**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 31—Sept. 6	6:04	7:22	Dec. 28—Jan. 3	6:53	4:44
Sept. 7—13	6:11	7:11	Jan. 4—10	6:53	4:50
Sept. 14—20	6:17	6:59	Jan. 11—17	6:51	4:57
Sept. 21—27	6:24	6:48	Jan. 18—24	6:49	5:05

MIGRATORY GAME BIRD HUNTING HOURS TABLE					
<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 28—Oct. 4	6:31	6:37	Jan. 25—31	6:44	5:13
Oct. 5—11	6:38	6:26	Feb. 1—7	6:38	5:21
Oct. 12—18	6:45	6:15	Feb. 8—14	6:31	5:29
Oct. 19—25	6:53	6:06	Feb. 15—21	6:22	5:37
Oct. 26—Nov. 1	7:01	5:57	Feb. 22—28	6:13	5:46
Nov. 2—8 *Ends	6:09	4:50	Mar. 1—7	6:03	5:53
Nov. 9—15	6:17	4:44	Mar. 8—14 *Begins	6:52	7:01
Nov. 16—22	6:25	4:39	Mar. 15—21	6:41	7:08
Nov. 23—29	6:32	4:36	Mar. 22—28	6:30	7:15
Nov. 30—Dec. 6	6:39	4:35	Mar. 29—Apr. 4	6:18	7:23
Dec. 7—13	6:44	4:35	Apr. 5—11	6:07	7:30
Dec. 14—20	6:49	4:36	Apr. 12—18	5:56	7:37
Dec. 21—27	6:52	4:39	*Daylight Saving Time		

[Pa.B. Doc. No. 14-518. Filed for public inspection March 14, 2014, 9:00 a.m.]

### [ 58 PA. CODE CHS. 141 AND 147 ] Hunting and Trapping; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2014, meeting to amend § 141.1 (relating to special regulations areas) and add §§ 147.681—147.687 (relating to deer attractant permit) to create and implement a deer attractant permit to authorize limited baiting activities on private property in the southeast special regulations area.

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 January 28, 2014, meeting of the Commission. Comments can be sent until April 4, 2014, to the Director, 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 application; and 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. See 41 Pa.B. 1767 (April 2, 2011). The Commission is proposing to amend § 141.1 and add §§ 147.681—147.687 to create and implement a deer attractant permit to authorize limited baiting activities on private property in the southeast special regulations area.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate con-

cerning 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." Sections 147.681—147.687 and the amendments to § 141.1 are proposed under this authority.

#### 2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.1 and add §§ 147.681—147.687 to create and implement a deer attractant permit to authorize limited baiting activities on private property in the southeast special regulations area.

#### 3. *Persons Affected*

Persons wishing to hunt or take game wildlife in the southeast special regulations area may be affected by the proposed rulemaking.

#### 4. *Cost and Paperwork Requirements*

The proposed rulemaking may result in some additional cost and paperwork associated with the creation and implementation of this new permit in the Commission's existing permitting 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 rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-365. No fiscal impact; (8) recommends adoption.



Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

\* \* \* \* \*

(c) *Prohibitions.*

\* \* \* \* \*

(2) It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director.

**(3) It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities, or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in the southeast special regulations area for the purpose of feeding white-tailed deer, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause white-tailed deer to congregate or habituate an area. If otherwise lawful feeding is attracting white-tailed deer, the Commission may provide written notice prohibiting this activity.**

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

\* \* \* \* \*

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

**(7) Hunt or take deer in the southeast special regulations area during regular open hunting seasons for white-tailed deer through the use of or by taking advantage of bait on private property only under a deer attractant permit issued under Chapter 147, Subchapter R (relating to deer control).**

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER ATTRACTANT PERMIT

*(Editor's Note: Sections 147.681—147.687 are new and printed in regular type to enhance readability.)*

§ 147.681. Purpose.

The purpose of §§ 147.682—147.687 is to authorize eligible persons to hunt through the use of or otherwise take advantage of approved bait to enhance the harvest rate of white-tailed deer on private property within the southeast special regulations area where traditional hunting and deer control methods have proven ineffective in controlling local deer populations.

§ 147.682. Permit eligibility and use.

(a) *Application.* Deer attractant permits may be issued to landowners or their agents who have suffered material damage to their real property in the southeast special regulations area by white-tailed deer. Permits will be made available through a system established by the Director.

(b) *Hunting.* Deer attractant permits may be utilized by landowners or persons they permit to hunt on their property, or both, who:

(1) Possess a valid hunting license or qualify for applicable license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) for the geographical area including the proposed bait site.

(2) Have no prior record of violations of the act or this title, or related license revocations within the 5 years preceding the date of application.

§ 147.683. Operation.

A deer attractant permit issued under this subchapter authorizes landowners or persons they permit to hunt on their property, or both, to hunt through the use of or otherwise take advantage of approved bait for the purpose of enhancing the harvest rate of white-tailed deer. This authorization is subject to the following conditions:

(1) This authorization only applies during regular open hunting seasons for white-tailed deer in the affected portion of each wildlife management unit located within the southeast special regulations area.

(2) A proposed bait site may not be located less than 250 yards from any previously established bait site authorized under this subchapter.

(3) Approved bait may be distributed at each bait site by approved feeders from 2 weeks prior to the opening of the first white-tailed deer season through the close of the last white-tailed deer season within the applicable wildlife management unit.

(4) Approved feeders are limited to sealed, waterproof, automatic, mechanical feeders that are set to distribute bait up to a maximum of three times per day during legal hunting hours only. The feeder must be visibly tagged or labeled with the landowner's permit number or the full name and address of the landowner.

(5) Bait accumulation at any one bait site may not exceed 5 gallons total volume at any given time.

(6) Approved bait is limited to shelled corn and protein pellet supplements.

(7) A person engaging in privileges authorized by a deer attractant permit shall possess a copy of the permit on their person at all times while exercising the permit privileges and while maintaining the bait site and shall produce the permit upon demand of an officer whose duty it is to enforce this title.

(8) It is the sole responsibility of the landowner or his agent and persons they permit to hunt on their property to ensure that the area bait site is in compliance with this section prior to hunting in that area.

(9) The landowner and persons they permit to hunt on their property may not, under any circumstances, hunt, take, kill or harvest any game or wildlife other than white-tailed deer at the bait site or coming to and from the bait site. Persons not authorized by the landowner to

hunt on their property may not, under any circumstances, hunt, take, kill or harvest any game or wildlife at the bait site or coming to and from the bait site.

**§ 147.684. Records and reports.**

(a) A report of deer harvested at or near a bait station shall be submitted by the hunter in accordance with the requirements of section 2323 of the act (relating to tagging and reporting big game kills).

(b) An annual report of deer harvested under the authority of the permit shall be submitted by the landowner or his agent in the manner specified by the Commission within 30 days of the close of the last open season within the applicable wildlife management unit.

(c) Failure to submit a timely and complete annual report required under this section will automatically render the permittee ineligible to reapply for the permit for the subsequent permit year.

**§ 147.685. Suspension of baiting sites.**

(a) The Commission may suspend the operation of any bait site if one or more of the following is determined: (i) The baiting activity is causing conflict with other lawful hunting. (2) The baiting activity is causing public safety hazards. (3) The operation of the baiting site is not in compliance with the requirements of §§ 147.682—147.684 (relating to permit eligibility and use; operation; records and reports). (4) The operation if the baiting site is detrimental to the health and welfare of any wildlife, including white-tailed deer.

(b) The Commission may suspend the operation of bait sites authorized under this subchapter upon the detection of Chronic Wasting Disease within the southeast special regulations area. This suspension may remain indefinitely until the Commission determines that resumption of baiting activities will not create an unreasonable future risk of spreading of the disease on the landscape.

**§ 147.686. Violations.**

Violations of this subchapter will be prosecuted under section 2308 of the act (relating to unlawful devices and methods). Furthermore, the Director may deny, revoke or suspend a permit for violation requirements, standards or limitations of this subchapter upon written notice to the permittee.

**§ 147.687. Sunset clause.**

Sections 147.681—147.686 and this section become effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes their legal effectiveness prior to this termination date.

[Pa.B. Doc. No. 14-519. Filed for public inspection March 14, 2014, 9:00 a.m.]

**[ 58 PA. CODE CHS. 131 AND 141 ]**

**Preliminary Provisions; Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2014, meeting to amend

§§ 131.2, 141.43—141.45 and 141.47 to lengthen the broadhead length limitation from 3 inches to 3.25 inches.

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 January 28, 2014, meeting of the Commission. Comments can be sent until April 4, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797

*1. Purpose and Authority*

Current regulations prohibit a person from hunting big game using an arrow or bolt equipped with a broadhead exceeding 3 inches in length. The Commission recently received a request to lengthen the broadhead length limitation to 3.25 inches to authorize certain handmade and commercially sold products. The Commission reviewed applicable safety and wildlife management concerns and determined that this nominal expansion of authorized broadheads will not have a negative impact on the wildlife resources of this Commonwealth. The Commission is proposing to amend §§ 131.2, 141.43—141.45 and 141.47 to lengthen the broadhead length limitation from 3 inches to 3.25 inches.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to §§ 131.2, 141.43—141.45 and 141.47 are proposed under this authority.

*2. Regulatory Requirements*

The proposed rulemaking will amend §§ 131.2, 141.43—141.45 and 141.47 to lengthen the broadhead length limitation from 3 inches to 3.25 inches.

*3. Persons Affected*

Persons wishing to hunt or take game using a bow and arrow or crossbow and bolt 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.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-361. No fiscal impact; (8) recommends adoption.

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:

\* \* \* \* \*

Broadhead—[ Shall have an outside diameter or width of at least 7/8 inch with no less than two cutting edges. Cutting edges shall be in the same plane throughout the length of the cutting surface. Broadheads may not exceed 3 inches in length measured from the tip of the broadhead to the point that fits against the arrow shaft. ] A fixed or mechanical tip affixed to the fore end of an arrow or bolt having sharpened cutting edges consisting of metal or naturally occurring stone.

\* \* \* \* \*

CHAPTER 141. HUNTING AND TRAPPING
Subchapter C. BIG GAME

§ 141.43. Deer.

(a) Archery deer season.

(1) Permitted devices. It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch [ with at least two cutting edges located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch [ with at least two cutting edges located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

\* \* \* \* \*

§ 141.44. Bear.

(a) Archery bear season.

(1) Permitted devices. It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch [ with at least two cutting edges

located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch [ with at least two cutting edges located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

\* \* \* \* \*

§ 141.45. Turkey.

(a) Fall turkey season.

(1) Permitted devices. It is lawful to hunt turkey during the fall turkey season with any of the following devices:

\* \* \* \* \*

(iii) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch [ with at least two cutting edges located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

(iv) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch [ with at least two cutting edges located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

\* \* \* \* \*

§ 141.47. Elk.

(a) Permitted devices. It is lawful to hunt elk during the elk season with any of the following devices:

\* \* \* \* \*

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch [ with at least two cutting edges located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch [ with at least two cutting edges located on the same plane throughout the length of the cutting surface, ] and may not exceed [ 3 ] 3.25 inches in length.

\* \* \* \* \*

[Pa.B. Doc. No. 14-520. Filed for public inspection March 14, 2014, 9:00 a.m.]



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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2014, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2014-2015 hunting/trapping license year.

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 January 28, 2014, meeting of the Commission. Comments can be sent until April 4, 2014, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2014-2015 license year. The 2014-2015 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 management of the wildlife resources of this Commonwealth.

Several changes in hunting seasons and bag limits, when compared with the 2013-2014 regulations, are being proposed. First, it is proposed that small game field possession limits be increased to three times the daily bag. Migratory game bird possession limits were increased to three times the daily bag limit for the 2013-2014 hunting season. This proposed change will make small game possession limits consistent with those for migratory game birds and provide increased hunting opportunity, particularly for nonresident hunters.

Staff have proposed to reduce the 2014 fall turkey seasons in wildlife management units (WMU) 3A, 3B and 3C from 3 weeks to 2 weeks, while retaining the 3-day Thanksgiving hunt segment. Population indices have been showing decreasing trends in each of these WMUs over the last 4 to 5 years. Low spring harvest densities, decreases in poul recruitment and summer sighting survey data also reflect declines warranting this action, which is consistent with guidelines in the Wild Turkey Management Plan. In all cases, a 1-week reduction in the first fall segment of the season is advised over elimination of the 3-day Thanksgiving season segment because it is likely to achieve a greater reduction in harvest.

Also in regard to fall turkey seasons, it is proposed that the WMU 5A season be maintained at 3 days but shifted from midweek to a Thursday-Saturday framework. The turkey population in this WMU remains low, but is higher than prior to the season closure and flocks are well distributed. Including a Saturday in the 3-day season is expected to increase hunter opportunity and satisfaction and was recommended by the WMU 5A Wild Turkey Task Force.

Staff has suggested adding WMUs 2C and 4B to the Wednesday through Saturday extended bear season that runs concurrent with deer season. WMU 2C has had a slightly increasing bear population trend, highway mortalities of bears also have been slowly increasing and there has been a noticeable increase in human-bear conflicts. WMU 4B also has had an increasing trend in human-bear conflicts with several incidents in recent years involving home entry or injury to pets and people. Vehicle mortalities of bears also has generally increased. Furthermore, harvest, which typically correlates well with annual population monitoring, has steadily increased by approximately 20% annually since 2003.

Concerning furbearers, staff has proposed adding WMUs 1B and 3C to the fisher trapping season based on increased numbers of incidental captures and sightings during the past 3 years. Finally, it is proposed that all references to regulated harvest of skunks should specify the "striped skunk." Spotted skunks, a species of conservation concern, have a very limited distribution and low abundance in southwestern counties in this Commonwealth and should be excluded from any regulated harvest.

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 amendments to § 139.4 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2014-2015 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2014-2015 hunting/trapping license year 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 effective dates of the proposed rulemaking are July 1, 2014, to June 30, 2015.

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.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-359. No fiscal impact; (8) recommends adoption.



Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

(Editor's Note: As part of this proposed rulemaking, the Commission is replacing the table which appears in 58 Pa. Code pages 139-3—139-14, serial pages (366851)—(366862) with the following table.)

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

(SEASONS AND BAG LIMITS TABLE)  
 2014-2015 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 Second Day</i>
Squirrels—(Combined species)— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 11	Oct. 17	6	18
Squirrels (Combined species)	Oct. 18	Nov. 29	6	18
	Dec. 15	Dec. 24		
	Dec. 26	Feb. 21, 2015		
Ruffed Grouse	Oct. 18	Nov. 29	2	6
	Dec. 15	Dec. 24		
	Dec. 26	Jan. 24, 2015		
Rabbits, Cottontail— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 11	Oct. 18	4	12
Rabbits, Cottontail	Oct. 25	Nov. 29	4	12
	Dec. 15	Dec. 24		
	Dec. 26	Feb. 21, 2015		
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. The Director is authorized to open the pheasant season via executive order in a designated wild pheasant recovery area if the agency is unsuccessful in its efforts to acquire and release wild pheasants.				
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 11	Oct. 18	2	6
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 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. 11	Oct. 18	2	6

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B	Oct. 25	Nov. 29	2	6
	and			
	Dec. 15	Dec. 24		
	and			
	Dec. 26	Feb. 21, 2015		
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 25	Nov. 29	2	6
	and			
	Dec. 15	Dec. 24		
	and			
	Dec. 26	Feb. 21, 2015		
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. 25	Nov. 29	4	12
Hares (Snowshoe Rabbits) or Varying Hares in WMUs 3B, 3C and 3D	Dec. 26	Dec. 29	1	3
Hares (Snowshoe Rabbits) or Varying Hares—in WMYs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D	Dec. 26	Jan. 1, 2015	1	3
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
Porcupines Season closed during the overlap with the regular firearms deer seasons.	Sep. 1	Mar. 31, 2015	3	10
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Wild Turkey—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 21		
	and			
	Nov. 27	Nov. 29		
WMU 1B	Nov. 1	Nov. 8		
	and			
	Nov. 27	Nov. 29		
WMUs 1A, 2A, 2D, 2F, 2G, 2H, 3A, 3B and 3C	Nov. 1	Nov. 15		
	and			
	Nov. 27	Nov. 29		
WMUs 2C, 2E, 3D, 4A, 4B, 4C, 4D and 4E	Nov. 1	Nov. 21		
	and			
	Nov. 27	Nov. 29		
WMU 5A	Nov. 6	Nov. 8		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Wild Turkey (Spring Gobbler) Statewide <sup>1</sup> Bearded Bird only	May 2, 2015	May 16, 2015	1	2
	and		May be hunted 1/2 hour before sunrise to 12 noon	
	May 18, 2015	May 30, 2015	1	2
			May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	
Wild Turkey (Spring Gobbler) Statewide Youth Hunt <sup>1</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 25, 2014		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—712) 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</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 4	April 5, 2015	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 Second Day</i>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2015	6	18
Quail	Sept. 1	Mar. 31, 2015	4	12
Ruffed Grouse	Sept. 1	Mar. 31, 2015	2	6
Cottontail Rabbits	Sept. 1	Mar. 31, 2015	4	12
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2015	1	3
Ring-necked Pheasant—Male and Female (Combined)	Sept. 1	Mar. 31, 2015	2	6

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. 4	Nov. 15	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 10, 2015	
Deer, Archery (Antlerless) WMUs 2B, 5C and 5D	Sept. 20	Oct. 3	An antlerless deer with each required antlerless license.
	Nov. 17	Nov. 29	
Deer, Archery (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Jan. 12, 2015	Jan. 24, 2015	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	Dec. 1	Dec. 13	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, 2H, 3B, 3C, 4B, 4D and 4E	Dec. 1	Dec. 15	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3B, 3C, 4B, 4D and 4E	Dec. 6	Dec. 13	One antlered, and an antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
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 U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 23	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 18	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> (Statewide)	Dec. 26	Jan. 10, 2015	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. 24, 2015	An antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Counties of Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia	Dec. 26	Jan. 24, 2015	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 only <sup>4</sup> (Statewide)	Nov. 17	Nov. 21	1	1
Bear, Archery only <sup>4</sup> WMUs 2B, 5C and 5D	Sept. 20	Nov. 15	1	1
Bear, Archery only <sup>4</sup> WMU 5B	Oct. 4	Nov. 15	1	1
Bear, Muzzleloader <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Oct. 18	Oct. 25	1	1
Bear, Special Firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D Junior and Senior License holders, disabled and PA residents on active duty in armed services	Oct. 23	Oct. 25	1	1
Bear, Regular Firearms <sup>4</sup> (Statewide)	Nov. 22	Nov. 26	1	1
Bear, Extended Firearms <sup>4</sup> WMUs 2C, 4B, 4C, 4D and 4E	Dec. 3	Dec. 6	1	1
Bear, Extended Firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Dec. 1	Dec. 13	1	1
Bear, Extended Firearms <sup>4</sup> WMUs 3A, 3B, 3C and 3D	Dec. 1	Dec. 6	1	1



ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Regular <sup>5</sup> (Antlered and Antlerless)	Nov. 3	Nov. 8	1	One elk with required license
Elk, Extended <sup>5</sup> (Antlered and Antlerless)	Nov. 10	Nov. 15	1	One elk with required license

FUR TAKING—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. 22	Jan. 11, 2015	Unlimited	
Beaver (Statewide)	Dec. 26	Mar. 31, 2015		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyotes, Foxes, Opossums, Raccoons, Striped Skunks, Weasels—(Statewide)	Oct. 26	Feb. 22, 2015	Unlimited	
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 22, 2015	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 20	Jan. 15, 2015	1	1
Fisher (with appropriate permit) WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E	Dec. 20	Dec. 25	1	1

FUR TAKING—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)				
Opossums, Striped Skunks, Weasels (Statewide)				
Raccoons and Foxes—(Statewide)	Oct. 25	Feb. 21, 2015	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 20, 2015	Feb. 10, 2015	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 2 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.

[ 58 PA. CODE CH. 147 ]

Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2014, meeting to amend Chapter 147, Subchapter X (relating to Mentored Hunting Program Permit) to create and implement a Mentored Adult Hunting Program in this Commonwealth.

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 January 28, 2014, meeting of the Commission. Comments can be sent until April 4, 2014, 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 in fall 2006, the Commission has been striving to find a way to apply the successes of this mentor-based program to nonhunting adults in this Commonwealth. The Commission determined that a program could entice increased adult participation in this Commonwealth's great hunting heritage by streamlining their introduction to the sport of hunting. The act of May 15, 2013 (P.L. 26, No. 7) authorizes the Commission to implement a Mentored Hunting Program in this Commonwealth. The Commission is proposing to amend Chapter 147, Subchapter X to create and implement a Mentored Adult Hunting Program. The Mentored Adult Hunting Program will maintain the mentor-based structure of the Mentored Youth Hunting Program, but will have different species allowances, costs and safety features. Adult participants will now be able to apply for and receive a Mentored Adult Hunting Permit through the Pennsylvania Automated License System at any of the Commission's issuing agent locations across this Commonwealth prior to participating in the Mentored Adult Hunting Program. Permit application will require participants to supply the required identification information and pay a fee of \$19 for residents and \$100 for nonresidents, plus any applicable transactional and issuing agent fees.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to Chapter 147, Subchapter X are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend Chapter 147, Subchapter X to create and implement a deer attractant permit to create and implement a Mentored Adult Hunting Program.

3. Persons Affected

Persons of majority age wishing to hunt or take game or wildlife in this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking may result in some additional cost and paperwork associated with the implementation

of these changes in 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 rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH, Executive Director

Fiscal Note: 48-362. 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

§ 147.801. Purpose and scope.

(a) The purpose of this subchapter is to define and implement the Mentored [ Youth ] Hunting Program within this Commonwealth and provide for the issuance of hunting permits to eligible [ youths ] individuals.

(b) The Mentored [ Youth ] Hunting Program is intended to provide mentors who are dedicated to promoting and sharing this Commonwealth's hunting heritage with [ interested youths ] others, the opportunity to provide these [ younger ] unlicensed [ youths ] individuals with one-on-one, hands-on experience and in-field training on the mechanical, ethical, safety, responsibility and enjoyment aspects of the hunting experience.

§ 147.802. Definitions.

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

\* \* \* \* \*

Mentor—A licensed person, 21 years of age or older who is serving as a guide to a mentored youth or mentored adult while engaged in hunting or related activities.

Mentored adult—An unlicensed person, 18 years of age or older, who is accompanied by a mentor while engaged in hunting or related activities.

Mentored youth—An unlicensed person, under 12 years of age who is accompanied by a mentor while engaged in hunting or related activities.

\* \* \* \* \*

§ 147.803. Application.

(a) Form and content. Applications for mentored [ youth ] hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each

application must include the name, address, telephone number, date of birth [ **and** ], Social Security number of the applicant **and any other information required by the Commission.**

**(b) Eligibility.**

**(1) Mentored youth hunting permits are available to youth applicants under 12 years of age. Mentored youth hunting permits are available to eligible youth applicants until they reach 12 years of age, after which a junior hunting license is required.**

**(2) Mentored adult hunting permits are available to adult applicants 18 years of age or older who have never held a prior hunting license within this Commonwealth or another state or nation. Mentored adult hunting permits are available to eligible adult applicants for a total of 3 consecutive, unbroken license years, after which an applicable adult hunting license is required.**

[ **(b)** ] **(c) Minors.** Applications may be submitted on behalf of an eligible mentored youth upon presentation of a written request executed by a parent or legally constituted guardian.

[ **(c)** ] **(d) Fee.**

**(1)** The fee for a mentored youth hunting permit will be \$1, plus any applicable transactional and issuing agent fees.

**(2) The fee for a mentored adult hunting permit will be:**

**(i) For residents, \$19, plus any applicable transactional and issuing agent fees.**

**(ii) For nonresidents, \$100, plus any applicable transactional and issuing agent fees.**

**§ 147.804. General.**

**(a) License required.** A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored [ **youth** ] hunting activities.

**(b) Permit required.** A mentored youth **or mentored adult** shall possess a valid **applicable** mentored [ **youth** ] hunting permit prior to engaging in any mentored [ **youth** ] hunting activities.

**(c) Species limitation.**

**(1)** A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey.

**(2) A mentored adult's hunting eligibility is restricted to the following species: squirrel, ruffed grouse, rabbit, pheasant, bobwhite quail, hares, porcupine, woodchuck, crow, coyote, antlerless deer and wild turkey.**

**(d) Seasons and bag limits.** A mentored youth's **and mentored adult's** hunting eligibility is further constrained by applicable hunting seasons, daily limits, field possession limits and season limits provided in § 139.4 (relating to seasons and bag limits for the license year).

**(e) Applicability of junior seasons and antler restrictions.** 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).

**(f) [ A mentored youth ] Tagging requirements.** **Mentored youth and mentored adults** shall tag and report all big game harvested in the manner provided in section 2323 of the act (relating to tagging and reporting big game kills).

**(g) Transfer of an antlerless license.** Notwithstanding the prohibitions in section 2711(3) and (5) of the act (relating to unlawful acts concerning licenses), mentors are authorized to transfer [ **an** ] antlerless licenses issued to them to an eligible mentored youth **or mentored adult**. 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 **or mentored adult** has harvested the antlerless deer, but before tagging the carcass. A mentored youth **or mentored adult** may receive by transfer no more than one antlerless deer license each license year. [ **A mentored youth is** ] **Mentored youth and mentored adults** are ineligible to make direct application for an antlerless license.

**(h) Transfer of a fall turkey tag.** Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer fall turkey tags issued to them to **an** eligible mentored youth **or mentored adult**. The fall turkey tag shall be valid and in the possession of the mentor at all times while hunting fall turkey. The transfer of the fall turkey tag may not occur until after the mentored youth **or mentored adult** has harvested the fall turkey, but before tagging the carcass. A mentored youth **or mentored adult** may not receive by transfer more than one fall turkey tag each license year.

**(i) Transfer of a Deer Management Assistance Program harvest permit.** Notwithstanding the prohibitions in § 147.676(2) and (3) (relating to unlawful acts), mentors are authorized to transfer Deer Management Assistance Program (DMAP) harvest permits issued to them to **an** eligible mentored youth **or mentored adult**. The DMAP harvest permit must be valid and in the possession of the mentor at all times while hunting [ **anterless** ] **antlerless** deer. The transfer of the DMAP harvest permit may not occur until after the mentored youth **or mentored adult** has harvested the [ **anterless** ] **antlerless** deer, but before tagging the carcass. A mentored youth **or mentored adult** may not receive by transfer more than one DMAP harvest permit each license year. [ **A mentored youth is** ] **Mentored youth and mentored adults** are ineligible to make direct application for a DMAP harvest permit.

**§ 147.805. Safety.**

While engaged in mentored [ **youth** ] hunting activities:

**(1)** A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device. **This limitation may not be construed to apply to mentored adults. Mentored adults shall be accompanied by the mentor within eyesight and in close proximity so that verbal instruction and guidance can easily be understood without the aid of electronic communication devices or sound amplification devices.**

(2) A mentor may not accompany more than one **mentored youth** [ , **including junior hunters,** ] **or mentored adult** at any given time. **A mentor may not accompany a junior hunter in addition to accompanying a mentored youth or mentored adult.**

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time. **This limitation may not be construed to apply to mentors and mentored adults participating in the mentored adult hunting program.**

(4) A mentor and mentored youth **or mentored adult** shall [ **both** ] **each** comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

**§ 147.806. Liability.**

A mentor is responsible and accountable for all actions of the mentored youth **or mentored adult** occurring

while engaged in mentored [ **youth** ] hunting activities. A mentor who causes or allows a mentored youth **or mentored adult** to engage in an unlawful act shall be punishable as the principal offender as provided in section 924 of the act (relating to liability for actions of others).

**§ 147.807. Violations.**

It is unlawful for a mentor [ **or** ], mentored youth **or mentored adult** to fail to comply with any of the requirements, standards or limitations of this subchapter. A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act. The Director may additionally deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

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