

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 215]

Security Rule for Radioactive Material

The Environmental Quality Board (Board) proposes to amend Chapter 215 (relating to general provisions) to read as set forth in Annex A. The proposed rulemaking would amend Chapter 215 to include a reference to the new Nuclear Regulatory Commission (NRC) security regulation in 10 CFR Part 37 (relating to physical protection of category 1 and category 2 quantities of radioactive material). The Bureau of Radiation Protection incorporates by reference all applicable NRC radiation protection and control of radioactive materials regulations from 10 CFR (relating to energy).

This proposed rulemaking was adopted by the Board at its meeting on October 21, 2014.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Joseph Melnic, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 783-9730; or Keith Salador, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8075. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (select "Public Participation Center," then select "The Environmental Quality Board").

C. Statutory Authority

This proposed rulemaking is being made under the authority of sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

D. Background and Purpose

When then Governor Rendell signed the Agreement with the Chairperson of the NRC in March 2008 to oversee and regulate licensure of radioactive materials for Pennsylvania entities, the Commonwealth committed to being compatible with the NRC regulations. The Department fulfills this requirement by incorporating by reference NRC regulations. Currently, licensees in this Commonwealth are following security orders issued by the NRC in November 2005 following the terrorist attacks of September 11, 2001. The orders were reissued by the Department in 2008 after the Commonwealth became an Agreement State, for security controls, also referred to as Increased Controls (IC), for these high-activity licensees. The orders were used to develop 10 CFR Part 37 as implemented by the NRC in March 2014.

E. Summary of Regulatory Requirements

The following discussion outlines the regulatory requirements that have been affected by the proposed rulemaking and describes the basis for the amendments.

§ 215.1. Purpose and scope

In subsection (e), the Department is proposing to add a reference to 10 CFR Part 37, incorporating by reference this new part.

Proposed subsection (e)(10) designates that 10 CFR 37.3(b)(2), 37.13, 37.73(d) and (e), 37.107 and 37.109 are not being incorporated. These sections are not being incorporated because they apply to the NRC only. Subsequent paragraphs are proposed to be renumbered.

Proposed amendments to subsection (h)(5) delete the transitional language that was added in anticipation of the Commonwealth becoming an Agreement State. In addition, language is proposed to be added codifying the requirement for licensees to send criminal history records to the NRC.

F. Benefits, Costs and Compliance

Benefits

Codifying orders into regulation will result in optimizing compliance authority. Benefits of the regulation are prevention of unnecessary radiation exposure to the public and radiation workers from terrorist acts using large quantities of radioactive material.

Compliance costs

No additional financial, economic or social impact will result from this proposed rulemaking.

Compliance Assistance Plan

Current IC licensees are being informed by the Department during annual inspections that the orders they are required to comply with will be codified in Pennsylvania regulation with the promulgation of this proposed rulemaking. The Department has recently notified all IC licensees through a written Information Notice that 10 CFR Part 37 is anticipated to be incorporated by March 19, 2016. In addition, a series of workshops were conducted in September 2014 in which the NRC, the National Nuclear Security Administration of the United States Department of Energy and various local law enforcement agencies participated to provide technical assistance.

Paperwork requirements

The proposed rulemaking will not revise the current paperwork requirements.

G. Pollution Prevention

This is not applicable to this proposed rulemaking.

H. Sunset Review

The regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 9, 2015, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources

and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by April 20, 2015. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by April 20, 2015. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments, including the submission of a one-page summary of comments, may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing the Board's online comment system at www.ahs.dep.pa.gov/RegComments. Comments may also be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

JOHN QUIGLEY, Acting Chairperson

Fiscal Note: 7-493. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE V. RADIOLOGICAL HEALTH CHAPTER 215. GENERAL PROVISIONS GENERAL PROVISIONS

§ 215.1. Purpose and scope.

* * * * *

(e) Title 10 Chapter I (Nuclear Regulatory Commission) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 70, 71 and §§ 150.1, 150.2, 150.3, 150.11 and 150.20 of the CFR are incorporated by reference with the exceptions set

forth in paragraphs (1)—[(13)] (14). Notwithstanding the requirements incorporated by reference, nothing in this article relieves or limits a person from complying with the laws of the Commonwealth, including the act and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905).

(1) Sections 19.4, 19.5, 19.8, 19.30 and 19.40 are not incorporated.

(2) Sections 20.1006, 20.1009, 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402 are not incorporated.

(3) Sections 30.5, 30.6, 30.8, 30.21(c), 30.34(d) and (e)(1) and (3), [30.41(a)(6)] 30.41(b)(6), 30.55, 30.63 and 30.64 are not incorporated.

* * * * *

(9) Sections 36.5, 36.8, 36.91 and 36.93 are not incorporated.

(10) Sections 37.3(b)(2), 37.13, 37.73(d) and (e), 37.107 and 37.109 are not incorporated.

[(10)] (11) Sections 39.5, 39.8, 39.101 and 39.103 are not incorporated.

[(11)] (12) Sections 40.6, 40.8, 40.12(b), 40.23, 40.27, 40.28, 40.31(k) and (i), 40.32(d), (e) and (g), 40.33, 40.38, 40.41(d), (e)(1) and (3) and (g), 40.51(b)(6), 40.64, 40.66, 40.67, 40.81 and 40.82 are not incorporated.

[(12)] (13) Sections 70.1(c), (d) and (e), 70.5, 70.6, 70.8, 70.13, 70.13a, 70.20a, 70.20b, 70.21(a)(1), (c), (f), (g) and (h), 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m) and (n), 70.23(a)(6), (7), (8), (9), (10), (11) and (12) and (b), 70.23a, 70.24, 70.25(a), 70.31(c), (d) and (e), 70.32(a)(1), (4), (5), (6) and (7), 70.32(b)(1), (3) and (4), (c), (d), (e), (f), (g), (h), (i), (j) and (k), 70.37, 70.40, 70.42(b)(6), 70.44, 70.51(c), (d) and (e), 70.52, 70.53, 70.54, 70.55(c)(1), (2) and (3), 70.56(c) and (d), 70.57, 70.58, 70.59, 70.62, 70.71 and 70.72 are not incorporated.

[(13)] (14) Sections 71.2, 71.6, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99, 71.100, 71.101(c)(2), (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123 and 71.125 are not incorporated.

* * * * *

(h) To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department [and, for NRC licenses, to the NRC until agreement state status is in effect], except as noted in 10 CFR 37.27 (relating to requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material).

[Pa.B. Doc. No. 15-501. Filed for public inspection March 20, 2015, 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 January 27, 2015, meeting proposed to amend § 141.45 (relating to turkey) by deleting the reference to Wildlife Management Units (WMU) 1A, 1B and 2A in the provision prohibiting use of manually operated centerfire, rimfire or muzzleloading firearms using single projectile ammunition to maintain continuity between these regulations.

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 27, 2015, meeting of the Commission. Comments can be sent until April 6, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission's 2015-2016 seasons and bag limits proposal identifies only WMU 2B as a shotgun and archery only area. See the proposed rulemaking published at 45 Pa.B. 1375 (March 21, 2015). Furthermore, WMUs 5B, 5C and 5D remain closed to fall turkey hunting. All remaining WMUs are currently organized to permit use of manually operated centerfire, rimfire or muzzleloading firearms using single projectile ammunition. The Commission is proposing to amend § 141.45 by deleting the reference to WMUs 1A, 1B and 2A in the provision prohibiting use of manually operated centerfire, rimfire or muzzleloading firearms using single projectile ammunition to maintain continuity between these regulations.

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 § 141.45 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.45 by deleting the reference to WMUs 1A, 1B and 2A in the provision prohibiting use of manually operated centerfire, rimfire or muzzleloading firearms using single projectile ammunition to maintain continuity between these regulations.

3. Persons Affected

Persons wishing to hunt wild turkey through the use of manually operated centerfire, rimfire or muzzleloading firearms using single projectile ammunition during the fall season 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 will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-380. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.45. Turkey.

(a) *Fall turkey season.*

* * * * *

(2) *Prohibitions.* While hunting turkey during the fall turkey season, it is unlawful to:

(i) Use a manually operated centerfire, rimfire or muzzleloading firearm using single projectile ammunition in Wildlife Management Units [1A, 1B, 2A,] 2B, 5B, 5C and 5D.

* * * * *

[Pa.B. Doc. No. 15-502. Filed for public inspection March 20, 2015, 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), at its January 27, 2015, meeting proposed to amend Chapter 141, Appendix G (relating to hunting hours) 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 2015-2016 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 27, 2015, meeting of the Commission. Comments can be sent until April 6, 2015, 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 2015-2016 hunting/trapping license year.

Section 2102(a) of the code (relating to regulations) provides that “[t]he 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 2015-2016 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2015-2016 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, 2015, to June 30, 2016.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-382. 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 (372015)—(372017) and replace them with the following tables.)

**HUNTING HOURS TABLE
FOR JUNE 28, 2015 THROUGH JULY 2, 2016**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:07	9:03
July 5—11	5:11	9:00
July 12—18	5:17	8:57

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 19—25	5:23	8:51
July 26—Aug. 1	5:29	8:44
Aug. 2—8	5:35	8:36
Aug. 9—15	5:42	8:27
Aug. 16—22	5:49	8:18
Aug. 23—29	5:55	8:07
Aug. 30—Sept. 5	6:02	7:56
Sept. 6—12	6:09	7:45
Sept. 13—19	6:15	7:33
Sept. 20—26	6:22	7:22
Sept. 27—Oct. 3	6:29	7:10
Oct. 4—10	6:36	6:59
Oct. 11—17	6:43	6:48
Oct. 18—24	6:50	6:39
Oct. 25—31	6:58	6:30
Nov. 1—7 *Ends	6:06	5:22
Nov. 8—14	6:14	5:15
Nov. 15—21	6:22	5:10
Nov. 22—28	6:30	5:07
Nov. 29—Dec. 5	6:37	5:05
Dec. 6—12	6:43	5:06
Dec. 13—19	6:48	5:08
Dec. 20—26	6:51	5:11
Dec. 27—Jan. 2	6:52	5:17
Jan. 3—9	6:52	5:23
Jan. 10—16	6:50	5:31
Jan. 17—23	6:47	5:39
Jan. 24—Jan. 30	6:41	5:47
Jan. 31—Feb. 6	6:34	5:55
Feb. 7—13	6:26	6:04
Feb. 14—20	6:17	6:12
Feb. 21—Feb. 27	6:08	6:20
Feb. 28—Mar. 5	5:57	6:27
Mar. 6—12	5:46	6:35
Mar. 13—19 *Begins	6:35	7:42
Mar. 20—26	6:23	7:49
Mar. 27—Apr. 2	6:12	7:56
Apr. 3—9	6:01	8:03
Apr. 10—16	5:51	8:11
Apr. 17—23	5:41	8:18
Apr. 24—30	5:31	8:25
May 1—7	5:23	8:32
May 8—14	5:16	8:38
May 15—21	5:10	8:45
May 22—28	5:06	8:51
May 29—June 4	5:03	8:56
June 5—11	5:01	9:00
June 12—18	5:02	9:02

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 19—25	5:03	9:03
June 26—July 2	5:06	9:03

*Daylight Saving Time

**MIGRATORY GAME BIRD HUNTING HOURS
TABLE**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 30—Sept. 5	6:02	7:26
Sept. 6—12	6:09	7:15
Sept. 13—19	6:15	7:03
Sept. 20—26	6:22	6:52
Sept. 27—Oct. 3	6:29	6:40
Oct. 4—10	6:36	6:29
Oct. 11—17	6:43	6:18
Oct. 18—24	6:50	6:09
Oct. 25—31	6:58	6:00
Nov. 1—7 *Ends	6:06	4:52
Nov. 8—14	6:14	4:45
Nov. 15—21	6:22	4:40
Nov. 22—28	6:30	4:37
Nov. 29—Dec. 5	6:37	4:35
Dec. 6—12	6:43	4:36
Dec. 13—19	6:48	4:38
Dec. 20—26	6:51	4:41
Dec. 27—Jan. 2	6:52	4:47
Jan. 3—9	6:52	4:53
Jan. 10—16	6:50	5:01
Jan. 17—23	6:47	5:09
Jan. 24—30	6:41	5:17
Jan. 31—Feb. 6	6:34	5:25
Feb. 7—13	6:26	5:34
Feb. 14—20	6:17	5:42
Feb. 21—27	6:08	5:50
Feb. 28—Mar. 5	5:57	5:57
Mar. 6—12	5:46	6:05
Mar. 13—19 *Begins	6:35	7:12
Mar. 20—26	6:23	7:19
Mar. 27—Apr. 2	6:12	7:26
Apr. 3—9	6:01	7:33
Apr. 10—16	5:51	7:41

*Daylight Saving Time

[Pa.B. Doc. No. 15-503. Filed for public inspection March 20, 2015, 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), at its January 27, 2015, meeting proposed to amend

§§ 141.1 and 147.681—147.683 to expand the Commission’s limited baiting authorization by allowing use of the deer attractant permit on township and municipal property.

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 27, 2015, meeting of the Commission. Comments can be sent until April 6, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, the deer attractant permit is only available for use on private property located within the southeast special regulations area. The Commission is proposing to amend §§ 141.1 and 147.681—147.683 to expand the Commission’s limited baiting authorization by allowing use of the deer attractant permit on township and municipal property.

Section 2102(a) of the code (relating to regulations) provides that “[t]he 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 and 147.681—147.683 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 141.1 and 147.681—147.683 to expand the Commission’s limited baiting authorization by allowing use of the deer attractant permit on township and municipal property.

3. Persons Affected

Persons wishing to hunt white-tailed deer in the southeast special regulations area 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-377. No fiscal impact; (8) recommends adoption.

Annex A

[58 PA. CODE CHS. 141 AND 147]

TITLE 58. RECREATION

Hunting and Trapping; Special Permits

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

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

* * * * *

(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, **township or municipal** 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

§ 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, **township or municipal** 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 **private, township or municipal** 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.

* * * * *

§ 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:

* * * * *

(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 **a landowner upon whose land that person may be occupying or to an officer** whose duty it is to enforce this title.

* * * * *

[Pa.B. Doc. No. 15-504. Filed for public inspection March 20, 2015, 9:00 a.m.]

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2015, meeting proposed to amend §§ 141.62 and 147.701 (relating to beaver and otter trapping; and general) to establish device type and number limitations for beaver and otter trappers in Wildlife Management Units (WMU) with an open otter season and also establish otter trapping permit, tagging and reporting requirements for this new season.

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 27, 2015, meeting of the Commission. Comments can be sent until April 6, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission has proposed to open a limited river otter season for the 2015-2016 trapping license year. See the proposed rulemaking published at 45 Pa.B. 1375 (March 21, 2015). To implement this new trapping opportunity, the Commission must create a supporting regulatory framework. To this end, the Commission is proposing to amend §§ 141.62 and 147.701 to establish device type and number limitations for beaver and otter trappers in WMUs with an open otter season and also establish otter trapping permit, tagging and reporting requirements for this new season.

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.” 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 §§ 141.62 and 147.701 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 141.62 and 147.701 to establish device type and number limitations for beaver and otter trappers in WMUs with an open otter season and also establish otter trapping permit, tagging and reporting requirements for this new season.

3. Persons Affected

Persons wishing to trap beaver or river otter 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 rule-making, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-375. 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 **and otter** trapping.

(a) *General.* There shall be one durable identification tag attached to each trap or snare by means of an extension wire of sufficient length so that the name tag is completely above the water or ice level and totally visible for inspection purposes. The name tag shall visibly set forth the owner's first and last name and legal home address, or a number issued by the Commission.

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

(1) Place, or make use of, materials or products except raw native wood or stone to direct the travel of beaver **or otter**. Man-made materials may be used only to support traps or snares.

(2) Place, check, reset or tend a trap or snare on an established beaver dam or beaver house, or within 15 feet of either a dam or a house. Measurement shall be from directly above the trap or snare, across the water, ice or land to the nearest point of the structure.

(3) Set body gripping traps larger than 10 inches in height by 12 inches in width.

(4) [**Set, tend or operate more than a combined Statewide total of 20 traps or snares no more than 10 of which may be traps. No more than 2 of the traps may be body gripping traps except in Wildlife Management Units where beaver bag limits are 40 or more per season.**] Set, tend or operate any number of traps or snares for beaver trapping in excess of the limits established by this paragraph.

(i) Beaver trappers are generally limited to a combined Statewide total of 20 traps or snares, no more than 10 of which may be traps. No more than 2 of the 10 traps may be body gripping traps, except in Wildlife Management Units where beaver bag limits are 40 or more per season where all 10 traps may be body gripping traps.

(ii) Beaver trappers are limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any Wildlife Management Unit with an open otter trapping season. This limitation is inclusive of any otter traps or snares set under paragraph (7). This limitation is applicable during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season and shall extend for 5 additional consecutive days after the close of the otter season.

tation is applicable during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season and shall extend for 5 additional consecutive days after the close of the otter season.

(5) Check, set, reset or otherwise maintain a beaver **or otter** trap or snare, or remove a beaver **or otter** from a trap or snare, unless the person is identified by the attached name tag as the owner. This paragraph does not prohibit the lending of assistance when the person whose name appears on the trap tag is present.

(6) Equip snares with a spring-activating mechanism or any device designed to aid the closing of the snare loop.

(7) **Set, tend or operate any number of traps or snares for otter trapping in excess of the limits established by this paragraph. Otter trappers are limited to a combined Statewide total of five traps or snares, no more than two of which may be body-gripping traps. This limitation is inclusive of any beaver traps or snares set under paragraph (4)(ii).**

CHAPTER 147. SPECIAL PERMITS

Subchapter S. FURBEARER HUNTING-TRAPPING PERMITS

§ 147.701. **General.**

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

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

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

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

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat, **otter** or fisher shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a Convention on International Trade in Endangered Species (CITES) tag is attached, if applicable, or the animal is mounted, tanned, made into a commercial fur or prepared for consumption.

(ii) A permitted person taking a bobcat or fisher shall report the harvest to the Commission within 48 hours of the taking by a means specified by the Director. **A permitted person taking an otter shall report the harvest to the Commission within 24 hours of the taking by a means specified by the Director.**

(iii) A CITES tag for a bobcat **or otter** taken under this permit will be provided by the Commission in the event that the bobcat, **otter** or any parts thereof are exported internationally or upon request of the [**permittee**] **permittee**. The CITES tag shall immediately be locked through the eyes of the pelt or, in the event of any other part, locked through and attached to

the part. The CITES tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

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

[Pa.B. Doc. No. 15-505. Filed for public inspection March 20, 2015, 9:00 a.m.]

[58 PA. CODE CH. 135]

Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2015, meeting proposed to amend §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) to require that persons using portable hunting blinds or stands on State game lands or cooperative access properties mark their blinds or stands with a tag bearing their name and address or a number issued by the Commission.

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 27, 2015, meeting of the Commission. Comments can be sent until April 6, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission has historically permitted the placement and use of portable hunting blinds and stands on State game lands and continued support for their allowance has not diminished. However, the Commission has identified that this allowance has, in certain instances, resulted in the unintended consequence of some portable hunting blinds and stands on State game lands seemingly becoming permanent fixtures due to long-term placement by hunters. While the Commission continues to support the placement and use of portable hunting blinds and stands on State game lands, it is proposing to amend § 135.41 to require that persons using portable hunting blinds or stands must mark their blinds or stands with a tag bearing their name and address or a number issued by the Commission. The Commission is also proposing to amend § 135.2 to extend the application of these requirements to portable hunting blinds or stands on cooperative access properties that are open to public hunting.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to §§ 135.2 and 135.41 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 135.2 and 135.41 to require that persons using portable hunting blinds or stands on State game lands or cooperative access properties mark their blinds or stands with a tag bearing their name and address or a number issued by the Commission.

3. Persons Affected

Persons wishing to use portable hunting blinds or stands on State game lands or cooperative access 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH, Executive Director

Fiscal Note: 48-379. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§ 135.2. Unlawful actions.

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

* * * * *

(12) Possess, maintain, operate, occupy or travel by snowmobile or ATV in a manner not in accordance with the standards in 75 Pa.C.S. Chapter 77 (relating to Snowmobile and All-Terrain Vehicle Law).

(13) Construct, place, maintain, occupy, use, leave or abandon structures or other tangible property, except in the manner otherwise authorized and limited by § 135.41(c)(11) (relating to State game lands).

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * * *

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(11) Construct, place, maintain, occupy, use, leave or abandon any structures or other tangible property, except that portable hunting blinds or stands may be used subject to the following restrictions:

(i) Use may not cause damage to trees.

(ii) Except as provided in subparagraph (iii), overnight placement of portable hunting blinds or stands may not occur sooner than 2 weeks prior to the opening of the first deer season nor later than 2 weeks after the close of the last deer season within each wildlife management unit.

(iii) Overnight placement of portable hunting blinds is additionally permitted during the spring turkey season within each wildlife management unit.

(iv) Portable hunting blinds or stands placed under subparagraph (ii) or (iii) must be conspicuously marked with a durable identification tag that legibly sets forth in the owner's first name, last name and legal home address in English or must bear a number issued by the Commission for this purpose.

(12) Feed wildlife or lay or place any food, fruit, hay, grain, chemical, salt or other minerals.

* * * * *

[Pa.B. Doc. No. 15-506. Filed for public inspection March 20, 2015, 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), at its January 27, 2015, meeting proposed to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2015-2016 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 27, 2015, meeting of the Commission. Comments can be sent until April 6, 2015, 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 2015-2016 license year. The 2015-2016 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.

A proposed change to small game seasons includes opening the bobwhite quail season Statewide except for wildlife management unit (WMU) 5A where quail hunting will remain closed. A recently completed quail status report concluded that the bobwhite is extirpated from the wild and therefore there is not a biological basis for prohibiting hunting. The Commission is proposing to keep WMU 5A closed to quail hunting in the event restoration efforts are targeted in this WMU in the coming year. The Commission is also proposing to expand the crow hunting season to include an additional weekend to April 10 to take full advantage of the allotted days offered under the Migratory Bird Treaty.

In regard to wild turkey seasons, 2014 marked the final year of data collection for the hen harvest and survival

study. Preliminary analyses show an increase in harvest rate with a 1-week fall season increase, but further analyses are needed to determine the significance of the increase at the population level and to guide revision of criteria for determining fall season length. However, finalizing/adopting a new structured process for fall season recommendations by the April 2015 Commission meeting is not feasible. Therefore, this year's recommendations continue to use the current fall season recommendation process specified, and approved, in the Wild Turkey Management Plan. The Commission is recommending the same season structure as in 2014 for WMUs 2C, 2F, 2G and 2H. The Commission is also recommending a decrease in the fall season in WMUs 2E, 4A, 4B, 4D and 3D, from 3 weeks + 3-day Thanksgiving season to 2 weeks + 3-day Thanksgiving season. Both the spring harvest density and summer sighting index have declined. These units have some of the highest fall turkey hunter densities in this Commonwealth and, in accordance with the Wild Turkey Management Plan, a decrease in season length is recommended.

Regarding white-tailed deer seasons, the Commission is proposing to adjust WMUs 1A, 1B, 3A and 3D from a concurrent antlered/antlerless white-tailed deer season to a split antlered/antlerless white-tailed deer season. The Commission is also proposing to run the deer archery season in WMUs 2B, 5C and 5D from September 19 through November 28. Based on field data from marked deer in WMU 5C, antlered harvest rates are lower than Statewide averages. As a result, antlered harvest rates could increase without negative biological consequences. In addition, this change will simplify archery regulations in these WMUs.

Concerning furbearer seasons, the Commission is proposing to implement a river otter season in accordance with the strategies in the River Otter Management Plan. An otter trapping permit will be required to take a season limit of one otter.

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 2015-2016 hunting/trapping license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2015-2016 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, 2015, to June 30, 2016.

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of

Fiscal Note: 48-374. 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—139-15, serial pages (371983)—(371995) with the following table.)

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

**(SEASONS AND BAG LIMITS TABLE)
2015-2016 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>
Squirrel—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 16	6	18
Squirrel—(Combined species)	Oct. 17	Nov. 28	6	18
	and			
	Dec. 14	Dec. 24		
	and			
	Dec. 26	Feb. 20, 2016		
Ruffed Grouse	Oct. 17	Nov. 28	2	6
	and			
	Dec. 14	Dec. 24		
	and			
	Dec. 26	Jan. 23, 2016		
Rabbit, Cottontail— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 17	4	12
Rabbit, Cottontail	Oct. 24	Nov. 28	4	12
	and			
	Dec. 14	Dec. 24		
	and			
	Dec. 26	Feb. 20, 2016		
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, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 17	2	6

PROPOSED RULEMAKING

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<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—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. 10	Oct. 17	2	6
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B	Oct. 24	Nov. 28	2	6
	and			
	Dec. 14	Dec. 24		
	and			
	Dec. 26	Feb. 20, 2016		
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. 24	Nov. 28	2	6
	and			
	Dec. 14	Dec. 24		
	and			
	Dec. 26	Feb. 20, 2016		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMU 5A where the season is closed.	Oct. 24	Nov. 28	4	12
Hare (Snowshoe Rabbit) or Varying Hares WMUs 3B, 3C and 3D	Dec. 26	Dec. 29	1	3
WMUs 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, 2016	1	3
Woodchuck (Groundhog)	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
Porcupine	Sept. 1	March 31, 2016	3	10
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall (Male or Female)			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 31	Nov. 20		
	and			
	Nov. 26	Nov. 28		
WMU 1B	Oct. 31	Nov. 7		
	and			
	Nov. 26	Nov. 28		
WMUs 1A, 2A, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, and 4D	Oct. 31	Nov. 14		
	and			
	Nov. 26	Nov. 28		
WMUs 2C, 4C, and 4E	Oct. 31	Nov. 20		
	and			
	Nov. 26	Nov. 28		
WMU 5A	Nov. 5	Nov. 7		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey, Spring (Statewide) Youth Hunt ¹ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 23, 2016		1	1

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Spring (Statewide) ¹ Bearded Bird only	April 30, 2016	May 14, 2016	1 May be hunted 1/2 hour before sunrise to 12 noon	2 before sunrise
	May 16, 2016	May 31, 2016	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

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>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 3	April 10, 2016	Unlimited	
Starling and English Sparrow	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>
Squirrel—(Combined species)	Sept. 1	Mar. 31, 2016	6	18
Quail	Sept. 1	Mar. 31, 2016	4	12
Ruffed Grouse	Sept. 1	Mar. 31, 2016	2	6
Cottontail Rabbit	Sept. 1	Mar. 31, 2016	4	12
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2016	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2016	2	6

Migratory Game Bird—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) ² WMUs 2B, 5C and 5D	Sept. 19	Nov. 28	An antlered, and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 23, 2016	
Deer, Archery (Antlered and Antlerless) ² (Statewide)	Oct. 3	Nov. 14	One antlered, and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 9, 2016	
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 17	Oct. 24	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, ³ 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. 22	Oct. 24	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2B, 5A, 5B, 5C and 5D	Nov. 30	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Nov. 30	Dec. 4	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 5	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² (Statewide)	Dec. 26	Jan. 9, 2016	One antlered, or one antlerless— plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² WMUs 2B, 5C and 5D	Dec. 26	Jan. 23, 2016	One antlered, or one antlerless— plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 23, 2016	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 ⁴ (Statewide)	Nov. 16	Nov. 20	1	1
Bear, Archery ⁴ WMUs 2B, 5C and 5D	Sept. 19	Nov. 14	1	1
Bear, Archery ⁴ WMU 5B	Oct. 3	Nov. 14	1	1
Bear, Muzzleloader ⁴ WMUs 2B, 5B, 5C and 5D	Oct. 17	Oct. 24	1	1
Bear, Special Firearms ⁴ WMUs 2B, 5B, 5C and 5D Junior and Senior License holders, disabled, and Pennsylvania residents on active duty in armed services	Oct. 22	Oct. 24	1	1
Bear, Regular Firearms ⁴ (Statewide)	Nov. 21	Nov. 25	1	1
Bear, Extended Firearms ⁴ WMUs 2C, 4B, 4C, 4D and 4E	Dec. 2	Dec. 5	1	1

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, Extended Firearms ⁴ WMUs 2B, 5B, 5C and 5D	Nov. 30	Dec. 12	1	1
Bear, Extended Firearms ⁴ WMUs 3A, 3B, 3C and 3D	Nov. 30	Dec. 5	1	1

ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Regular ⁵ (Antlered and Antlerless)	Nov. 2	Nov. 7	1	One elk with required license
Elk, Extended ⁵ (Antlered and Antlerless)	Nov. 9	Nov. 14	1	One elk with required license
Elk, Special Conservation Tag ⁵ (Antlered and Antlerless)	Sept. 1	Nov. 7	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>
Mink and Muskrat (Statewide)	Nov. 21	Jan. 10, 2016	Unlimited	
Beaver (Statewide)	Dec. 26	Mar. 31, 2016		
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
Coyote, Fox, Opossum, Raccoon, Skunk, Weasel—(Statewide)	Oct. 25	Feb. 21, 2016	Unlimited	
Coyote and Fox—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 21, 2016	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 19	Jan. 10, 2016	1	1
Fisher (with appropriate permit) WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E	Dec. 19	Dec. 24	1	1
River Otter (with appropriate permit) ⁶ WMUs 3C and 3D	Feb. 21, 2016	Feb. 23, 2016	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Statewide)			Unlimited	
Coyote—(During any big game season)				May be taken while lawfully hunting big game or with a furtaker's license.
Opossum, Striped Skunk, Weasel (Statewide)				No closed season.
Raccoon and Fox—(Statewide)	Oct. 24	Feb. 20, 2016	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 16, 2016	Feb. 9, 2016	1	1

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only 1 spring gobbler. A maximum of 2 gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only 1 antlered deer (buck) may be taken during the hunting license year.

³ Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁴ Only 1 bear may be taken during the hunting license year.

⁵ Only 1 elk may be taken during the hunting license year.

⁶ Otter season may be extended up to 5 additional individual days beyond the listed last day of the otter season in the event the harvest quota is not met.

[Pa.B. Doc. No. 15-507. Filed for public inspection March 20, 2015, 9:00 a.m.]

[58 PA. CODE CH. 139]

Seasons and Bag Limits; Wildlife Management Units

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2015, meeting proposed to amend § 139.17 (relating to wildlife management units) to expand Wildlife Management Unit (WMU) 5D north and west into WMU 5C to cover more developed urban 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 January 27, 2015, meeting of the Commission. Comments can be sent until April 6, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. In 2008, the Commission conducted a 5-year evaluation of the structure of the WMU system which resulted in the development and implementation of four WMU map revisions. The Commission has again conducted an evaluation of the structure of the WMU system and is proposing to amend § 139.17 to expand WMU 5D north and west into WMU 5C to cover more developed urban areas.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to “[d]efine geographic limitations or restrictions.” Section 2102(a) of the code (relating to regulations) provides that “[t]he 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 § 139.17 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.17 to expand WMU 5D north and west into WMU 5C to cover more developed urban areas.

3. *Persons Affected*

Persons wishing to hunt or trap game and wildlife in WMUs 5C and 5D 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-376. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

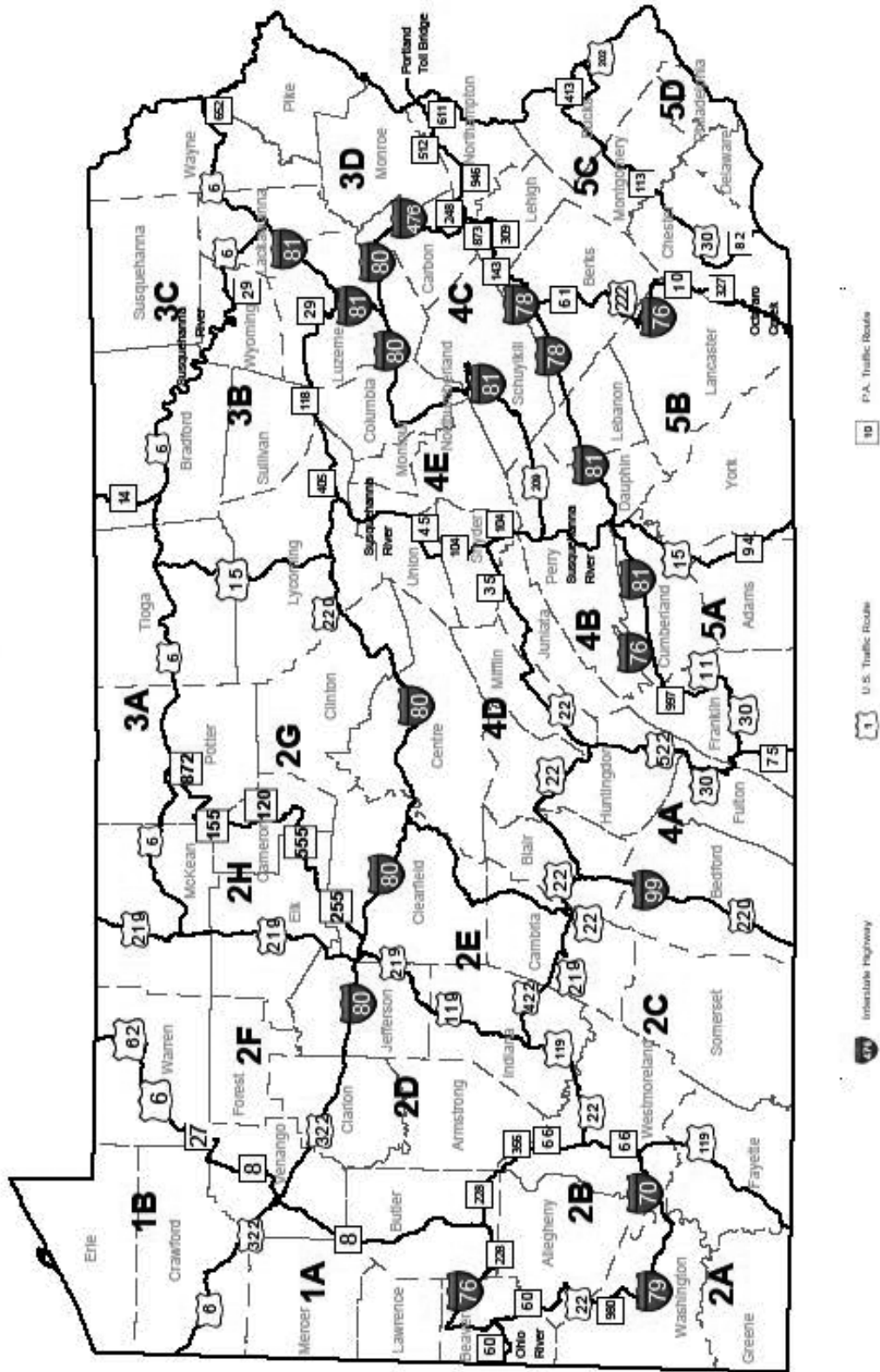
§ 139.17. Wildlife management units.

(a) The divisional line between two or more wildlife management units shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth wildlife management units.

(Editor’s Note: As part of this proposed rulemaking, the Commission is replacing the map which appears in 58 Pa. Code page 139-19, serial page (366867) with the following map.)

Wildlife Management Units



[Pa.B. Doc. No. 15-508. Filed for public inspection March 20, 2015, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 659a]

Fortune Asia Poker; Table Games Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), proposes to amend Chapter 659a (relating to Fortune Asia Poker) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking will change the name of Asia Poker to Fortune Asia Poker and will add two additional side wagers to the game, the Insurance and Progressive Payout Wagers.

Explanation of Chapter 659a

Asia Poker was renamed Fortune Asia Poker when a different licensed table game manufacturer acquired the rights to the game. In § 659a.1 (relating to definitions), additional definitions are proposed to be added to reflect the addition of two new side wagers to the game. A description of the table requirements, the additional side wagers and the ranking of the hands for the additional side wagers are proposed to be added to §§ 659a.2, 659a.6 and 659a.7 (relating to Fortune Asia Poker table; shaker; physical characteristics; Fortune Asia Poker rankings; and wagers).

The dealing procedures in §§ 659a.8—659a.11 are proposed to be amended to reflect the addition of the two new side wagers.

The payout odds for the new Insurance and Progressive Payout Wagers are proposed to be added to § 659a.12 (relating to payout odds).

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This proposed rulemaking will provide certificate holders with additional operational options. If a certificate holder decides to offer Fortune Asia Poker with the additional side wagers within the licensed facility, the certificate holder will be required to train dealers on the rules of play and may need to purchase new equipment which will allow for the placement of progressive wagers. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General public. This proposed rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission reflecting the changes. These forms are available and submitted to Board staff electronically.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Susan A. Yocum, Assistant Chief Counsel, Attention: Regulation # 125-187 Public Comment, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

Contact Person

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 11, 2015, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.gamingcontrolboard.pa.gov.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

WILLIAM H. RYAN, Jr.,
Chairperson

Fiscal Note: 125-187. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 659a. FORTUNE ASIA POKER

§ 659a.1. Definitions.

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

Copy hand—A high hand, medium hand or low hand of a player that is identical in rank to the corresponding high hand, medium hand or low hand of the dealer.

Envy Bonus—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Fortune Asia Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's Fortune Asia Poker hand with a rank of a four-of-a-kind or better formed from the seven cards dealt to a player.

High hand—The four-card hand that is formed from the seven cards dealt so as to rank higher than the medium hand and the low hand.

Low hand—The one-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and the medium hand.

Medium hand—The two-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and higher than the low hand.

Qualifying Wager—A Fortune Bonus Wager of at least \$5 that may entitle a player to an Envy Bonus.

Setting the hands—The process of forming a high hand, medium hand and low hand from the seven cards dealt.

§ 659a.2. **Fortune Asia Poker table; [Asia Poker] shaker; physical characteristics.**

(a) **Fortune Asia Poker** shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for **[an] a Fortune Asia Poker table** shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the **Fortune Asia Poker Wager** for each player.
- (3) Three separate areas designated for the placement of the high hand, medium hand and low hand of each player.
- (4) Three separate areas designated for the placement of the high hand, medium hand and low hand of the dealer.
- (5) If the certificate holder offers the optional **Fortune Bonus Wager** authorized under [§ 659a.7(e)] § 659a.7(e)(1) (relating to wagers), a separate area designated for the placement of the **Fortune Bonus Wager** for each player.
- (6) **If the certificate holder offers the optional Insurance Wager authorized under § 659a.7(e)(2), a separate area designated for the placement of the Insurance Wager for each player.**

(7) **If the certificate holder offers the optional Progressive Payout Wager authorized under § 659a.7(e)(3), a separate area designed for the placement of the Progressive Payout Wager for each player.**

[(6)] (8) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each **Fortune Asia Poker table**.

[(7) **An inscription indicating the payout limit per hand established by the certificate holder under § 659a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Asia Poker table.**]

(c) To determine the starting position for the dealing or delivery of the cards, **Fortune Asia Poker** may be played with:

(1) **[An Asia Poker] A shaker**, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The **[Asia Poker] shaker** shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken shall be maintained within the **[Asia Poker] shaker**. Dice that have been placed in **[an Asia Poker] a shaker** for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which must be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

[(3) A flat button which shall be approved by the Bureau of Gaming Operations prior to its use.]

(d) **If the certificate holder offers the optional Progressive Payout Wager in accordance with § 659a.7(e)(3), the Fortune Asia Poker table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of Progressive Payout Wagers. The progressive table game system must include:**

(1) **A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.**

(2) **A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the placement of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”**

[(d)] (e) Each **Fortune Asia Poker table** must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer and in locations approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(e)] (f) Each **Fortune Asia Poker table** must have a discard rack securely attached to the top of the dealer's side of the table.

§ 659a.3. Cards; number of decks.

(a) Except as provided in subsection (b), **Fortune Asia Poker** shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play **Fortune Asia Poker** must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, **Fortune Asia** Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in **Fortune Asia [Ride]** Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 659a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.

* * * * *

(e) If there is no gaming activity at [**an**] a **Fortune Asia** Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 659a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(f) A certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (c)—(e) do not apply.

(g) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) [**An Asia Poker**] A shaker in accordance with the following procedures:

(i) The dealer shall shake the [**Asia Poker**] shaker at least three times to cause a random mixture of the dice.

(ii) The dealer shall then remove the lid covering the [**Asia Poker shaker**] dice and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice.

(iv) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 have been completed, the dealer shall place the cover on the [**Asia Poker**] shaker and shake the shaker once. The [**Asia Poker**] shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the number displayed by the random number generator.

[(3) If an automated card shuffling device and dealing shoe are used under § 659a.10, a flat button to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.]

(h) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved by the Bureau of Gaming Operations.

§ 659a.6. Fortune Asia Poker rankings.

(a) The rank of the cards used in **Fortune Asia** Poker, in order of highest to lowest, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: queen, king, ace and 2). The joker shall be used and ranked as an ace or may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(b) The permissible Poker hands at the game of **Fortune Asia** Poker, in order of highest to lowest rank, shall be:

(1) Four aces, which is a high hand consisting of four aces.

[(2) A royal flush, which is a high hand consisting of an ace, king, queen and jack of the same suit.

(3)] (2) A straight flush, which is a [**high**] hand consisting of four cards of the same suit in consecutive ranking, with ace, [**2, 3 and 4**] king, queen, jack being the highest ranking straight [**flush; king, queen, jack and 10**] being the second highest ranking straight flush; and 2, 3, 4 and 5 being the lowest ranking straight flush. The certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), specify that a straight flush formed with an ace, 2, 3 and 4 of the same suit is the lowest ranking straight] flush and an ace, 2, 3, 4 being the second highest ranking straight flush.

[(4)] (3) A four-of-a-kind, which is a [**high**] hand consisting of four cards of the same rank, with four kings being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

[(5)] (4) A flush, which is a [**high**] hand consisting of four cards of the same suit. When comparing two flushes, the provisions in subsection (c) shall be applied.

[(6)] (5) A straight, which is a [**high**] hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest ranking straight; an ace, 2, 3 and 4 being the second highest ranking straight; and a 2, 3, 4 and 5 being the lowest ranking straight. [**The certificate holder may, if specified in its Rules Submission under § 601a.2,**

specify that a straight formed with an ace, 2, 3 and 4, regardless of suit, is the lowest ranking straight.]

[(7)] (6) A three-of-a-kind, which is a [**high**] hand containing three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

[(8)] (7) Two pair, which is a [**high**] hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two-pair hand.

[(9)] (8) A pair, which is [**either a high hand or a low**] a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands, two medium hands or two low hands that are of identical hand rank under subsection (b), or contain none of the hands in subsection (b), the hand that contains the highest ranking card under subsection (a) [**, which is not in the other hand,**] shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this section, the hands shall be considered a copy.

(d) If the certificate holder offers the optional **Fortune Bonus Wager** under [§ 659a.7(e)] § 659a.7(e)(1) (relating to wagers), the following **seven-card** hands shall be used to determine the amount of the bonus payout to a winning player:

(1) [**A three-of-a-kind and four 8s.**] **A seven-card straight flush with no joker, which is hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.**

(2) **A royal flush plus Royal Match, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, with an additional king and queen of the same suit.**

(3) **A seven-card straight flush with a joker, which is a hand consisting of seven cards of the same suit in consecutive ranking with a joker used to complete the straight flush.**

[(2)] (4) Five aces, which is a hand consisting of four aces and a joker.

[(3)] (5) A royal flush, which is a **five-card** hand consisting of an ace, king, queen, jack and 10 of the same suit.

[(4) **A natural**] (6) **A** straight flush, which is a hand consisting of five cards of the same suit in consecutive rank [**with no joker**].

[(5) **A straight flush with a joker, which is a hand consisting of five cards of the same suit in consecutive rank, one of which is a joker.**

(6)] (7) A four-of-a-kind, which is a hand consisting of four cards of the same rank regardless of suit.

[(7) **A 9-high, which is a seven-card hand that contains a 9, 8, 7, 6, 4, 3 and 2 or a 9, 8, 7, 5, 4, 3 and 2.**]

(8) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(9) A flush, which is a hand consisting of five cards of the same suit.

(10) A three-of-a-kind, which is a hand containing three cards of the same rank regardless of suit.

(11) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

(e) If the certificate holder offers the optional Progressive Payout Wager under § 659a.7(e)(3), the following seven-card hands shall be used to determine the amount of the progressive payout to a winning player:

(1) **Seven-card straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with or without a joker.**

(2) **Five aces, which is a hand consisting of four aces and a joker.**

(3) **A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.**

(4) **A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.**

(5) **A four-of-a-kind, which is a hand consisting of four cards of the same rank.**

(6) **A full house, which is a hand consisting of a three-of-a-kind and a pair.**

§ 659a.7. Wagers.

(a) Wagers at **Fortune Asia Poker** shall be made by placing value chips or plaques on the appropriate areas of the **Fortune Asia Poker** layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at [**an**] a **Fortune Asia Poker** table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of [**player**] **play**, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at **Fortune Asia Poker** shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high hand, medium hand and low hand, a player shall place [**an**] a **Fortune Asia Poker Wager**.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed [**an**] a **Fortune Asia Poker Wager in accordance with subsection (d)**, the option of placing [**a**] **the following additional wagers:**

(1) **A Fortune Bonus Wager** that the seven cards dealt to the player will form a hand with a rank of [**9-high**] **a straight** or better as described in § 659a.6(d) (relating to

Fortune Asia Poker rankings) or three pair or better, depending on the payout table selected by the certificate holder.

(2) An Insurance Wager that the seven cards dealt to the player will form a seven-card Poker hand that does not contain a pair or better, as described in § 659a.6(d), but will contain a card ranked a nine-high or better.

(3) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a full house or better as described in § 659a.6(e).

(f) If specified in its Rules Submission under § 601a.2, a certificate holder may permit a player to wager on two adjacent betting areas at [**an**] a Fortune Asia Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 659a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and [**use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards.**]:

(1) If the Fortune Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(2) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) **The dealer shall determine the starting position for dealing the cards using one of the procedures authorized under § 659a.5(g).** The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is

closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and [**use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and shall use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.**]:

(i) If the Fortune Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall determine the starting position for dealing the cards using one of the procedures authorized under § 659a.5(g). The dealer shall then deal the first card to the starting position as determined in subsection (a) and, continuing around the

table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(c) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, after the procedures under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe. Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets[.]” and:

(1) If the Fortune Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(2) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) **The dealer shall determine the starting position for delivering the stacks of cards using one of the procedures under § 659a.5(g).** After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(c) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or

less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at [an] a Fortune Asia Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder’s Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set his three hands and placed them face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand, a medium hand and a low hand. When setting the three hands, the four-card high hand must be higher in rank than the two-card medium hand and the medium hand must be higher in rank than the one-card low hand. For example, if the two-card medium hand contains a pair of sevens, the four-card high hand must contain at least a pair of sevens and the two remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high hand, medium hand and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the three hands face up on the appropriate area of the layout.

(d) Unless a player has placed an optional [Bonus Wager] wager in accordance with § 659a.7(e) (relating to wagers), a player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing any of the three hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Fortune Asia Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. **If any Qualifying Wagers have been placed, the cards of the player must remain on the table until collected in accordance with subsection (h).** The dealer shall

verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand, medium hand and a low hand, the dealer shall reveal all three hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high, medium and low hand of each player to the high, medium and low hand of the dealer and shall announce if the **Fortune Asia Poker Wager** of that player wins or loses.

(f) [**An**] **A Fortune Asia Poker Wager** will:

(1) Lose and will immediately be collected if:

(i) Any two of the player's three hands are identical or lower in rank than the dealer's corresponding hands.

(ii) Any one of the player's three hands is identical in rank to the corresponding hand of the dealer and one of the player's remaining hands is lower in rank than the dealer's corresponding hand.

(iii) The high hand of the player was not set so as to rank higher than the medium hand of that player.

(iv) The medium hand of the player was not set so as to rank higher than the low hand of that player.

(v) The three hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Win if any two of the player's three hands are higher in rank than the dealer's corresponding hands. The dealer shall pay the winning **Fortune Asia Poker Wager** in accordance with the payout odds in § 659a.12(a) (relating to payout odds[; **payout limitation**]).

(g) Except as provide in subsection (h), after settling the player's **Fortune Asia Poker Wager**, the dealer shall place the cards of the player in the discard rack.

(h) If a player placed a **Fortune Bonus, Insurance or Progressive Payout Wager**, after settling the player's **Fortune Asia Poker Wager**, the dealer shall rearrange the seven cards of any player and form the highest ranking hand and shall be responsible for creating the hand [**for purposes of the Bonus Wager. If a player:**]. If any player at the table placed a **Qualifying Wager**, the dealer shall rearrange the cards of all players regardless of whether the player placed a **Fortune Bonus Wager**. After rearranging the player's seven cards, the dealer shall settle the player's **Fortune Bonus, Insurance or Progressive Payout Wagers** as follows:

(1) **For the player's Fortune Bonus Wager:**

(i) **If a player:**

(A) Does not have a [**9-high or better**] **straight or higher**, as described in § 659a.6(d) (relating to **Fortune Asia Poker rankings**) **or three pair or higher, depending on the payout table selected by the certificate holder**, the dealer shall collect the **Fortune Bonus Wager** and place the cards of the player in the discard rack.

[(2) **Has a 9-high or better**] (B) **Has a straight or higher**, the dealer shall pay the winning **Fortune Bonus Wager** in accordance with § 659a.12(b) and place the cards of the player in the discard rack. **If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer**

shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) **Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.**

(ii) **After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 659a.12(b) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Fortune Asia Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.**

(2) **For the player's Insurance Wager, if a player:**

(i) **Has a pair or better, the dealer shall collect the player's Insurance Wager and place the cards of the player in the discard rack.**

(ii) **Does not have a pair or better, but has a card ranked a nine-high or better, the dealer shall pay the winning Insurance Wager in accordance with § 659a.12(c). The dealer shall then place the cards of the player in the discard rack.**

(3) **For the player's Progressive Payout Wager, if a player:**

(i) **Does not have a full house or better, as described in § 659a.6(e), the dealer shall collect the Progressive Payout Wager and place the cards of the player in the discard rack.**

(ii) **Has a full house or better, the dealer shall:**

(A) **Verify that the hand is a winning hand.**

(B) **Verify that the appropriate light on the progressive table game system has been illuminated.**

(C) **Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.**

(D) **Pay the winning Progressive Payout Wager in accordance with the payout odds in § 659a.12(d). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.**

(i) **Notwithstanding the card collection requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.**

[(i)] (j) **All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.**

§ 659a.12. **Payout odds[; **payout limitation**].**

(a) **A certificate holder shall pay each winning Fortune Asia Poker Wager at odds of 1 to 1.**

(b) The certificate holder shall pay out winning Fortune Bonus Wagers and Envy Bonus payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

[Hand	Paytable A	Paytable B	Paytable C
Three-of-a-kind and four 8s	5,000 to 1	5,000 to 1	5,000 to 1
Five aces	800 to 1	800 to 1	800 to 1
Royal flush	200 to 1	200 to 1	200 to 1
Natural straight flush	80 to 1	50 to 1	50 to 1
Straight flush with a joker	40 to 1	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1	25 to 1
9-high	10 to 1	10 to 1	10 to 1
Full house	5 to 1	5 to 1	5 to 1
Flush	4 to 1	4 to 1	4 to 1
Three-of-a-kind	3 to 1	3 to 1	3 to 1
Straight	2 to 1	2 to 1	2 to 1]

Hand	Paytable A	Envy Bonus
Seven card straight flush	8,000 to 1	\$5,000
Royal flush and Royal Match	2,000 to 1	\$1,000
Seven-card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

Hand	Paytable B	Envy Bonus
Seven-card straight flush	5,000 to 1	\$3,000
Royal flush and Royal Match	2,000 to 1	\$1,000
Seven-card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

Hand	Paytable C	Envy Bonus
Seven-card straight flush	5,000 to 1	\$1,000
Royal flush and Royal Match	1,000 to 1	\$250
Seven-card straight flush with joker	750 to 1	\$100
Five aces	250 to 1	\$50

Hand	Paytable C	Envy Bonus
Royal flush	100 to 1	\$25
Straight flush	50 to 1	\$10
Four-of-a-kind	20 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	
Three pair	Push	

Hand	Paytable D	Envy Bonus
Seven-card straight flush	2,500 to 1	\$1,000
Royal flush and Royal Match	1,000 to 1	\$750
Seven-card straight flush with joker	750 to 1	\$250
Five aces	250 to 1	\$100
Royal flush	125 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(c) [Notwithstanding the payout odds in subsections (a) and (b), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater.] The certificate holder shall pay out winning Insurance Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Nine-high	100 to 1	100 to 1	100 to 1
Ten-high	40 to 1	50 to 1	40 to 1
Jack-high	10 to 1	10 to 1	10 to 1
Queen-high	7 to 1	7 to 1	7 to 1
King-high	6 to 1	5 to 1	5 to 1
Ace-high	3 to 1	3 to 1	3 to 1

(d) If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

Hand	Payout
Seven-card straight flush	100%
Five aces	10%
Royal flush	500 for 1
Straight flush	100 for 1
Four-of-a-kind	75 for 1
Full house	4 for 1

(2) The initial and reset amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least \$2,000.

[Pa.B. Doc. No. 15-509. Filed for public inspection March 20, 2015, 9:00 a.m.]