

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Police Powers by Wildlife Conservation Officers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 5, 2016, meeting, amended § 131.6 (relating to administration of police powers by wildlife conservation officers) to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

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 46 Pa.B. 1426 (March 19, 2016).

1. Purpose and Authority

The exercise of general police powers by wildlife conservation officers has proven a unique challenge for the Commission over the past few years. On one hand the Commission asserts its preference to focus the primary responsibilities of wildlife conservation officers to be the enforcement of the code and related environmental concerns. On the other hand the Commission is challenged by the public's expectation that it remain adaptive and capable to address the spectrum of circumstances that wildlife conservation officers face on a daily basis. Increasingly, the Commission is identifying significant overlap and interconnectivity between its investigations into wildlife, habitat and other environmental crime, and other types of general crime. The Commission's policy to attempt to sever and transfer all general crime matters to other State or local law enforcement agencies has largely proven unsuccessful. Not only does this process often create significant procedural complications for both organizations, but, more importantly, these other agencies have consistently rejected their adoption of cases that they did not initiate. In an effort to reduce legal challenges, reduce potential civil liability and provide recognition of the importance of the relevant competing interests on this issue, the Commission amends § 131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

Section 901(a)(17) of the code (relating to powers and duties of enforcement officers) states in relevant part "[a]ll powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe." Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the Commission to "[t]ake any necessary action to accomplish and assure the purposes of this title." The amendments to § 131.6 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 131.6 to redirect the extent and manner in which the Commission autho-

rizes salaried wildlife conservation officers to engage in the administration of police powers.

3. Persons Affected

Persons within the jurisdictional limits of this Commonwealth 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 131, are amended by amending § 131.6 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 48-391 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.6. Administration of police powers by wildlife conservation officers.

(a) General.

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conser-

vation officers, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa.C.S. (relating to Crimes Code) or any other offense classified as a misdemeanor or felony and, in addition, to serve and execute warrants and subpoenas for these offenses.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, “when acting within the scope of their employment” means that period of time that a wildlife conservation officer is currently engaged in any activity the officer is employed to perform at the time and places the officer is authorized to perform the activity.

(b) *Limitation.* A wildlife conservation officer will arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only in one or more of the following circumstances:

- (1) The offense occurs in the officer’s presence.
- (2) The offense occurs on lands or waters owned, leased or otherwise controlled by the Commission.
- (3) The offense arises out of Commission operations.
- (4) Another law enforcement agency has reasonably requested the assistance.

[Pa.B. Doc. No. 16-899. Filed for public inspection May 27, 2016, 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 5, 2016, meeting, amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2016-2017 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 46 Pa.B. 1427 (March 19, 2016).

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 amended § 139.4 to provide updated seasons and bag limits for the 2016-2017 hunting/trapping license year. The 2016-2017 seasons and bag limits have been amended to reflect currently 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 making youth and regular seasons for squirrels and rabbits concurrent in an effort to simplify regulations and expand rabbit hunting opportunities. The changes also make snowshoe hare season dates consistent Statewide to simplify regulations, facilitate species monitoring programs and reflect the fact that harvest mortality is not a major driver of population trends for this species.

Changes to wild turkey seasons include a reduction in the length of the fall season in four wildlife management units (WMU) that have exhibited declining trends in turkey population indices. Specifically, seasons decrease from 2 weeks + 3 days to 1 week + 3 days in WMUs 1A and 2A, from 1 week + 3 days to 1 week in WMU 1B and from 3 weeks + 3 days to 2 weeks + 3 days in WMU 4C.

Changes to black bear seasons include the addition of a 4-day extended firearms season (concurrent with the Wednesday-Saturday of the first week of firearms deer season) in WMU 1B. This season is intended to prevent further expansion of bears into the western portion of this WMU where potential for bear-human conflicts is high.

Changes to furbearer seasons include an increase in the length of the fisher trapping season from the current 6 days to 12 days in the 13 WMUs with open fisher seasons and the establishment of a firm, designated 8-day otter season, rather than a shorter, extendable season.

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 adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amended § 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 2016-2017 hunting/trapping license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2016-2017 hunting/trapping license year will be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received 30 official comments concerning the final-form rulemaking. The comments received concerned the following subtopics:

Deer seasons. Seven comments were received concerning this subtopic: one opposed the long length of the deer seasons; one supported and two opposed the concurrent firearms deer season; one supported switching the rifle and flintlock season dates to accommodate youth on winter break; one opposed any antlerless deer hunting in WMU 3B; and one supported a buck-in-velvet only early September 4-up archery hunt.

Bear seasons. Nineteen comments were received concerning this subtopic: 3 supported and 10 opposed the closure of the extended bear season in WMU 3A; 1 supported having bear seasons every other year; 1 supported an extended bear season in WMU 2G; 1 supported a spring baited bear season; and 3 supported an overlap between archery bear season and archery deer season.

Small game seasons. Two comments were received concerning this subtopic: one supported closing ruffed grouse season temporarily; and one supported closing rabbit season 1 week earlier should it open 1 week earlier.

Turkey seasons. One comment was received concerning this subtopic and it opposed a fall wild turkey season reduction in WMU 1B.

Furbearer hunting/trapping seasons. One comment was received concerning this subtopic and it supported a fisher season.

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, 2016, to June 30, 2017.

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 statutes.

Order

The Commission, acting under the authorizing statutes, 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 is effective from July 1, 2016, to June 30, 2017.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-388 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.

**2016-2017 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>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required junior license	Oct. 1	Oct. 15	6	18
Squirrels—(Combined species)	Oct. 15	Nov. 26	6	18
	Dec. 12	and Dec. 24		
	Dec. 26	and Feb. 28, 2017		
Ruffed Grouse	Oct. 15	Nov. 26	2	6
	Dec. 12	and Dec. 24		
	Dec. 26	and Jan. 21, 2017		
Rabbits, Cottontail— Eligible Junior Hunters only, with or without the required junior license	Oct. 1	Oct. 15	4	12
Rabbits, Cottontail	Oct. 15	Nov. 26	4	12
	Dec. 12	and Dec. 24		
	Dec. 26	and Feb. 28, 2017		

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.

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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 Eligible Junior Hunters only, with or without the required junior license	Oct. 8	Oct. 15	2	6
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only				
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female				
Ring-necked Pheasant	Oct. 22	Nov. 26	2	6
	and			
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only	Dec. 12	Dec. 24		
	and			
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female	Dec. 26	Feb. 28, 2017		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMU 5A where the season is closed.	Oct. 22	Nov. 26	4	12
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Dec. 31	1	3
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
Porcupines	Sept. 1	Mar. 31, 2017	3	Season limit 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. 29	Nov. 18		
	and			
	Nov. 24	Nov. 26		
WMU 1B	Oct. 29	Nov. 5		
WMUs 1A and 2A	Oct. 29	Nov. 5		
	and			
	Nov. 24	Nov. 26		
WMUs 2D, 2E, 2F, 2G, 2H 3A, 3B, 3C, 3D, 4A, 4B, 4C and 4D	Oct. 29	Nov. 12		
	and			
	Nov. 24	Nov. 26		
WMUs 2C and 4E	Oct. 29	Nov. 18		
	and			
	Nov. 24	Nov. 26		
WMU 5A	Nov. 3	Nov. 5		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey, Spring ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 22, 2017	Apr. 22, 2017	1	1
Turkey, Spring ¹ Bearded Bird only	Apr. 29, 2017	May 13, 2017	1	2
	and		May be hunted 1/2 hour before sunrise to 12 noon	
	May 15, 2017	May 31, 2017	1	2
			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 February 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 1	Apr. 9, 2017	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>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2017	6	18
Quail	Sept. 1	Mar. 31, 2017	4	12
Ruffed Grouse	Sept. 1	Mar. 31, 2017	2	6
Cottontail Rabbits	Sept. 1	Mar. 31, 2017	4	12
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2017	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2017	2	6

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) ² With the required archery license WMUs 2B, 5C and 5D	Sept. 17 and Dec. 26	Nov. 26 and Jan. 28, 2017	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered and Antlerless) ² With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 1 and Dec. 26	Nov. 12 and Jan. 14, 2017	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) 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 United States Coast Guard	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2B, 5A, 5B, 5C and 5D	Nov. 28	Dec. 10	One antlered deer, 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. 28	Dec. 2	One antlered deer.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
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. 3	Dec. 10	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26	Jan. 14, 2017	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 28, 2017	One antlered or one antlerless deer, 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. 28, 2017	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>Season Limit</i>
Bear, Archery ⁴ WMUs 2B, 5C and 5D	Sept. 17	Nov. 18	1
Bear, Archery ⁴ WMU 5B	Oct. 1	Nov. 18	1
Bear, Archery ⁴ WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 14	Nov. 18	1
Bear, Muzzleloader ⁴ WMUs 2B, 5B, 5C and 5D	Oct. 15	Oct. 22	1
Bear, Special Firearms ⁴ 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 WMUs 2B, 5B, 5C and 5D	Oct. 20	Oct. 22	1
Bear, Regular Firearms ⁴ (Statewide)	Nov. 19	Nov. 23	1
Bear, Extended Firearms ⁴ WMUs 3B, 3C and 3D	Nov. 28	Dec. 3	1
Bear, Extended Firearms ⁴ WMUs 2B, 5B, 5C and 5D	Nov. 28	Dec. 10	1
Bear, Extended Firearms ⁴ WMUs 1B, 2C, 4B, 4C, 4D and 4E	Nov. 30	Dec. 3	1

ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Elk, Special Conservation Tag ⁵ (Antlered and Antlerless)	Sept. 1	Nov. 5	1

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Elk, Regular firearms ⁵ (Antlered and Antlerless)	Oct. 31	Nov. 5	1
Elk, Extended firearms ⁵ (Antlered and Antlerless)	Nov. 7	Nov. 12	1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Minks and Muskrats	Nov. 19	Jan. 8, 2017	Unlimited	
Beaver	Dec. 26	Mar. 31, 2017		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyotes, Foxes, Opossums, Raccoons, Skunks and Weasels	Oct. 23	Feb. 19, 2017	Unlimited	
Coyotes and Foxes Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 19, 2017	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 17	Jan. 8, 2017	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E	Dec. 17	Dec. 28	1	1
River Otter, with required otter permit WMUs 3C and 3D	Feb. 18, 2017	Feb. 25, 2017	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Outside of any big game season)	May be taken with a hunting license or a furtaker's license.		Unlimited	
Coyotes—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.		Unlimited	
Opossums, Striped Skunks, Weasels	No closed season.			
Raccoons and Foxes	Oct. 22	Feb. 18, 2017	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 14	Feb. 8, 2017	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 spring 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 residents and nonresident license holders 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 with the required bear license.

⁵ Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 16-900. Filed for public inspection May 27, 2016, 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 5, 2016, meeting, amended § 139.17 (relating to wildlife management units) to expand wildlife management unit (WMU) 5D in the northeast corner to provide a more logical boundary.

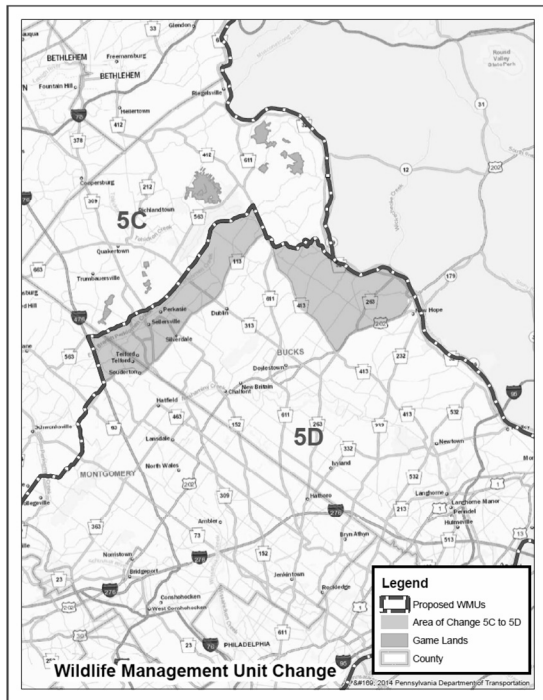
The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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 46 Pa.B. 1553 (March 26, 2016).

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 the 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 again conducted an evaluation of the structure of the WMU system and amended § 139.17 to expand WMU 5D in the northeast corner to provide a more logical boundary. This amendment represents a 51,849-acre increase in the size of WMU 5D and an identical reduction in the size of WMU 5C.



WMU 5C

From Maryland/PA state line, north along the Octoraro Creek to Rt. 372. Rt. 372 east to PA Rt. 10 north to Interstate 76. I-76 west to US Rt. 222. Rt. 222 north to PA Rt. 61 west of Reading. Rt. 61 north to I-78 near Hamburg. I-78 east to Rt. 143. Rt. 143 north to Rt. 309. Rt. 309 south to PA Rt. 873 northwest of Allentown. Rt. 873 north to Rt. 248. Rt. 248 east to PA Rt. 946. Rt. 946 east to PA Rt. 512. Rt. 512 to PA Rt., 611 near Mount Bethel. Rt. 611 north to Portland Toll Bridge at Portland. Portland Toll Bridge east to New Jersey/PA state line. New Jersey/PA state line south to the Tohickon Creek. Tohickon Creek west to PA Rt. 611. PA Rt. 611 north to S Park/Ridge road. Ridge road south to Interstate 476. I-476 east to PA Rt. 113. PA Rt. 113 south to US Rt. 30. US Rt. 30 west to PA Rt. 82. PA Rt. 82 east to the Delaware/PA state line near Yorklyn.

WMU 5D

From the Delaware/ PA state line near Yorklyn, PA Rt. 82 west to US Rt. 30. US Rt. 30 east to PA Rt. 113 at Downingtown. PA Rt. 113 north to Interstate 476. I-476 west to PA Rt. 563 (Ridge road). Ridge road east straight to PA Rt. 611. PA Rt. 611 south to the intersection of Tohickon Creek. Tohickon Creek east to the PA/ New Jersey state line.

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 in the northeast corner to provide a more logical boundary.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within WMU 5C or WMU 5D will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There was one official comments received 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 139, are amended by amending § 139.17 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and in 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 48-389 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

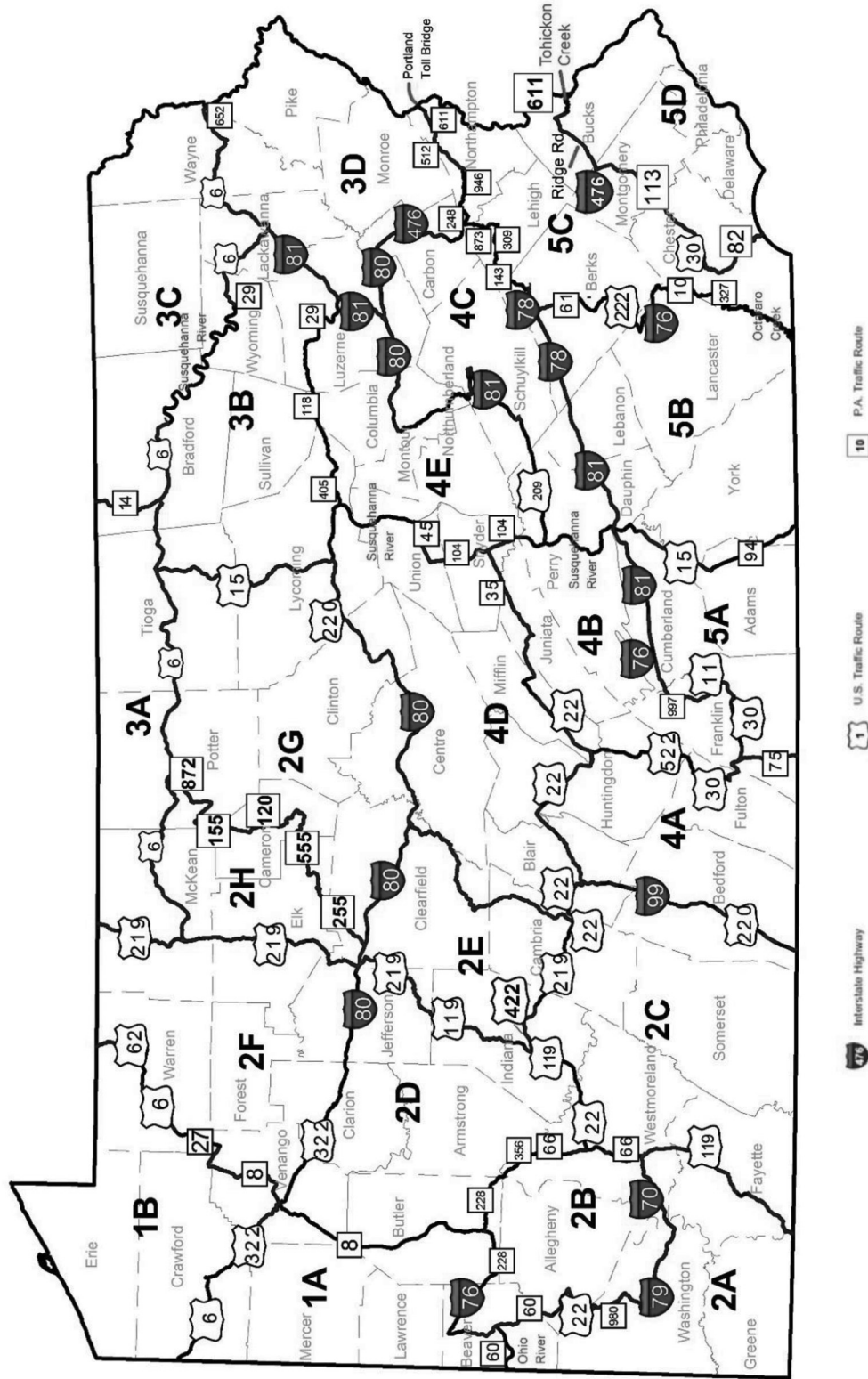
CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.17. 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.

Wildlife Management Units



[Pa.B. Doc. No. 16-901. Filed for public inspection May 27, 2016, 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 5, 2016, meeting, amended § 141.41 (relating to general) to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while engaged in hunting or trapping activities.

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 46 Pa.B. 1552 (March 26, 2016).

1. Purpose and Authority

Each year the Commission investigates numerous big game violations involving improperly marked animals. A concerning portion of these violations involve a hunter's placement of a prior year's expired harvest tag on the big game animal rather than the current year's harvest tag. The Commission has determined that some of these violations are purposeful and intended to give the hunter the appearance of eligibility to harvest an additional animal with their unused current tag. However, the Commission also recognizes that other hunters are merely engaged in the bad habit of carrying prior years' licenses and harvest tags and are mistaking the similarly colored harvest tags for the then current year's harvest tags during the stress induced by a successful harvest. Therefore, in an effort to reduce the number of either purposeful or mistaken improperly marked big game violations from ever occurring, the Commission amends § 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while engaged in hunting or trapping activities.

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 § 141.41 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while engaged in hunting or trapping activities.

3. Persons Affected

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

4. Comment and Response Summary

There was one official comment received 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 141, are amended by amending § 141.41 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 48-393 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

It is unlawful to:

(1) Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission in Harrisburg or by any other method designated by the Director.

(2) Receive a DMAP permit without reporting in the manner prescribed on the permit.

(3) Harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized, except as otherwise provided in § 141.1 (relating to special regulations areas).

(4) Possess an expired, fulfilled, revoked, suspended or invalid big game harvest tag or hunting license while engaged in hunting or trapping activities.

[Pa.B. Doc. No. 16-902. Filed for public inspection May 27, 2016, 9:00 a.m.]

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 5, 2016, meeting, amended 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 2016-2017 hunting 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 46 Pa.B. 1423 (March 19, 2016).

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 2016-2017 hunting 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 2016-2017 hunting license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2016-2017 hunting 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, 2016, to June 30, 2017.

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 46 Pa.B. 1423.

(b) The Executive Director of the Commission shall certify this order and 46 Pa.B. 1423 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective from July 1, 2016, to June 30, 2017.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: Fiscal Note 48-390 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 16-903. Filed for public inspection May 27, 2016, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 5, 2016, meeting, amended § 141.18 (relating to permitted devices) to add hand-held rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife.

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 46 Pa.B. 1425 (March 19, 2016).

1. *Purpose and Authority*

Each year the Commission is asked to review the prospective use of certain devices for hunting or trapping purposes that are otherwise prohibited by statute or

regulation. As part of the review process, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase or public safety. The Commission has recently been requested to formally review the use of electronic rangefinders, including hand-held devices and those contained within a scope or archery sight. The Commission determined that use of these devices for hunting purposes have no or negligible negative impacts to the previously mentioned principles. While the Commission has historically maintained an open use policy towards these electronic devices due to their ubiquitous use, their use could be construed as technically contrary to the Commission's restriction on the use of electronic contrivances while hunting. Therefore, in an effort to more formally approve their use, the Commission amends § 141.18 to add hand-held rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife.

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 § 141.18 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.18 to add hand-held rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife.

3. *Persons Affected*

Persons wishing to utilize hand-held rangefinders and those contained within a scope or archery sight to hunt or take wildlife 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 final-form 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 § 141.18 to read as set forth at 46 Pa.B. 1425.

(b) The Executive Director of the Commission shall certify this order and 46 Pa.B. 1425 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 48-392 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 16-904. Filed for public inspection May 27, 2016, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Trapping; Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 5, 2016, meeting, amended § 143.50 (relating to procedure for nonresidents of this Commonwealth) to allow nonresidents to submit applications for antlerless deer licenses on the third Monday in July, 1 week after resident applicants.

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 46 Pa.B. 1423 (March 19, 2016).

1. *Purpose and Authority*

The Commission has been asked to review the preference given to resident license holders in the timing that antlerless deer applications can be submitted to county treasurers. Formerly, resident license holders could apply 2 weeks sooner than nonresident license holders. While this timing did not affect the availability of antlerless deer licenses for nonresident license holders in most wildlife management units (WMU), it often eliminated the availability of antlerless deer licenses in a number of low quota, highly preferred WMUs. Therefore, in an effort to narrow the gap, the Commission amends § 143.50 to allow nonresidents to submit applications for antlerless deer licenses on the third Monday in July, 1 week after resident applicants.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to § 143.50 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 143.50 to allow nonresidents to submit applications for antlerless deer licenses on the third Monday in July, 1 week after resident applicants.

3. *Persons Affected*

Persons wishing to hunt antlerless deer within this Commonwealth will be affected by the final-form rule-making.

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 rule-making, 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 143, are amended by amending § 143.50 to read as set forth at 46 Pa.B. 1423.

(b) The Executive Director of the Commission shall certify this order and 46 Pa.B. 1423 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 48-394 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 16-905. Filed for public inspection May 27, 2016, 9:00 a.m.]