

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 3]

Breweries

The Liquor Control Board (Board), under the authority of sections 207(i) and 446(a)(1) of the Liquor Code (47 P. S. §§ 2-207(i) and 4-446(a)(1)), adds § 3.93 (relating to breweries).

Summary

The purpose of § 3.93 is to clarify the privileges of breweries with regard to on-premises consumption of the malt or brewed beverages (beer) produced and owned by the brewery. Recent changes to the Liquor Code (47 P. S. §§ 1-101—10-1001) prompt the need for this final-form rulemaking.

Formerly, and for many years, section 440 of the Liquor Code (47 P. S. § 4-440) prohibited manufacturers from offering beer for on-premises consumption:

No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold . . . nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.

(Emphasis added.)

The act of February 18, 1998 (P. L. 162, No. 25) (Act 25) created the brewery pub license, whereby a brewery could operate a restaurant or brewery pub on the licensed premise. See section 446(a)(2) of the Liquor Code. When Act 25 was enacted, the only location where a brewery could sell its own beer for on-premises consumption was by obtaining a license for a brewery pub. The brewery pub was to be operated under the conditions and regulations as the Board deemed appropriate. Ultimately, those conditions were codified in § 3.92 (relating to brewery pubs).

The act of December 22, 2011 (P. L. 530, No. 113) (Act 113) triggered the need for this final-form rulemaking. Act 113 amended section 440 of the Liquor Code, allowing a brewery to permit on-premises consumption:

A manufacturer may sell malt or brewed beverages produced and owned by the manufacturer to individuals on the licensed premises for consumption on the licensed premises where sold only if it complies with the conditions and regulations placed upon holders of brewery licenses under section 446(a)(1).

(Emphasis added.)

The reference to section 446(a)(1) of the Liquor Code is significant to this final-form rulemaking because it provides the Board with the specific authority to clarify under what circumstances a brewery may sell for on-premises consumption. Section 446(a)(1) of the Liquor Code states that holders of a brewery license may “[s]ell malt or brewed beverages produced and owned by the brewery under such conditions and regulations as the board may enforce, to individuals for consumption on the licensed premises in any container or package of any

volume and to hotel, restaurant, club and public service liquor licensees.” (Emphasis added.)

Although section 446(a)(1) of the Liquor Code now provides that breweries are permitted to offer beer for on-premises consumption, they may only do so “under such conditions and regulations as the board may enforce. . . .” Because the regulations did not address consumption on a brewery’s premises in the absence of a brewery pub license, there has been confusion in the industry in this regard. The purpose of this final-form rulemaking is to provide the industry with guidance as to the lawful consumption of beer on a brewery’s premises.

Affected Parties

As of January 15, 2015, there were 169 breweries with active licenses issued by the Board. Approximately 1/3 of these breweries also hold retail licenses, such as a restaurant liquor license, which allow them to sell any type of liquor or beer. Another 1/3 of these brewers also hold brewery pub licenses, which allow a brewery to sell its own beer for consumption on the brewery pub premises. Therefore, this final-form rulemaking most directly affects the final 1/3 of breweries that, without this final-form rulemaking, may not allow patrons to consume beer on the licensed premises.

In addition, in response to comments received from the Brewers of Pennsylvania and the Independent Regulatory Review Commission (IRRC), this final-form rulemaking states clearly that a brewery may offer tastings, for on-premises consumption, of the malt or brewed beverages the brewery has produced and is owned by the brewery. This final-form rulemaking, therefore, may benefit every licensed brewery in this Commonwealth.

Paperwork Requirements

The final-form rulemaking seeks to clarify the privileges inherent with the issuance of a brewery license. Therefore, additional paperwork on behalf of a brewery licensee is not required. In fact, as a result of this final-form rulemaking, some breweries may decide to discontinue holding a brewery pub license. This decision would result in less paperwork for that brewery, as the additional brewery pub license paperwork would not need to be filed.

Fiscal Impact

The brewery industry provides a significant fiscal impact on the economy in this Commonwealth. The Brewers Association, a nonprofit organization dedicated to America’s craft brewers, determined that small and independent American craft brewers contributed \$33.9 billion to the United States economy in 2012. See www.brewersassociation.org/statistics/economic-impact-data/. That figure is calculated from the total impact of craft-brewed beer moving through the three-tier system (breweries, wholesalers and retailers) and all nonbeer products, such as food and merchandise sold by brewpubs and breweries. According to the Brewers Association, the craft brewing industry also provided more than 360,000 jobs, including 108,440 jobs at breweries and brewpubs.

In 2012, this Commonwealth ranked in the top five states (bested only by California, Texas and New York) when looking at the impact of the craft brewing industry on a state’s economy. The Brewers Association calculated the economic impact of craft brewers in this Commonwealth to be \$2 billion in 2012.

The final-form rulemaking provides meaningful support to this important industry. For example, in early 2012, the Commonwealth of Virginia passed a bill allowing breweries to sell beer for on-premises consumption. In the 8 years before the passage of this bill, the number of breweries increased an average of 2.7 breweries a year. In the 2 years after the passage of the bill, the number of breweries increased by 33, for an average of 16.5 breweries a year.

The final-form rulemaking can also have a positive fiscal impact not only on the number of breweries, but also with production volumes. In 2013, states that allowed on-premises consumption by breweries had greater production volumes (2.8 gallons produced per adult resident over 21 years of age) than states that do not allow on-premises consumption (1/2 gallon produced per adult resident over 21 years of age).

Effective Date

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

Contact Person

Comments should be addressed to Rodrigo J. Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 2014, the Board submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 7075 (November 8, 2014), to IRRC and the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees and the public. The Board received a comment from The Brewers of Pennsylvania and a comment from IRRC, the responses to which are set forth in a separate document.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 15, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 16, 2015, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

(3) The revisions that were made to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 7075.

Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 3, are amended by adding § 3.93 to read as set forth in Annex A.

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

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

TIM HOLDEN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 2218 (May 2, 2015).)

Fiscal Note: Fiscal Note 54-80 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 3. LICENSE APPLICATIONS

Subchapter J. MALT OR BREWED BEVERAGE MANUFACTURERS

§ 3.93. Breweries.

(a) The holder of a brewery license may not allow patrons to consume alcohol on the licensed premises except as set forth in this section.

(b) If the holder of a brewery license has obtained a brewery pub, restaurant liquor, eating place retail dispenser or hotel license for use on the licensed premises, it may allow on-premises consumption of alcohol on the licensed premises in conformity with the requirements of the brewery pub, restaurant liquor, eating place retail dispenser or hotel license.

(c) If the holder of a brewery license has not obtained a brewery pub, restaurant liquor, eating place retail dispenser or hotel license for use on the licensed premises, it may allow on-premises consumption of alcohol on the licensed premises only under the following conditions:

(1) Consumption may occur between 10 a.m. and midnight.

(2) The only alcohol that may be consumed on the licensed premises is the malt or brewed beverages produced and owned by the brewery.

(3) The brewery must have at least ten seats on the licensed premises for use by patrons while they are consuming alcohol.

(4) The brewery shall make food available to each patron who is consuming alcohol on the licensed premises while that person is consuming alcohol. Food must, at a minimum, consist of potato chips, pretzels and similar foods. Food may be prepared by the brewery or by a third party.

(5) The holder of a brewery license may offer tastings of malt or brewed beverages produced and owned by the brewery in accordance with §§ 13.201 and 13.211 (relating to definitions; and tasting events).

[Pa.B. Doc. No. 15-998. Filed for public inspection May 29, 2015, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [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 April 10, 2015, meeting, adopted amendments to §§ 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 final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1374 (March 21, 2015).

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 amends § 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 amending § 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 adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends §§ 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 final-form rulemaking.

4. Comment and Response Summary

The Commission received one comment in support of and one comment in opposition to the final-form rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending §§ 135.2 and 135.41 to read as set forth at 45 Pa.B. 1374.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 1374 and deposit them with the Legislative Reference Bureau as required by law.

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

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-379 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 15-999. Filed for public inspection May 29, 2015, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2015, meeting, adopted amendments to § 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 final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1375 (March 21, 2015).

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 amends § 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.

Changes to small game seasons include 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 kept WMU 5A closed to quail hunting in the event restoration efforts are targeted in this WMU in the coming year. The Commission also expanded the crow hunting season to include an additional weekend through April 10 to take full advantage of the allotted days offered under the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712). Lastly, the Commission extended the closure dates of the late-season squirrel, rabbit and ring-necked pheasant seasons to the last day in February.

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 and adopting a new structured process for fall season recommendations by the April 2015 Commission meeting was 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 kept the same season structure as in 2014 for WMUs 2C, 2F, 2G and 2H. The Commission also decreased 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 was recommended.

Regarding white-tailed deer seasons, the Commission adjusted 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 also ran 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 created 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 commis-

sion 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 adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 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 final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 270 official comments concerning the final-form rulemaking. The comments received concerned the following subtopics.

Deer seasons. Thirty-nine comments were received concerning this subtopic: 1 supported opening the regular firearms deer season on the Saturday after Thanksgiving; 1 supported opening the regular firearms deer season on the Friday after Thanksgiving; 1 opposed the extended archery deer season in WMU 2B; 10 supported and having concurrent regular firearms deer seasons Statewide; 2 supported the concurrent regular firearms deer season in WMU 1B; 1 supported having concurrent regular firearms deer seasons in the northcentral Pennsylvania; 2 supported and 3 opposed a split regular firearms deer season in WMU 1A; 1 opposed a split regular firearms deer season in WMU 3D; 4 opposed a split regular firearms deer season in WMU 3A; 1 supported a split regular firearms deer season in the Tioga County area; 1 supported a split regular firearms deer season in WMU 5A; 1 supported a split regular firearms deer season in WMU 2B; 1 supported a split regular firearms deer season in WMU 5A; 3 supported a 3-day antlerless deer season; 1 supported extending antlered deer season in special regulation areas; 1 supported shortening antlerless deer seasons; 1 supported closing antlerless deer hunting seasons; 1 supported extending the archery deer season; 1 supported shortening archery deer season in WMU 2B; and 1 supported an archery deer season in WMU 2B running from September 29 through November 28.

Bear seasons. Thirteen comments were received concerning this subtopic: 1 supported creating an extended bear season in every WMU that maintained concurrent regular firearms deer seasons; 4 supported concurrent archery deer and archery bear seasons; 2 supported concurrent regular firearms deer and bear seasons; 1 supported a concurrent special firearms antlered deer and bear season from October 22 through 24; 1 supported a flintlock bear season; 1 opposed a flintlock bear season during the archery deer season; 2 supported the expansion of archery bear season; and 1 supported a spring bear season.

Small game seasons. Five comments were received concerning this subtopic: one supported early squirrel season except during archery deer season; one opposed killing groundhogs, rabbits, squirrels and other beautiful animals; and three supported keeping small game season open until end of February.

Turkey seasons. Two comments were received concerning this subtopic: one opposed a 2-week fall turkey season; and one supported an opening season date that did not change.

Furbearer hunting/trapping seasons. A total of 211 comments were received concerning this subtopic: 182 opposed an open otter trapping season; 3 opposed an open otter hunting season; 3 opposed killing otters; and 23 opposed any open trapping seasons.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The effective dates of the final-form rulemaking are July 1, 2015, to June 30, 2016.

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

(c) This order will be effective from July 1, 2015, to June 30, 2016.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-374 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

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

(SEASONS AND BAG LIMITS TABLE)
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. 29, 2016		
Ruffed Grouse	Oct. 17	Nov. 28	2	6
	and			
	Dec. 14	Dec. 24		
	and			
	Dec. 26	Jan. 23, 2016		

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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>
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
	Dec. 14	Dec. 24		
	Dec. 26	Feb. 29, 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
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
	Dec. 14	Dec. 24		
	Dec. 26	Feb. 29, 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
	Dec. 14	Dec. 24		
	Dec. 26	Feb. 29, 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		
	Nov. 26	Nov. 28		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
WMU 1B	Oct. 31	Nov. 7		
	Nov. 26	Nov. 28		
WMUs 1A, 2A, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B and 4D	Oct. 31	Nov. 14		
	Nov. 26	Nov. 28		
WMUs 2C, 4C and 4E	Oct. 31	Nov. 20		
	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
Turkey, Spring (Statewide) ¹ Bearded Bird only	April 30, 2016	May 14, 2016	1	2
	May 16, 2016	May 31, 2016	May be hunted 1/2 hour before sunrise to 12 noon	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset

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 and Dec. 26	Nov. 28 and Jan. 23, 2016	An antlered, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered and Antlerless) ² (Statewide)	Oct. 3 and Dec. 26	Nov. 14 and Jan. 9, 2016	One antlered, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 17	Oct. 24	An antlerless deer with each required antlerless license.
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

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
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
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

FUR TAKING—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)		Outside of any big game season may be taken with a hunting license or a furtaker’s license and without wearing orange.	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 one spring gobbler. A maximum of two gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one 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 one bear may be taken during the hunting license year.

⁵ Only one 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. 15-1000. Filed for public inspection May 29, 2015, 9:00 a.m.]

GAME COMMISSION
[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 April 10, 2015, meeting, adopted amendments to § 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 final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1381 (March 21, 2015).

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 amends § 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 adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 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 final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.17 to read as set forth at 45 Pa.B. 1381.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 1381 and deposit them with the Legislative Reference Bureau as required by law.

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

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-376 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1001. Filed for public inspection May 29, 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 April 10, 2015, meeting, adopted amendments to § 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 provisions.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1369 (March 21, 2015).

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 final-form rulemaking published at 45 Pa.B. 2596 (May 30, 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 amends § 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 provisions.

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 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 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 provisions.

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 final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.45 to read as set forth at 45 Pa.B. 1369.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 1369 and deposit them with the Legislative Reference Bureau as required by law.

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

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-380 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1002. Filed for public inspection May 29, 2015, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2015, meeting, adopted amendments to §§ 141.63 and 141.66 (relating to definitions; and cable restraints) to redefine “cable restraints,” identify a list of approved locks and clarify that furtakers who possess a valid bobcat permit could only utilize an incidentally caught bobcat during the established bobcat trapping season.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1630 (April 4, 2015).

1. *Purpose and Authority*

The amendments to §§ 141.63 and 141.66 are designed to clarify the legal definition and use of cable restraints in this Commonwealth. The former definition of “cable restraint” in § 141.63 required the use of “relaxing locks” in cable restraint construction. The term “relaxing lock” has caused confusion for trappers and enforcement personnel due to varying interpretations of lock designs that comply with the regulation. The amendment to § 141.63 allows all lock designs approved by the Commission. The National trap testing program, administered by the Association of Fish & Wildlife Agencies, has been conducting field testing on cable restraints and has currently identified six lock designs that have performed at acceptable levels in terms of efficiency, selectivity and animal welfare criteria. By maintaining a list of approved lock designs, the Commission will be able to regularly incorporate results from ongoing cable restraint research. Additionally, the amendment to § 141.66 specifies that furtak-

ers who possess a valid bobcat permit could only utilize an incidentally caught bobcat during the established bobcat trapping 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.” The amendments to §§ 141.63 and 141.66 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends §§ 141.63 and 141.66 to redefine “cable restraints,” identify a list of approved locks and clarify that furtakers who possess a valid bobcat permit could only utilize an incidentally caught bobcat during the established bobcat trapping season.

3. *Persons Affected*

Persons wishing to utilize cable restraints to trap authorized species of furbearers within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.63 and 141.66 to read as set forth at 45 Pa.B. 1630.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 1630 and deposit them with the Legislative Reference Bureau as required by law.

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

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-378 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 15-1003. Filed for public inspection May 29, 2015, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2015, meeting, adopted amendments to 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 final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1369 (March 21, 2015).

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 amends 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 adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends 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 final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The effective dates of the final-form rulemaking are July 1, 2015, to June 30, 2016.

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Appendix G to read as set forth at 45 Pa.B. 1369.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 1369 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective from July 1, 2015, to June 30, 2016.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-382 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1004. Filed for public inspection May 29, 2015, 9:00 a.m.]

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GAME COMMISSION
[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 April 10, 2015, meeting, adopted amendments to §§ 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 final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1371 (March 21, 2015).

1. *Purpose and Authority*

Formerly, the deer attractant permit was only available for use on private property located within the southeast special regulations area. The Commission amends §§ 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 adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends §§ 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 final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by amending §§ 141.1 and 147.681—147.683 to read as set forth at 45 Pa.B. 1371.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 1371 and deposit them with the Legislative Reference Bureau as required by law.

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

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-377 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 15-1005. Filed for public inspection May 29, 2015, 9:00 a.m.]

GAME COMMISSION
[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 April 10, 2015, meeting, adopted amendments to §§ 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 final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1372 (March 21, 2015).

1. *Purpose and Authority*

The Commission adopted a limited river otter season for the 2015-2016 trapping license year. See the final-form rulemaking published at 45 Pa.B. 2596 (May 30, 2015). To implement this new trapping opportunity, the Commission amends § 141.62 to establish device type and number limitations for beaver and otter trappers in WMUs with an open otter season and also amends § 147.701 to 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 adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends §§ 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 final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by amending §§ 141.62 and 147.701 to read as set forth at 45 Pa.B. 1372.

(b) The Executive Director of the Commission shall certify this order and 45 Pa.B. 1372 and deposit them with the Legislative Reference Bureau as required by law.

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

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-375 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 15-1006. Filed for public inspection May 29, 2015, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2015, meeting, adopted amendments to § 147.804 (relating to general) by eliminating the issuance of antlered deer and spring turkey harvest tags to mentored youth under 7 years of age at the time of application with their mentored permit, but allowing mentors to transfer antlered deer and spring turkey harvest tags issued to them to these younger youth.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 45 Pa.B. 1631 (April 4, 2015).

1. *Purpose and Authority*

The Commission received extensive public comment regarding concern over the appropriateness of young children’s abilities to utilize high-powered firearms to harvest big game, as well as allegations of adults utilizing the harvest tags of mentored youth unlawfully. Wildlife Conservation Officers have encountered evidence of the allegations in several enforcement operations this past hunting season. The Commission amends § 147.804 by eliminating the issuance of antlered deer and spring turkey harvest tags to mentored youth under 7 years of age at the time of application with their mentored permit, but allowing mentors to transfer antlered deer and spring turkey harvest tags issued to them to these younger youth.

Section 2701(a) of the code (relating to license requirements) states that “[e]xcept in defense of person or property or pursuant to exemptions authorized in this title or by regulation of the commission for implementing a mentored hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title.” Section 2102(a) of the code (relating to regulations) provides that “[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 § 147.804 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 147.804 by eliminating the issuance of antlered deer and spring turkey harvest tags to mentored youth under 7 years of age at the time of application with their mentored permit, but allowing mentors to transfer antlered deer and spring turkey harvest tags issued to them to these younger youth.

3. *Persons Affected*

Persons under 7 years of age at the time of application wishing to hunt wild turkey or white-tailed deer under the mentored youth hunting program may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 16 comments in support and 33 comments in opposition of the final-form rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.804 to read as set forth in Annex A.

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

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

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-381 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and

fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

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

(c) *Species limitation.*

(1) A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey. Except as provided in this paragraph, mentored youth hunting permits will be issued with an antlered deer harvest tag and a spring turkey harvest tag. Harvest tags will not be issued to mentored youth applicants who are under 7 years of age at the time of application.

(2) A mentored adult's hunting eligibility is restricted to the following species: squirrel, ruffed grouse, rabbit, pheasant, bobwhite quail, hares, porcupine, woodchuck, crow, coyote, antlerless deer and wild turkey. Mentored adult hunting permits will be issued with a spring turkey harvest tag.

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

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

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

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

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

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

(j) *Transfer of an antlered deer harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer antlered deer harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The antlered deer harvest tag shall be valid and in the possession of the mentor at all times while hunting

antlered deer. The transfer of the antlered deer harvest tag may not occur until after the mentored youth has harvested the antlered deer, but before tagging the carcass. A mentored youth may not receive by transfer more than one antlered deer harvest tag each license year.

(k) *Transfer of a spring turkey harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer spring turkey harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The spring turkey harvest tag shall be valid and in the possession of the mentor at all times while hunting spring turkey. The transfer of the spring turkey harvest tag may not occur until after the mentored youth has harvested the spring turkey, but before tagging the carcass. A mentored youth may not receive by transfer more than one spring turkey harvest tag each license year.

[Pa.B. Doc. No. 15-1007. Filed for public inspection May 29, 2015, 9:00 a.m.]