

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 147]

Deer Control; Political Subdivisions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 5, 2016, meeting to amend § 147.322 (relating to application for deer control permit) to provide greater emphasis on the importance of the use of public hunting as a prerequisite consideration in the deer control permit application and approval process.

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

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

The proposed rulemaking was made public at the April 5, 2016, meeting of the Commission. Comments can be sent until July 8, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 103 of the code (relating to ownership, jurisdiction and control of game and wildlife) mandates that the Commission utilize hunting and trapping as the primary method of effecting necessary management of game, furbearer and wildlife populations. The Commission is proposing to amend § 147.322 to provide greater emphasis on the importance of the use of public hunting as a prerequisite consideration in the deer control permit application and approval process.

Section 2901(b) of the code (relating to authority to issue permits) provides that “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 § 147.322 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.322 to provide greater emphasis on the importance of the use of public hunting as a prerequisite consideration in the deer control permit application and approval process.

3. Persons Affected

Political subdivision or government agency applicants wishing to participate in the Commission’s deer control permit program 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: 48-397. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

POLITICAL SUBDIVISIONS

§ 147.322. Application for deer control permit.

(a) An application for a deer control permit shall be completed [**in conjunction with the Commission**] and submitted by an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization in the form **and manner** required by the Director [**and contain the information requested by the Director**].

(b) An application for a deer control permit must contain the following information:

[(1) **A complete map showing the boundaries of the area being considered and indicating the land use within the area, cover types, hunttable areas, damage areas, deer concentration areas, all safety zones and proposed control areas within the proposed boundaries.**

(2) **A deer management plan shall be submitted with each application which provides deer management goals and requesting the number of animals to be removed.**

(3) **Each application shall substantiate the background and scope of the deer problem and include alternative approaches to the problem and propose what action is recommended to be taken under the permit.]**

(1) **Description.** A comprehensive description of the background and scope of the white-tailed deer population or damage problem, or both. The description must include a report of all alternative solutions or other steps taken by the applicant to mitigate the white-tailed deer population or damage problem, or both, prior to application for this permit and must specifically define how licensed public hunting for white-tailed deer has been utilized in the problem area and what results hunting activities have had on the population or damage problem, or both.

(2) **Deer management plan.** A comprehensive deer management plan which sets forth the applicant’s white-tailed deer management goals, recommended implementation plan and a reference to the specific number of animals sought to be removed. The applicant shall specifically define how licensed public hunting for white-tailed deer will be utilized in the problem area during the term of the requested deer control permit.

(3) *Map.*

(i) A map or set of maps showing the proposed project area and its boundaries and clearly illustrating all of the following distinct features and areas within the proposed project area:

- (A) Land uses.
- (B) Cover types.
- (C) Areas open to public hunting for white-tailed deer.
- (D) Areas damaged by white-tailed deer.
- (E) Areas of white-tailed deer congregation.
- (F) Applicable safety zones.
- (G) Proposed white-tailed deer control areas.

(ii) The map must indicate the individual acreage values for each of the listed features and acres.

(c) Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized or waived by the Director. Private land within the proposed boundaries may be closed to public hunting at the landowner's discretion. However, if closed, deer control activities may not occur thereon.

[Pa.B. Doc. No. 16-906. Filed for public inspection May 27, 2016, 9:00 a.m.]

[58 PA. CODE CH. 135]

Lands and Buildings; Special Wildlife Management Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 5, 2016, meeting to amend § 135.103 (relating to registration for controlled goose hunting areas) to permit the Director to designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day.

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

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

The proposed rulemaking was made public at the April 5, 2016, meeting of the Commission. Comments can be sent until July 8, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Last year, the Commission held a trial run of a veterans with disabilities hunt at the Pymatuning Wildlife Management Area. The Commission determined that holding this 1-day hunt during the regular open season in the future will further improve these sportsmen's opportunity to hunt waterfowl at both of the Commission's special wildlife management areas. The Commission has received significant support and future commitment from organized sporting organizations and unaffiliated sportsmen volunteers to enhance the quality and success of this unique hunting opportunity. The Commission is proposing to amend § 135.103 to permit the Director to designate 1

shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day.

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 § 135.103 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 135.103 to permit the Director to designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day.

3. *Persons Affected*

Persons wishing to hunt waterfowl at the Middle Creek and Pymatuning Wildlife Management Areas 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: 48-398. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

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(4) Selections of mailed application forms will be made by random drawing from all eligible applications submitted. The Director will establish, no later than 20 days prior to the drawing, the number of applications to be drawn.

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(iv) *Youth only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a youth-only day. Adults who accompany a junior hunter on this day may participate in the hunt by calling only. Applications received from junior hunters will be separated and drawn prior to the other applications on the established drawing date for the

management area. Unsuccessful applicants for the youth shooting day will then be placed with all other applications and the drawing will proceed until all shooting days are filled.

(v) Veterans with disabilities only day. The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day. Only persons who possess a resident disabled veteran license or a reduced fee resident disabled veteran license are eligible to apply. Successful applicants may be accompanied by up to three properly licensed guests of any general or base hunting license classification. Applications received from veterans with disabilities will be separated and drawn prior to all other applications on the established drawing date for each wildlife management area.

(5) A reservation is not transferable. The person whose name appears on the reservation shall present the reservation in person at the wildlife management area registration center designated. A reservation shall entitle the applicant to bring not more than three guests with him. Guests shall be present and register.

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[58 PA. CODE CH. 133]

Wildlife Classification; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 5, 2016, meeting to amend § 133.5 (relating to furbearers) to reclassify porcupines as furbearers and also permit porcupines to be hunted with a hunting license or hunted and trapped with a furtakers license.

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

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

The proposed rulemaking was made public at the April 5, 2016, meeting of the Commission. Comments can be sent until July 8, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to amend § 133.5 to reclassify porcupines as furbearers and also permit porcupines to be hunted with a hunting license or hunted and trapped with a furtakers license.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to “[a]dd to or change the classification of any wild bird or wild animal.” 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, permit-

ting 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 § 133.5 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 133.5 to reclassify porcupines as furbearers and also permit porcupines to be hunted with a hunting license or hunted and trapped with a furtakers license.

3. Persons Affected

Persons wishing to hunt or trap porcupines in this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

For further information regarding the proposed rulemaking, contact 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: 48-395. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter A. GENERAL

§ 133.5. Furbearers.

[The coyote is classified as a furbearing animal. For the purpose of licensing, coyotes may be hunted with a hunting license or hunted and trapped with a furtakers license as described in section 2705 of the act (relating to classes of licenses).]

The following species of wildlife are reclassified as furbearers:

(1) Coyote (*Canis latrans*). For the purpose of licensing, coyotes may be hunted with a hunting license or hunted and trapped with a furtakers license as described in section 2705 of the act (relating to classes of licenses).

(2) Porcupine (*Erethizon dorsatum*). For the purpose of licensing, porcupines may be hunted with a hunting license or hunted and trapped with a furtakers license as described in section 2705 of the act.

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