

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 58 PA. CODE CHS. 131 AND 141 ]

#### Preliminary Provisions; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons, and aperture sights for flintlock muzzleloading deer season.

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

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

Notice of proposed rulemaking was published at 47 Pa.B. 1769 (March 25, 2017).

#### 1. Purpose and Authority

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) (Act 168) made two significant changes to section 2308 of the act (relating to unlawful devices and methods). Act 168 eliminated the Commonwealth's historic prohibition against the use of air guns for hunting. Act 168 also effectively eliminated the Commonwealth's historic prohibition against the use of semiautomatic rifles for hunting. It is important to note that Act 168 was not extended to authorize the Commission to allow use of semiautomatic handguns.

In an effort to expand hunting opportunities in this Commonwealth, the Commission amends §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns for small game and furbearers, and semiautomatic rifles for small game and furbearers. These amendments will also expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons, and aperture sights for flintlock muzzleloading deer season. The Commission proposed to extend the use of semiautomatic rifles to include small game furbearers and big game, but removed big game from this final-form rulemaking based upon public comment.

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 §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 are adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of

wildlife and hunting seasons, and aperture sights for flintlock muzzleloading deer season.

#### 3. Persons Affected

Persons wishing to use air guns, semiautomatic rifles or breech-loading black powder firearms to hunt or take game or wildlife in this Commonwealth may be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received a total of 847 official comments in support and 218 official comments in opposition to this final-form rulemaking.

#### 5. Cost and Paperwork Requirements

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

#### 6. Effective Date

This 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 this 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 131 and 141, are amended by amending §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-410 remains valid for the final adoption of the subject regulations.

#### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 131. PRELIMINARY PROVISIONS

#### § 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and

terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 34 of the *Pennsylvania Consolidated Statutes* (relating to Game and Wildlife Code).

*Aggregate ammunition capacity*—A firearm's total cumulative ammunition capacity that includes the ammunition capacity of both the chamber and magazine.

*Air gun*—A firearm operated by air or gas cylinder by which a projectile can be discharged or propelled.

*Antlered deer*—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having three or more points on one antler, not including brow tines which is the point immediately above the antler burr.

(ii) In all other wildlife management units, a deer having three or more points to one antler.

(iii) In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.

*Antlered elk*—An elk having at least one spike visible above the hairline.

*Antlerless deer*—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

*Antlerless elk*—An elk without antlers, or an elk with no spike visible above the hairline.

*Arrow*—A projectile shot from a bow with an overall length exceeding the brace height of the bow with fletching designed only for guidance at the aft end and a broadhead mounted on the fore end. No electronic device may be a part of or attached to the arrow. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be a part of or attached to any arrow.

*Beekeeper's agent*—A person who accepts the responsibility of bees, hives and related equipment in the absence of the owner, and who is willing and able to reset disrupted hives, maintain fencing where present and report damage done by bears to the nearest available Commission officer as soon as practical, but, in any event, within 10 days of the damage. The agent shall be domiciled within 300 yards of the beehives.

*Bow*—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a manually held release aid.

*Broadhead*—A fixed or mechanical tip affixed to the fore end of an arrow or bolt having sharpened cutting edges consisting of metal or naturally occurring stone.

*Closed season*—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

*Commission*—The Game Commission of the Commonwealth.

*Crossbow*—A device consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism, has a mechanical safety and propels an arrow.

*Crossbow bolt*—An arrow propelled by a crossbow.

*Decoy*—For the purpose of section 2308(b)(6) of the act (relating to unlawful devices and methods), an artificial representation or facsimile of a bird or animal used to attract other birds or animals. The term does not include living birds or animals.

*Deputy Game Commission officer*—A deputy wildlife conservation officer.

*Director*—The Executive Director of the Commission.

*Driving*—An act accomplished when one or more persons chase or flush, or attempt to chase or flush, wildlife towards or in the general direction of other persons, or when two or more persons travel in the same general direction to chase or flush, or attempt to chase or flush, wildlife into view.

*Early small game hunting season*—A designated period when the only resident small game which may be hunted and taken are woodchucks, squirrels and grouse.

*Game Commission officer*—A wildlife conservation officer.

*Import*—To bring or have transported into this Commonwealth.

*Institutions of higher learning*—Colleges and universities accredited by the Department of Education.

*Meat or animal products*—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representations or facsimiles.

*Muzzleloading firearm*—

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm's barrel.

(ii) The term includes breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm.

(iii) The term does not authorize a firearm that accepts cartridge ammunition.

*Plugged shotgun*—For the purpose of section 2308(a)(4) of the act, any shotgun containing a one-piece plug, stop or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

*Point*—An antler projection at least 1 inch in length from base to tip. The main beam tip shall be counted a point regardless of length.

*Protected birds*—See § 133.2 (relating to protected birds).

*Protected deer*—A deer not defined as an antlered deer or an antlerless deer.

*Protected mammals*—See § 133.1 (relating to protected mammals).

*Regular firearms deer season*—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

*Regular small game hunting season*—The designated period of time when resident small game species may be hunted and taken.

*Special firearms deer season*—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

*Sustained yield*—As used in section 546(b)(2) of the act (relating to limitation on expenditures for deterrent fencing), continuous and planned forest production through accepted forestry management practices.

*Venison*—For the purpose of section 2312 of the act (relating to buying and selling game), any meat derived from a white-tailed deer.

## CHAPTER 141. HUNTING AND TRAPPING

### Subchapter B. SMALL GAME

#### § 141.22. Small game seasons.

(a) *Permitted devices.* It is lawful to hunt small game, except woodchucks, during any small game season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun. The firearm must be .22 caliber or less, that propels single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(7) An air gun. The firearm must be between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting small game during any small game season, except woodchucks, it is unlawful to:

(1) Use or possess single-projectile ammunition larger than .22 caliber or multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) *Woodchuck (Groundhog) season.*

(1) *Permitted devices.* It is lawful to hunt woodchucks during woodchuck season with the following devices:

(i) A manually operated or semiautomatic centerfire rifle or manually operated handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act.

(vii) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(2) *Prohibitions.* While hunting woodchucks during woodchuck season, it is unlawful to:

(i) Use or possess multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act.

(ii) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(iii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

### Subchapter C. BIG GAME

#### § 141.43. Deer.

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

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



(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open or aperture sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer season with a muzzleloading firearm. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

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

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(d) *Regular and special firearms deer seasons.*

(1) *Permitted devices.* It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

(i) A manually operated, centerfire rifle or handgun that propels single-projectile ammunition.

(ii) A manually operated, centerfire shotgun that propels single-projectile ammunition.

(iii) A bow and arrow as permitted under subsection (a)(1)(i).

(iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(v) A muzzleloading firearm as permitted under subsection (b)(1) or (c)(1).

(2) *Prohibitions.* While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(e) *Cooperating while hunting during any deer season.* Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

(f) *.22 caliber or less rimfire required for furbearers.* When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

**§ 141.44. Bear.**

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

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

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

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

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) *Regular and extended firearms bear seasons.*

(1) *Permitted devices.* It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) A manually operated, centerfire rifle or handgun that propels single-projectile ammunition.

(ii) A manually operated, centerfire shotgun that propels single-projectile ammunition.

(iii) A bow and arrow as permitted under subsection (a)(1)(i).

(iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(v) A muzzleloading firearm as permitted under subsection (b)(1).

(2) *Prohibitions.* While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

#### § 141.45. Turkey.

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) A manually operated rifle or handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun that propels single-projectile ammunition or multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(v) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

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

(i) Use or possess a firearm using single projectile ammunition in Wildlife Management Units 2B, 5B, 5C and 5D, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(b) *Spring turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the spring turkey season with any of the following devices:

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(ii) A bow and arrow as permitted under subsection (a)(1)(iii).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(iv).

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

(i) Use or possess a centerfire, rimfire or muzzleloading firearm that propels single projectile ammunition, except as authorized under section 2525 of the act.

(ii) Use or possess single projectile ammunition, except arrows or bolts, except as authorized under section 2525 of the act.

(iii) Use drives or any method other than hand or mouth calling.

(iv) Use or possess an electronic caller or a live turkey as a decoy.

(v) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

#### § 141.47. Elk.

(a) *Permitted devices.* It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated, centerfire rifle or handgun. The firearm must be a .27 caliber or larger firearm that propels single-projectile ammunition 130 grains or larger.

(2) A manually operated or centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(b) *Prohibitions.* While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick’s Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick’s Run Road and Huston Hill Road and within 0.3 mile of Route 555.

**Subchapter D. FURBEARERS**

**§ 141.67. Furbearer seasons.**

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. The centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

[Pa.B. Doc. No. 17-806. Filed for public inspection May 12, 2017, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 135 ]**

**Lands and Buildings; Shooting Ranges**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 135.181 (relating to rifle and handgun ranges) to address various substantive and housekeeping concerns within the State game lands firearms range usage requirements.

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

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

Notice of proposed rulemaking was published at 47 Pa.B. 1477 (March 11, 2017).

*1. Purpose and Authority*

State game land range users, Commission staff and other interested parties have identified a number of areas in need of improvement in the Commission’s shooting range use regulation. The Commission amends § 135.181 to address the following substantive and housekeeping concerns: 1) expand the 8 a.m. to sunset operational hours on Sundays preceding regular firearms deer and bear seasons to also include Sundays occurring throughout the duration of these seasons to improve hunter access to its ranges when they are most needed; 2) prohibit range users from intentionally shooting at or damaging the target frames or stands in an effort to reduce waste and improve operational availability of ranges; 3) provide clarity that use of automatic firearms, not to include semiautomatic firearms, is prohibited at Commission ranges; 4) expand the six-round loading and discharge limitation to both rifle and handgun ranges; 5) prohibit range users from operating, manipulating or discharging a loaded firearm in negligent disregard for the safety of other persons present at or nearby the range to improve safety; 6) provide greater clarity concerning range reservation, range closure, range designation and general range usage violations; and 7) remove firearms possession related violations from this section to more closely conform to the limitations in 18 Pa.C.S. § 6109(m.3)(2) (relating to licenses).

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 § 135.181 are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends § 135.181 to address various substantive and housekeeping concerns within the State game lands firearms range usage requirements.



### 3. *Persons Affected*

Persons wishing to State game lands firearms ranges will be affected by this final-form rulemaking.

### 4. *Comment and Response Summary*

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

### 5. *Cost and Paperwork Requirements*

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

### 6. *Effective Date*

This 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 this 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 § 135.181 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-408 remains valid for the final adoption of the subject regulation.

## **Annex A**

### **TITLE 58. RECREATION**

#### **PART III. GAME COMMISSION**

#### **CHAPTER 135. LANDS AND BUILDINGS**

#### **Subchapter J. SHOOTING RANGES**

#### **§ 135.181. Rifle and handgun ranges.**

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions) and except as provided in § 135.182 (relating to ranges, State Game Lands No. 176), the following pertain to lands under Commission ownership, lease or jurisdiction designated as rifle or handgun ranges:

(1) Rifle and handgun ranges are open from 8 a.m., prevailing time, until sunset Monday through Saturday

and from 12 noon to sunset Sunday, unless otherwise posted; except the Sunday immediately preceding and any Sunday throughout the duration of the regular firearms deer seasons and the regular firearms bear seasons, when the hours are 8 a.m. to sunset.

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. Applications for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range during any period reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range backboards when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. An individual using Commission-owned ranges does so at his own risk and assumes all responsibility for injuries to a person or property caused by or to him.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or designee may close a range by posting signs to that effect. An individual or organized group may not use the range during a period when it is posted as closed.

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Discharge a firearm from any location on the range other than an established shooting station on the firing line.

(2) Discharge a firearm at any target other than a paper target placed on a permanent target backboard mounted by the Commission. Users are prohibited from intentionally shooting at or damaging the frames or stands constructed by the Commission to mount permanent target backboards.

(3) Discharge armor piercing, incendiary, explosive, tracer or multiple projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than six rounds of single projectile ammunition.

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

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(9) Operate, manipulate or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This is specifically intended to include loading a firearm, operating or manipulating a loaded firearm, or discharging a firearm anywhere on the firing range while another person is downrange.

(10) Use a Commission range in violation of any other requirement of this section or posted signage.

(c) *Range designation.* The default designation for Commission ranges, regardless of length or size, is as a rifle range. The Commission may designate any range as a handgun only range by posting appropriate signage.

[Pa.B. Doc. No. 17-807. Filed for public inspection May 12, 2017, 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 March 28, 2017, meeting, amended § 139.17 (relating to wildlife management units) to expand wildlife management unit (WMU) 2E southward into WMU 2C to realign the southwest boundary line of WMU 2E from Route 422 to Route 22.

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

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

Notice of proposed rulemaking was published at 47 Pa.B. 1486 (March 11, 2017).

*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 developed a WMU map revision to expand WMU 2E southward into WMU 2C to realign the southwest boundary line of WMU 2E from Route 422 to Route 22.

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 322(c)(6) of the code specifically empowers the Commission to “[l]imit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas.” Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate con-

cerning 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*

This final-form rulemaking amends § 139.17 to expand WMU 2E southward into WMU 2C to realign the southwest boundary line of WMU 2E from Route 422 to Route 22.

*3. Persons Affected*

Persons wishing to hunt or take game or wildlife within WMUs 2C and 2E may be affected by this final-form rulemaking.

*4. Comment and Response Summary*

The Commission received a total of one official comment in support and one official comment in opposition to this final-form rulemaking.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

This 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 this 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 47 Pa.B. 1486.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1486 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-404 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-808. Filed for public inspection May 12, 2017, 9:00 a.m.]

—————

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Wild Pheasant Recovery Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 141.28 (relating to wild pheasant recovery areas) to reduce the size of the Central Susquehanna Wild Pheasant Recovery Area (WPRAs), open the Central Susquehanna WPRAs to limited youth pheasant hunting opportunities authorized by executive order, eliminate small game hunting restrictions within WPRAs and shorten the dog training restricted period within WPRAs.

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

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

Notice of proposed rulemaking was published at 47 Pa.B. 1473 (March 11, 2017).

*1. Purpose and Authority*

Huntible populations of wild pheasants have been successfully established in portions of the Central Susquehanna WPRAs, while other portions of the WPRAs contain very few or no pheasants. In keeping with the goals of the WPRAs program, a reduction in size of the WPRAs has been adopted that will open unsuccessful portions to general pheasant hunting and to the stocking of pen-reared pheasants. Simultaneously, as a conservative approach in reopening the successful portions of the WPRAs to pheasant hunting, this final-form rulemaking will enable the Executive Director to authorize permit-based, youth-only pheasant hunting opportunities in the Central Susquehanna WPRAs. A hunt could occur as early as 2017-2018.

When WPRAs were established, restrictions on small game hunting and dog training were included to avoid potential negative impacts to reintroduced pheasant populations. Research and monitoring results for all WPRAs have demonstrated that outside the nesting season, effects of these activities on pheasants are negligible. Therefore, the Commission removed all small game hunting restrictions (except for those related to pheasants) from WPRAs and shortened the restricted period for dog training. As the WPRAs program transitions to an operational phase, these changes will provide additional recreational opportunities for hunters and dog handlers without jeopardizing wild pheasant populations.

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 § 141.28 are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends § 141.28 to reduce the size of the Central Susquehanna WPRAs, open the Central Susquehanna WPRAs to limited youth pheasant hunting opportunities authorized by executive order, eliminate small game hunting restrictions within WPRAs and shorten the dog training restricted period within WPRAs.

*3. Persons Affected*

Persons wishing to hunt or take pheasants or train dogs on small game within this Commonwealth may be affected by this final-form rulemaking.

*4. Comment and Response Summary*

The Commission received a total of one official comment in support and one official comment in opposition to this final-form rulemaking.

*5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork. However, this final-form rulemaking will result in the creation of a new class of permit that will be required for youth hunters. The Commission anticipates that this permit will be made available through the Pennsylvania Automated License System, therefore additional paperwork requirements for the general public will be nominal. The Commission determined that there will be limited personnel and administrative costs associated with the implementation of this new permit program. The Commission anticipates that these costs will be accommodated through existing staffing and existing budgets.

*6. Effective Date*

This 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 this 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 § 141.28 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-403 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 B. SMALL GAME**

**§ 141.28. Wild pheasant recovery areas.**

(a) *Definition.* For the purpose of this section, the phrase “wild pheasant recovery area” (WPRAs) includes and is limited to the following geographic locations.

(1) *Somerset WPRAs.* That portion of Somerset County, WMU 2C, bounded on the western side starting at the intersection of Coleman Station Rd. and Stutzmantown Rd. proceeding south on Coleman Station Rd., crossing SR 31, to Brotherton Rd., continuing south to Round Hill Rd., then east onto Wills Church Rd., then to Archery Rd. The boundary then follows Berlin Plank Rd. (US Rt. 219) south into the town of Berlin where it joins the Mason Dixon Hwy. (US Rt. 219) proceeding south to Pine Hill Rd. to Walker School Rd. then east on Maple Valley Rd., to Sawmill Rd. to the Cumberland Hwy. (SR 160). The boundary then follows the Cumberland Hwy. (SR 160) south to Salco Rd. and then proceeds north on Salco Rd. to Huckleberry Hwy. (SR 160) in the town of Berlin. The boundary follows Huckleberry Hwy. (SR 160) north, crossing SR 31, to the intersection of Roxbury Rd., then north to Shanksville Rd. The boundary then proceeds north to Stutzmantown Rd., then west to the beginning at the intersection of Coleman Station Rd.

(2) *Central Susquehanna WPRAs.* Portions of WMU 4E in Northumberland, Montour and Columbia Counties, bounded and described as follows. Beginning in the southwestern extent of the WPRAs at the intersection of Interstate 80 and Interstate 180, proceed north on Interstate 180 for approximately 7.2 miles to the intersection of Hughes Road. The boundary follows Hughes Road east for 0.2 mile to Susquehanna Trail. Follow Susquehanna Trail south for 0.2 mile to Schmidt Road. Follow Schmidt Road for 1.6 miles to Miller Road. Follow Miller Road east for 1.1 miles to intersection of Hockey Hill Road. Go right on Hockey Hill Road then left onto Pugmore Lane. Follow Pugmore Lane for 0.7 mile to Harrison Road. The boundary follows Harrison Road south for 0.7 mile to Showers Road. Follow Showers Road for 1.2 miles east to intersection of Gearhart Road. Turn right on Gearhart Road and go south for 0.6 mile to the intersection of Hickory Road. The boundary follows Hickory Road east for 0.6 mile then left onto Mingle Road for 0.9 mile until rejoining Hickory Road for another 0.8 mile to the intersection of Muncy Exchange Road. The boundary follows Muncy Exchange Road south for 1.4 miles to bridge over the West Branch of Chillisquaque Creek near the intersection of State Highway 44. The boundary follows the West Branch of Chillisquaque Creek south for

approximately 2.1 miles to the bridge on Arrowhead Road. The boundary follows Arrowhead Road west for 0.8 mile to the intersection of State Highway 54. Follow State Highway 54 south for 2.6 miles to the intersection of State Highway 254. Follow State Highway 254 east for 5.9 miles to the intersection of State Highway 44. Follow State Highway 44 south for 1.1 miles to the intersection of State Highway 642. Follow State Highway 642 southwest for 2.3 miles to the intersection of Billhime Road. Turn right onto Billhime Road and go 1.1 miles to the intersection of East Diehl Road. Turn left on East Diehl Road then right onto Cameltown Hill Road. Follow Cameltown Hill Road for 1 mile to the intersection of Blee Hill Road. The boundary follows Blee Hill Road northwestward for 0.6 mile to the intersection of Hillside Drive. Turn left onto Hillside Drive and follow west for 3.2 miles until State Highway 54. Cross State Highway 54 onto Stecker Mill Road and go 0.4 mile to the intersection of Keefer Mill Road. Turn right onto Keefer Mill Road and follow north for 0.8 mile to the intersection Mexico Road. Turn right on Mexico Road for 0.1 mile and then turn left onto Keefer Mill Road for 0.6 mile to the intersection of State Highway 254. The boundary follows State Highway 254 west for 5.5 miles to the intersection of Interstate 80. Follow Interstate 80 west for 3.4 miles to the intersection Interstate 180 and the point of origin.

(3) *Hegins-Gratz Valley WPRAs.* That portion of WMU 4E in Schuylkill and Dauphin Counties from Matterstown Road (Rt. 1007) to PA Rt. 901 at Taylorsville. The WPRAs is bounded on the north by the Mahantango Creek. Beginning at the town of Pillow in Dauphin County, proceeding east on Market Street (Rt. 1026) to the Mahantango Creek, which is the Northumberland and Dauphin County border until entering Schuylkill County at Klingerstown. Continuing northeast along the Mahantango Creek in Schuylkill County to Taylorsville Road (Rt. 4039) at Haas, to Taylorsville and then proceeding south on PA Rt. 901. Proceeding south and southeast on PA Rt. 901 to I-81. Proceeding southwest on I-81 and then west on PA Rt. 25, then from PA Rt. 25, proceeding south and west on Dell Road and then northwest and west on Pine Drive (State Hwy. 4009), continuing west on Pine Drive, T593 and north on T592 to Pine Creek. The southern boundary then follows Pine Creek west along the northern side of Broad Mountain to Spring Glen. From Spring Glen, continuing west on PA Rt. 25, crossing into Dauphin County to Gratz, then proceeding southwest from Gratz on Specktown Road (State Hwy. 1014) to South Crossroads Road (PA Rt. 1009). Proceeding south on South Crossroads Road (PA Rt. 1009) to PA Rt. 209 and southwest to Elizabethville. From Elizabethville continue west on Main Street (PA Rt. 209), then turn north onto Botts Road (T462). At the first intersection, turn north onto Feidt Road (T461), then turn east onto West Matterstown Road (Rt. 4008), turn north onto Matterstown Road (Rt. 1007). Turn right or east onto Berysburg Road (PA Rt. 25) which turns into Market St. Turn left or north onto Lykens St. Turn right or east onto Mountain Road (T639). Turn left or north on PA Rt. 225 into Pillow on PA Rt. 225, ending at Market St. (Rt. 1026).

(4) *Franklin County WPRAs.* That portion of WMUs 4A and 5A in Franklin County from PA Rt. 30 on the northern border to the Pennsylvania/Maryland state border on the southern border, and from Cove Mountain on the western border to the towns of Laurich and Williamson and the Conococheague Creek on the eastern border. The WPRAs is bounded on the north by PA Rt. 30 (Lincoln Highway). Beginning at the town of Fort Loudon at the

intersection of PA Rt. 30 (Lincoln Highway) and PA Rt. 75, proceed east on PA Rt. 30 (Lincoln Highway), through St. Thomas and continue east to Laurich. Just east of Laurich, proceed south along Back Creek to SR 3012 (Jack Road). Proceed west along SR 3012 (Jack Road), then south along Weber Road. Continue south and southwest along Weber Road to the intersection of Weber, Grapevine and Jacks Mill Roads. Proceed southwest along Grapevine Road and then northwest to intersection with SR 3013. Turn south onto SR 3013 (St. Thomas Williamson Road) and then west onto State Rt. 995. Proceed west and then south on State Rt. 995 through Williamson to the West Branch of the Conococheague Creek (northeast of Welsh Run). Proceed along the West Branch of the Conococheague Creek to the confluence with Conococheague Creek. Follow the Conococheague Creek south to the Pennsylvania/Maryland state border. Proceed west along the Pennsylvania/Maryland state border to State Rt. 456. Proceed northeast along State Rt. 456 to State Rt. 16. Proceed east on State Rt. 16 to Mountain Road. Proceed northeast on Mountain Road to State Rt. 75. Proceed northwest on State Rt. 75 to the intersection of State Rt. 75 and State Rt. 30 at Fort Loudon.

(b) *Prohibitions.* It is unlawful to:

(1) Release artificially propagated pheasants any time within any area designated as a WPRA.

(2) Train dogs in any manner from March 1 through July 31 within any area designated as a WPRA.

(3) Hunt pheasants within any area designated as a WPRA, except the Director may authorize limited youth pheasant hunting opportunities by Commission-issued access permit in the Central Susquehanna WPRA. During any year youth pheasant hunting opportunities are authorized in the Central Susquehanna WPRA, the Director will establish the number of hunting access permits to be issued, a manner of distribution for a limited number of access permits to be raffled off by an organization promoting pheasant recovery efforts within this Commonwealth, and designate one or more pheasant hunt zones within the WPRA prior to the opening of the earliest established youth pheasant season. The Director or a designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of any remaining limited youth pheasant hunting access permits within the Central Susquehanna WPRA. Limited youth pheasant hunting access permits are not transferrable. A pheasant hunting access permit shall be signed and carried on person when hunting or taking pheasants within the Central Susquehanna WPRA.

[Pa.B. Doc. No. 17-809. Filed for public inspection May 12, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**  
**Special Permits; Pheasant Permit**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, added Chapter 147, Subchapter Q (relating to pheasant permit) to define and implement the Pheasant Hunting Permit Program (Program) in this Commonwealth and provide for the issuance

of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons.

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

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

Notice of proposed rulemaking was published at 47 Pa.B. 1492 (March 11, 2017).

1. *Purpose and Authority*

Pheasant hunting in this Commonwealth has relied entirely upon stocking of farm-raised pheasants during the past 20—30 years subsequent to the disappearance of the wild pheasant population in this Commonwealth. Four pheasant farms operated by the Commission have historically produced about 200,000 pheasants per year. This pheasant program is popular and has many values related to hunter recruitment/retention/reactivation as well as providing an upland game bird hunting opportunity at a time when wild upland game bird populations are gone or in serious decline. However, the pheasant program has been costing the Commission about \$4.7 million per year with no fee mechanism established to sustain it. Recent budget pressures caused by increases in personnel benefit costs and declines in revenue have forced the Commission to initiate cost cutting measures including closure of two of the four pheasant farms. These closures are estimated to save \$1.7 million per year while changes in operations are being implemented to further reduce costs while minimizing adverse impacts on the bird quality and quantity. The Commission adds Chapter 147, Subchapter Q to define and implement the Program in this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons. Adoption of the pheasant hunting permit at cost of \$25 for adults is projected to produce about \$1.5 million of new revenue, make the pheasant program more self-sufficient and help ensure the future of pheasant hunting in this Commonwealth.

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.” Chapter 147, Subchapter Q is adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking adds Chapter 147, Subchapter Q to define and implement the Program in this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons.

3. *Persons Affected*

Persons wishing to hunt or take pheasants in this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 22 official comments in support and 37 official comments in opposition to this final-form rulemaking.



5. *Cost and Paperwork Requirements*

This final-form rulemaking will result in the creation of a new class of permit that will be required for adult hunters. The Commission anticipates that this permit will be made available through the Pennsylvania Automated License System, therefore additional paperwork requirements for the general public will be nominal. The Commission determined that there will be limited personnel and administrative costs associated with the implementation of this new permit program. The Commission anticipates that these costs will be accommodated through existing staffing and existing budgets.

6. *Effective Date*

This 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 this 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 adding §§ 147.315—147.318 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-402 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION  
PART III. GAME COMMISSION  
CHAPTER 147. SPECIAL PERMITS  
Subchapter Q. PHEASANT PERMIT**

- Sec. 147.315. Purpose.
- 147.316. Application.
- 147.317. Permit.
- 147.318. Violations.

**§ 147.315. Purpose.**

The purpose of this subchapter is to define and implement the Pheasant Hunting Permit Program in this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons established in § 139.4 (relating to seasons and bag limits for the license year).

**§ 147.316. Application.**

(a) *Form and content.* Applications for pheasant hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the applicant's name, address, date of birth and Commission-issued Customer Identification Number, and any other information required by the Commission.

(b) *Eligibility.* Adult pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident adult or senior hunting license, or a valid mentored adult hunting permit. The fee for a pheasant hunting permit is \$25, plus any applicable transactional and issuing agent fees.

**§ 147.317. Permit.**

(a) A pheasant hunting permit is required for an adult to hunt or take pheasants by any means or manner or device, including the use of dogs, in this Commonwealth.

(b) A pheasant hunting permit shall be signed and carried on person when hunting or taking pheasants in this Commonwealth.

(c) This section and subchapter may not be construed to require a permit for individuals engaged in lawful pheasant hunting activities under a valid commercial or noncommercial regulated hunting grounds issued under section 2928 of the act (relating to regulated hunting grounds permits).

**§ 147.318. Violations.**

Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations). Furthermore, the Director may deny, revoke or suspend a permit for a violation of this subchapter upon written notice to the permittee.

[Pa.B. Doc. No. 17-810. Filed for public inspection May 12, 2017, 9:00 a.m.]