

PROPOSED RULEMAKING

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) proposed at its April 5, 2016, meeting to amend § 135.41 (relating to State game lands) to prohibit the operation of unmanned aerial vehicles on or over lands and waters designated as State game lands.

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 has observed a dramatic, if not explosive, increase in the popularity and use of unmanned aerial vehicles (commonly referred to as drones) across this Commonwealth during the past year. This increase has unfortunately resulted in unintended uses on lands designated as State game lands that compromise the purposes for which these lands were acquired. These activities range from degradation of the natural and scenic values of these lands to actual wildlife disturbance and harassment activities. The Commission is also concerned that use of these devices on State game lands may expand to interference with lawful hunting and trapping activities in the future. The Commission is proposing to amend § 135.41 to prohibit the operation of unmanned aerial vehicles on or over lands and waters designated as State game lands.

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 § 135.41 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.41 to prohibit the operation of unmanned aerial vehicles on or over lands and waters designated as State game lands.

3. Persons Affected

Persons wishing to operate unmanned aerial vehicles on or over lands or waters designated as State game lands will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

This 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: 48-396. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

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

* * * * *

(22) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(23) Operate, control, retrieve or launch an unmanned aerial vehicle of any size, design or specification on or from lands or waters designated as State game lands. This provision may not be construed to limit activities specifically authorized by the Commission in writing or Federal, State or local governmental response to fire, rescue, police or other emergency matter, or engagement in legitimate governmental function.

[Pa.B. Doc. No. 16-1067. Filed for public inspection June 24, 2016, 9:00 a.m.]