

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 7, 2020, meeting amended § 135.53 (relating to operation of mobility devices and motor vehicles on designated routes) to expand all-terrain vehicle (ATV) eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

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 50 Pa.B. 1372 (March 7, 2020).

1. Purpose and Authority

Former regulations required that any ATV used as a mobility device must be registered (only) with the Department of Conservation and Natural Resources. The Commission has learned that certain ATVs that are additionally defined as “neighborhood electric vehicles” and registered with the Department of Transportation, cannot be dual registered with the Department of Conservation and Natural Resources. This restriction had the unfortunate effect of excluding otherwise eligible ATVs from being utilized as mobility devices by the mere fact that the device is properly registered with another Commonwealth agency. The Commission amends § 135.53 to expand ATV eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and 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 § 135.53 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 135.53 to expand ATV eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

3. Persons Affected

Persons wishing to operate an ATV registered with the Department of Transportation as neighborhood electric vehicle and properly displaying a valid registration plate and the required “25 MPH Vehicle” decal on lands designated as State game lands may 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 any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; and adoption of regulations).

(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 § 135.53 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 48-453 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 C. STATE GAME LANDS

§ 135.53. Operation of mobility devices and motor vehicles on designated routes.

Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may operate mobility devices and motor vehicles on designated routes subject to all of the following conditions:

* * * * *

(3) *ATVs and snowmobiles as mobility devices.* An ATV or snowmobile used as a mobility device on a designated route must be registered with either:

(i) The Department of Conservation and Natural Resources and display the valid registration plate or registration decal as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV); or

(ii) The Department of Transportation as a neighborhood electric vehicle or NEV and display the valid registration plate and “25 MPH Vehicle” decal as required under 75 Pa.C.S. §§ 3592 and 3594 (relating to required equipment; and same treatment as passenger cars).

(4) *Spark arrestors required.* Mobility devices powered by an internal combustion engine must be equipped with a fully functional spark arrestor while operation on a designated route.

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[Pa.B. Doc. No. 20-592. Filed for public inspection May 1, 2020, 9:00 a.m.]

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Title 58—RECREATION

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 7, 2020, meeting amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2020-2021 hunting/furtaking license year.

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 50 Pa.B. 1373 (March 7, 2020).

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission amends § 139.4 to provide updated seasons and bag limits for the 2020-2021 license year. The 2020-2021 seasons and bag limits are amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

For small game, earlier opening dates are adopted for youth and regular squirrel seasons to increase opportunity on this underutilized species at a time when most other hunting seasons are closed. Also, WMUs 4E and 5A are opened to either-sex pheasant hunting (except within Wild Pheasant Recovery Areas) to maximize hunting opportunity for stocked pheasants.

Fall turkey season is decreased by 4 days in WMUs 4D and 4E in response to declining turkey population trends in these units. The Commission also increases the

Thanksgiving season from 2 days to 3 days, in a Wednesday through Friday format, within those WMUs where turkey populations can support this season.

For deer, a 14-day concurrent antlered and antlerless firearms season is adopted for WMUs 2B, 2C, 2D, 2E, 4A, 4B, 4D, 5A, 5C and 5D. All other remaining WMUs are returned to the split season format. Deer archery season is also extended by 5 additional days from November 16 through November 20 in most WMUs. As now authorized by statute, Sunday hunting for deer is adopted for one Sunday (November 15) during the Statewide archery season and one Sunday (November 29) during the Statewide firearms season.

Overall black bear seasons are adopted in similar fashion to those in 2019, but with two expansions. First, the 3-week Statewide archery season was expanded to include the prior week to include the overlap with muzzleloader and special firearms seasons to simplify regulations. Second, the Statewide firearms season is adopted to include the newly authorized third Sunday (November 22), but to close on Tuesday rather than Wednesday to accommodate a 1-day expansion in the Thanksgiving segment of the fall turkey season. Extended bear firearms season is also amended to begin on the first Monday of deer firearms season rather than the Saturday opener to avoid the confusion created by a one-day closure on Sunday, which is open for deer hunting, but not bear hunting.

Expansions of bobcat hunting and trapping opportunity to WMU 2B, and of river otter trapping opportunity to WMUs 1A, 1B and 2F, are adopted considering population indices in these units that are comparable to those in other WMUs where harvest is occurring sustainably. For beaver, an increase in the season bag limit from 40 to 60 is adopted for WMUs 1A and 1B in response to increasing nuisance complaints in these units.

No elk have ever been harvested in the extended elk season during the 9 years in which it has been in existence. To simplify regulations, elimination of this season is adopted for 2020.

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*

This final-form rulemaking will amend § 139.4 to provide updated seasons and bag limits for the 2020-2021 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2020-2021 hunting/furtaking license year may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 989 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Seasons: Out of a total of 919 comments received concerning this subtopic: 84 supported and 259 opposed a Saturday opener for regular firearms deer season; 19

supported and 22 opposed hunting the Sunday following the Saturday opening of regular firearms deer season; 3 supported opening regular deer firearms season on the Saturday after Thanksgiving weekend; 7 supported and 1 opposed opening regular deer firearms season on Sunday after Thanksgiving; 38 supported hunting on the Sunday in the middle of the regular firearms deer season; 3 supported hunting the last Sunday of the regular firearms deer season; 29 supported and 133 opposed concurrent antlered/antlerless seasons; 4 supported the extending of the regular firearms deer season; 1 supported opening the regular firearms deer season earlier; 282 supported and 24 opposed extending archery season; 6 supported lengthening archery season; 2 opposed the length of deer archery season; 1 supported making muzzleloader and archery seasons concurrent; and 1 supported eliminating early muzzleloader and special firearms deer seasons.

Turkey Seasons: Out of a total of 11 comments received concerning this subtopic: 1 supported the WMU 2G proposal; 2 supported reducing season length in WMU 4C; 2 supported reducing season length in WMU 4D; 1 opposed reducing season length in WMU 4E; 1 supported eliminating the Thanksgiving season and replacing it with five days before bear season; 1 supported the turkey seasons as proposed; 1 supported extending the spring season; and 2 opposed opening the Wednesday before Thanksgiving.

Bear Seasons: Out of a total of 26 comments were received concerning this subtopic: 10 supported the new bear muzzleloader season; 1 supported extending the bear muzzleloader season; 6 supported the muzzleloader bear season; 1 supported and 1 opposed the extended bear season being concurrent with regular firearms deer season; 2 supported bear archery season; 2 supported opening bear season during archery deer season and regular firearms deer season; 1 opposed the number of bear seasons; 1 supported the creation of a spring bear season; and 1 supported the three-day bear season be moved to October.

Small Game Seasons: A total of 21 comments were received concerning this subtopic: 10 supported starting squirrel season earlier; 1 supported running from fall opener to February close unbroken; 1 supported closing hare season; 1 supported small game season as proposed; 3 supported opening pheasant season earlier, 1 supported opening grouse season on the first Saturday in November; 3 supported the post-Christmas season; and 1 supported closing grouse season completely.

Furbearer Seasons: A total of 12 comments were received concerning this subtopic: 1 supported otter season on WMU 2F; 1 supported creating a mink hunting season; 1 supported extending fisher trapping season; 2

supported creating a fisher hunting season; 1 supported extending raccoon season; 1 supported opening bobcat season on the Saturday following Martin Luther King; 1 supported closing bobcat season with the last day of fox/coon season; 2 supported opening bobcat season in WMU 2D; 1 supported opening bobcat season in WMU 1A; and 1 supported opening bobcat season after flintlock deer season.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

This final-form rulemaking will be effective July 1, 2020, to June 30, 2021.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

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

Order

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

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

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

(c) This order shall be effective July 1, 2020, to June 30, 2021.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-446 remains valid for the final adoption of the subject regulation.

RULES AND REGULATIONS

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.

2020-2021 OPEN HUNTING AND FUR TAKING 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 Second Day</i>
Squirrel—(Combined species) ¹ Eligible Junior Hunters only, with or without the required junior license	Sept. 12		Sept. 26	6	18
Squirrel—(Combined species) ¹	Sept. 12 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	6	18
Ruffed Grouse ¹	Oct. 17 Dec. 14	and	Nov. 27 Dec. 24	2	6
Rabbit, Cottontail— ¹ Eligible Junior Hunters only, with or without the required junior license	Oct. 3		Oct. 17	4	12
Rabbit, Cottontail ¹	Oct. 17 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	4	12
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					
Ring-necked Pheasant—Male or Female ¹ Eligible Junior Hunters only, with or without the required junior license	Oct. 10		Oct. 17	2	6
Central Susquehanna Wild Pheasant Recovery Area—Male only ¹	As authorized by the Executive Order				
Ring-necked Pheasant—Male or Female ¹	Oct. 24 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	2	6
Bobwhite Quail ¹	Oct. 17 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	8	24
Hare (Snowshoe Rabbits) or Varying Hare ¹	Dec. 26		Jan. 1, 2021	1	3
Woodchuck (Groundhog) ¹	No closed season except during the regular firearms deer season(s).			Unlimited	

TURKEY

<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 WMU 2B (Shotgun, Bow & Arrow only)	Oct. 31 Nov. 25	and	Nov. 20 Nov. 27	1	1
WMU 1B	Oct. 31		Nov. 7		

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
WMUs 1A, 2A, 4A, 4B, 4D and 4E	Oct. 31		Nov. 14		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D and 4C	Oct. 31	and	Nov. 14		
	Nov. 25		Nov. 27		
WMU 2C	Oct. 31	and	Nov. 20		
	Nov. 25		Nov. 27		
WMU 5A	Nov. 5		Nov. 7		
WMU 5B	Nov. 3		Nov. 5		
WMUs 5C and 5D	Closed to fall turkey hunting				
Turkey, Spring Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 24, 2021		Apr. 24, 2021	1	1
Turkey, Spring ^{1,2} Bearded Bird only	May 1, 2021	and	May 15, 2021	1	2
	May 17, 2021		May 31, 2021	May be hunted 1/2 hour before sunrise to 12 noon	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about 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.
- (c) Hunting on Sunday not authorized.¹

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Crow ³ (Hunting permitted on Friday, Saturday and Sunday only)	July 3		Apr. 11, 2021	Unlimited	
Starling and English Sparrow ³	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 Second Day</i>
Squirrel—(Combined species) ¹	Sept. 1		Mar. 31, 2021	6	18
Quail ¹	Sept. 1		Mar. 31, 2021	8	24
Ruffed Grouse ¹	Sept. 1		Mar. 31, 2021	2	6
Cottontail Rabbits ¹	Sept. 1		Mar. 31, 2021	4	12
Snowshoe or Varying Hare ¹	Sept. 1		Mar. 31, 2021	1	3
Ring-necked Pheasant—Male ¹ and Female—(Combined)	Sept. 1		Mar. 31, 2021	2	6
Migratory Game Bird ¹ —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 & Antlerless) ^{4,5} With the required archery license WMUs 2B, 5C and 5D	Sept. 19 Sun. ³ , Nov. 15 Nov. 16 Dec. 26	and and and	Nov. 14 Sun. ³ , Nov. 15 Nov. 27 Jan. 23, 2021	One antlered deer, and an antlerless deer with each required and antlerless license.
Deer, Archery (Antlered & Antlerless) ^{4,5} 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. 3 Sun. ³ , Nov. 15 Nov. 16 Dec. 26	and and and	Nov. 14 Sun. ³ , Nov. 15 Nov. 20 Jan. 18, 2021	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) ¹ With the required muzzleloading license (Statewide)	Oct. 17		Oct. 24	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, ⁶ 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 (Statewide)	Oct. 22		Oct. 24	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered & Antlerless) ^{4,5} WMUs 2B, 2C, 2D, 2E, 4A, 4B, 4D, 5A, 5C and 5D	Nov. 28 Sun. ³ , Nov. 29 Nov. 30	and and	Nov. 28 Sun. ³ , Nov. 29 Dec. 12	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ^{4,5} WMUs 1A, 1B, 2A, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4E and 5B	Nov. 28 Sun. ³ , Nov. 29 Nov. 30	and and	Nov. 28 Sun. ³ , Nov. 29 Dec. 4	One antlered deer.
Deer, Regular firearms (Antlered & Antlerless) ^{1,4} WMUs 1A, 1B, 2A, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4E and 5B	Dec. 5		Dec. 12	One antlered deer and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ^{1,4} 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. 18, 2021	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ^{1,4} With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 23, 2021	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) ¹ Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26		Jan. 23, 2021	An antlerless deer with each required antlerless license.
Deer, Antlerless ¹ (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 ^{1,7} WMUs 2B, 5C and 5D	Sept. 19		Nov. 27		1
Bear, Archery ^{1,7} WMU 5B	Oct. 3		Nov. 14		1
Bear, Archery ^{1,7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 17		Nov. 7		1
Bear, Muzzleloader ^{1,7} (Statewide)	Oct. 17		Oct. 24		1
Bear, Special firearms ⁷ Only Junior and Senior License Holders ⁶ , 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 (Statewide)	Oct. 22		Oct. 24		1
Bear, Regular Firearms ^{5,7} (Statewide)	Nov. 21 Sun. ³ , Nov. 22 Nov. 23	and and	Nov. 21 Sun. ³ , Nov. 22 Nov. 24		1
Bear, Extended firearms ^{1,7} WMUs 2B, 5B, 5C and 5D	Nov. 30		Dec. 12		1
Bear, Extended firearms ^{1,7} WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 30		Dec. 5		1

ELK

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Elk, Special Conservation Tag ^{1,8} and Special-License Tag ^{1,8} (Antlered and Antlerless)	Sept. 1		Nov. 7		1
Elk, Archery ^{1,8}	Sept. 12		Sept. 26		1
Elk, Regular ⁸ (Antlered and Antlerless)	Nov. 2		Nov. 7		1
Elk, Late ^{1,8} (Antlerless only)	Jan. 2, 2021		Jan. 9, 2021		1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 21		Jan. 10, 2021	Unlimited	
Beaver WMUs 1A and 1B (Combined) WMUs 2A, 2B and 3C (Combined) WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined) WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)	Dec. 19		Mar. 31, 2021	20 20 20 5	60 40 20 5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 25		Feb. 21, 2021	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 21, 2021	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 19		Jan. 10, 2021	1	1

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 19		Jan. 3, 2021	1	1
River Otter, with required otter permit WMUs 1A, 1B, 2F, 3C and 3D	Feb. 13, 2021		Feb. 20, 2021	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season) ³	May be taken with a hunting license or a furtaker's license.			Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
Opossum, Striped Skunk, Weasel ¹	No closed season.				
Fox ³	Oct. 24		Feb. 20, 2021	Unlimited	
Raccoon ¹	Oct. 24		Feb. 20, 2021	Unlimited	
Bobcat, with required bobcat permit ¹ WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 9, 2021		Feb. 3, 2021	1	1
Porcupine ¹	Oct. 10		Jan. 30, 2021	3	10

No open seasons on other wild birds or wild mammals.

¹ No hunting on Sunday authorized. *See* 34 Pa.C.S. § 2303 (relating to hunting on Sunday prohibited).

² 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 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

³ Hunting on Sunday is authorized. *See* 34 Pa.C.S. § 2303.

⁴ Only one antlered deer (buck) may be taken during the hunting license year.

⁵ Hunting on Sunday authorized on separately delineated Sunday date only. *See* 34 Pa.C.S. § 2303.

⁶ 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).

⁷ Only one bear may be taken during the hunting license year with the required bear license.

⁸ Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 20-593. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION**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 7, 2020, meeting amended § 141.41 (relating to general) to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

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 50 Pa.B. 1379 (March 7, 2020).

1. Purpose and Authority

Outside of Special regulations areas, former regulations prohibited hunters from harvesting a subsequent deer before they have lawfully tagged each successive deer harvested. This restriction was intended to prevent waste of this Commonwealth's wildlife resources by causing hunters to follow up on shots and promote recovery of mortally wounded deer before an attempt to harvest subsequent animals. However, this restriction has also been observed to force hunters to pass up additional harvest opportunities that occur contemporaneous to the first as they are fleeing and certainly diminish with the noise and movement associated with tagging activities for the previous harvest. Special regulations areas have historically been exempted from this requirement and the Commission has not been aware that any significant problems have resulted from its absence. The Commission amends § 141.41 to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

Section 2102(a) of the code (relating to regulations) provides that “The 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*

This final-form rulemaking amends § 141.41 to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

3. *Persons Affected*

Persons wishing to hunt or take white-tailed deer within this Commonwealth may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 12 official comments regarding this final-form rulemaking. Four comments were in support and eight were in opposition of allowing a hunter to take multiple deer before tagging.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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*.

BRYAN J. BURNHAS,
Executive Director

Fiscal Note: Fiscal Note 48-450 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) 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. 20-594. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION

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 7, 2020, meeting amended §§ 141.43, 141.44 and 141.47 (relating to deer seasons; bear seasons; and elk seasons) to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. The Commission also amended § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2 (relating to elk hunting licenses).

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 50 Pa.B. 1380 (March 7, 2020).

1. *Purpose and Authority*

During the 2019 fall hunting season, the Commission received a significant number of inquiries from the public concerning what arms and ammunition were lawful for users during the overlap of the archery deer season and its overlap with the muzzleloader bear season. Current regulations generally prohibit the possession of firearms during the deer archery season and archery tackle is not listed as a lawful device for muzzleloader bear seasons. In

an effort to clarify these issues and provide greater opportunity during these overlap seasons, the Commission amends §§ 141.43, 141.44 and 141.47 to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. It is important to note that the Commission's expansion of the list for allowable devices for deer and bear muzzleloading seasons was not extended to deer flintlock muzzleloading season. The Commission also amends § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2.

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 §§ 141.43, 141.44 and 141.47 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 141.43, 141.44 and 141.47 to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. This final-form rulemaking also amends § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2.

3. Persons Affected

Persons wishing to hunt or take white-tailed deer, bear or elk within this Commonwealth may be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of one official comments regarding this final-form rulemaking. The one comment supported allowing archery hunters to be permitted to carry a muzzleloading firearm for muzzleloading bear season.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; and adoption of regulations).

(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 § 141.43, 141.44 and 141.47 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 48-454 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer seasons.

(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.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery deer season and muzzleloader bear season if that person is in possession of both a valid archery deer license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear 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 any of the following devices:

(i) 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.

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

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

(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.

* * * *

§ 141.44. **Bear seasons.**

(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. Exceptions:

(A) A person may possess certain firearms during the archery bear 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 archery and muzzleloader bear seasons if that person is in possession of a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery bear season and muzzleloader deer season if that person is in possession of both a valid bear 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.

(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 any of the following devices:

(i) 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.

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

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

(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.

* * * *

§ 141.47. **Elk seasons.**

(a) *Archery elk season.*

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

(i) 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.

(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 1 inch and may not exceed 3.25 inches in length.

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

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery elk 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 archery elk season and muzzleloader deer season if that person is in possession of both a valid elk license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery elk season and muzzleloader bear season if that person is in possession of both a valid elk license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear 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.

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

(iv) Drive or herd elk.

(v) 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.

(b) Regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License.

(1) *Permitted devices.* It is lawful to hunt elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License with any of the following devices:

(i) A manually operated, centerfire rifle or handgun. The firearm must be a .26 caliber or larger firearm that propels single-projectile ammunition 120 grains or larger.

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

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

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

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

(2) *Prohibitions.* While hunting elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License, it is unlawful to:

(i) 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.

(ii) 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.

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

(iv) Drive or herd elk.

(v) 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.

[Pa.B. Doc. No. 20-595. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 7, 2020, meeting amended § 141.62 (relating to beaver and otter trapping) to increase the number of authorized body-gripping traps from 10 to 20 in any Wildlife Management Unit (WMU) where beaver bag limits are 60 per 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 50 Pa.B. 1384 (March 7, 2020).

1. Purpose and Authority

The Commission has recently observed a notable increase in beaver populations and beaver-related complaints in WMUs 1A and 1B. As a result, the Commission is seeking to increase harvest success rates in these WMUs in an effort to better control the beaver population and resulting beaver-human conflicts. The Commission has previously adopted an amendment to § 139.4 (relating to seasons and bag limits for the license year) to increase the beaver bag limit in these WMUs from 40 to 60. The Commission also amended § 141.62 to increase the number of authorized body-gripping traps to 20 in any WMU where beaver bag limits are 60 per season. Beaver trappers will still be limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any WMU with an open otter trapping season during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 141.62 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 141.62 to increase the number of authorized body-gripping traps from 10 to 20 in any WMU where beaver bag limits are 60 per season.

3. Persons Affected

Persons wishing to trap or take beavers in any WMU where beaver bag limits are 60 per season may be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received only one comment regarding this final-form rulemaking. The comment generally supported allowing use of the number of body-gripping traps equal to daily harvest for beaver, but was not specific to the WMUs that the Commission is targeting.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; and adoption of regulations).

(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 § 141.62 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 48-447 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 D. FURBEARERS

§ 141.62. Beaver and otter trapping.

* * * * *

(b) *Unlawful acts.* It is unlawful to:

* * * * *

(3) Set body-gripping traps larger than 10 inches in height by 12 inches in width.

(4) Set, tend or operate any number of traps or snares for beaver trapping in excess of the limits established by this paragraph.

(i) Beaver trappers are generally limited to a combined Statewide total of 20 traps or snares, no more than 10 of which may be traps. No more than 2 of the 10 traps may be body-gripping traps, except:

(A) In Wildlife Management Units where beaver bag limits are 40 per season, all 10 traps may be body-gripping traps.

(B) In Wildlife Management Units where beaver bag limits are 60 per season, all 20 traps or snares may be body-gripping traps.

(ii) Beaver trappers are limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any Wildlife Management Unit with an open otter trapping season. This limitation is inclusive of any otter traps or snares set under paragraph (7). This limitation is applicable during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season and shall extend for 5 additional consecutive days after the close of the otter season.

* * * * *

[Pa.B. Doc. No. 20-596. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION

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 7, 2020, meeting amended § 141.4, 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 2020-2021 hunting/furtaking license year.

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 50 Pa.B. 1385 (March 7, 2020).

1. *Purpose and Authority*

The Commission amended § 141.4, 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 2020-2021 hunting/furtaking license year.

Section 2102(a) of the code (relating to regulations) provides that “The 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 § 141.4, Appendix G are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 141.4 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 2020-2021 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2020-2021 hunting/furtaking license year may 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 any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking is effective July 1, 2020, to June 30, 2021.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; and adoption of regulations).

(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 §§ 141.4, Appendix G 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 48-448 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 A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

* * * * *

Appendix G. HUNTING HOURS

HUNTING HOURS TABLE FOR JUNE 28, 2020, THROUGH JULY 3, 2021

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:08	9:03
July 5—11	5:12	9:00
July 12—18	5:17	8:56
July 19—25	5:23	8:50
July 26—Aug. 1	5:30	8:44
Aug. 2—8	5:38	8:36
Aug. 9—15	5:43	8:26
Aug. 16—22	5:49	8:16
Aug. 23—29	5:56	8:06
Aug. 30—Sept. 5	6:03	7:55
Sept. 6—12	6:09	7:43
Sept. 13—19	6:16	7:32
Sept. 20—26	6:23	7:20
Sept. 27—Oct. 3	6:29	7:09
Oct. 4—10	6:36	6:58
Oct. 11—17	6:44	6:47
Oct. 18—24	6:51	6:38
Oct. 25—31	6:59	6:29
Nov. 1—7 **Ends	6:07	5:21
Nov. 8—14	6:15	5:15
Nov. 15—21	6:23	5:10
Nov. 22—28	6:31	5:07
Nov. 29—Dec. 5	6:37	5:05

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Dec. 6—12	6:43	5:06
Dec. 13—19	6:48	5:08
Dec. 20—26	6:51	5:09
Dec. 27—Jan. 2	6:52	5:17
Jan. 3—9	6:53	5:24
Jan. 10—16	6:52	5:25
Jan. 17—23	6:49	5:33
Jan. 24—30	6:45	5:41
Jan. 31—Feb. 6	6:40	5:49
Feb. 7—13	6:33	5:57
Feb. 14—20	6:24	6:06
Feb. 21—27	6:15	6:14
Feb. 28—March 6	6:06	6:22
March 7—13	5:54	7:29
March 14—20 *Begins	6:43	7:37
March 21—27	6:32	7:44
March 28—Apr. 3	6:21	7:51
April 4—10	6:09	7:58
April 11—17	5:58	8:05
April 18—24	5:48	8:12
April 25—May 1	5:38	8:19
May 2—May 8	5:29	8:27
May 9—15	5:21	8:33
May 16—22	5:14	8:40
May 23—29	5:09	8:46
May 30—June 5	5:05	8:52
June 6—12	5:02	8:57
June 13—19	5:02	9:00
June 20—26	5:04	9:03
June 27—July 3	5:07	9:03

*Daylight Saving Time Begins

**Ends

**MIGRATORY GAME BIRD HUNTING HOURS
TABLE FOR JUNE 28, 2020,
THROUGH JULY 3, 2021**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:08	8:33
July 5—11	5:12	8:30
July 12—18	5:17	8:26
July 19—25	5:23	8:20
July 26—Aug. 1	5:30	8:14
Aug. 2—8	5:38	8:06
Aug. 9—15	5:43	7:56
Aug. 16—22	5:49	7:46
Aug. 23—29	5:56	7:36
Aug. 30—Sept. 5	6:03	7:25
Sept. 6—12	6:09	7:13

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 13—19	6:16	7:02
Sept. 20—26	6:23	6:50
Sept. 27—Oct. 3	6:29	6:39
Oct. 4—10	6:36	6:28
Oct. 11—17	6:44	6:17
Oct. 18—24	6:51	6:08
Oct. 25—31	6:59	5:59
Nov. 1—7 **Ends	6:07	4:51
Nov. 8—14	6:15	4:45
Nov. 15—21	6:23	4:40
Nov. 22—28	6:31	4:37
Nov. 29—Dec. 5	6:37	4:35
Dec. 6—12	6:43	4:36
Dec. 13—19	6:48	4:38
Dec. 20—26	6:51	4:39
Dec. 27—Jan. 2	6:52	4:47
Jan. 3—9	6:53	4:54
Jan. 10—16	6:52	4:55
Jan. 17—23	6:49	5:03
Jan. 24—30	6:45	5:11
Jan. 31—Feb. 6	6:40	5:19
Feb. 7—13	6:33	5:27
Feb. 14—20	6:24	5:36
Feb. 21—27	6:15	5:44
Feb. 28—March 6	6:06	5:52
March 7—13	6:54	6:59
March 14—20 *Begins	6:43	7:07
March 21—27	6:32	7:14
March 28—April 3	6:21	7:21
April 4—10	6:09	7:28
April 11—17	5:58	7:35
April 18—24	5:48	7:42
April 25—May 1	5:38	7:49
May 2—8	5:29	7:57
May 9—15	5:21	8:03
May 16—22	5:14	8:10
May 23—29	5:09	8:16
May 30—June 5	5:05	8:22
June 6—12	5:02	8:27
June 13—19	5:02	8:30
June 20—26	5:04	8:33
June 27—July 3	5:07	8:33

*Daylight Saving Time Begins

**Ends

[Pa.B. Doc. No. 20-597. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Small Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 7, 2020, meeting amended § 141.29 (relating to hunting mourning doves over managed fields) to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

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 50 Pa.B. 1379 (March 7, 2020).

1. Purpose and Authority

It has historically been unlawful to hunt mourning doves on or over lands or areas where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed after the September 15 cutoff date each license year. This restriction was intended to minimize baiting conflicts for hunters pursuing species other than doves, which remains unlawful to hunt in lands or areas affected by such manipulation. For example, hunting waterfowl over a manipulated crop field remains prohibited by both State and Federal law notwithstanding the authorization for the hunting of mourning doves. However, the Commission has also observed that the September 15 cutoff date disallows a significant degree of flexibility for weather and planting related delays in the maturation and proper drying of the vegetation planting in the crop fields. This has resulted in instances of lost hunting opportunities and wasted investments in these areas prepared and intended for mourning dove hunting. The Commission amends § 141.29 to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

Section 2102(a) of the code (relating to regulations) provides that “The 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 § 141.29 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 141.29 to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

3. Persons Affected

Persons wishing to hunt or take mourning dove or other game or wildlife in the vicinity of a managed dove field may 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 any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 § 141.29 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 48-449 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

§ 141.29. Hunting mourning doves over managed fields.

(a) *Limited hunting authorized.* In accordance with the authorization in 50 CFR 20.21 (relating to what hunting methods are illegal), it is lawful to hunt mourning doves on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

(b) *Nonapplication.* This section shall not be construed to authorize the hunting of any other species of wildlife in an area where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed.

(c) *Definition.* For the purposes of this section, “manipulation” means the alteration of natural vegetation or agricultural crops by activities that include mowing, shredding, discing, rolling, chopping, trampling, flattening, burning or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed or other feed after removal from or storage on the field where grown.

[Pa.B. Doc. No. 20-598. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 7, 2020, meeting amended § 147.674 (relating to issuance of DMAP harvest permits) to increase the number of Deer Management Assistance Program (DMAP) harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

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 50 Pa.B. 1387 (March 7, 2020).

1. Purpose and Authority

A longstanding provision of the DMAP regulations has limited individual hunters to receiving no more than two DMAP permits for each unit or area enrolled in the program. The Commission has reviewed this limitation and determined that it may be unreasonably limiting private landowners from effectively using the program to harvest enough deer on their lands to meet their deer management goals. This issue has been raised by both DMAP users and Commission staff as part of an ongoing broad review of the DMAP and Red Tag programs. However, the Commission is equally cautious against moving too far towards privatizing access to antlerless deer harvest under the DMAP program and outside of the standard antlerless deer license allocations. Both external users and Commission staff agree that an increase in the number of DMAP permits per unit is warranted, except in certain areas designated by the Commission. The Commission amended § 147.674 to increase the number of DMAP harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person. The Commission intends to designate DMAP units within large land areas that are sold over the counter and without coupons as the units that will remain at a maximum of two harvest permits per person. This in-

cludes State game lands and State forest lands and certain large tracts of private lands.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.674 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 147.674 to increase the number of DMAP harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

3. Persons Affected

Persons wishing to hunt or take white-tailed deer within this Commonwealth may be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of eight official comments regarding this final-form rulemaking. Two comments were in support and six were in opposition to increase the number of DMAP harvest permits that a person may receive for each DMAP unit or area from two to four.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; and adoption of regulations).

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.674 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 48-451 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

§ 147.674. Issuance of DMAP harvest permits.

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued through the Commission's PALS.

(b) Four harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

(c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$10 for residents and \$35 for nonresidents. A fee of \$6 will be assessed for the replacement of any DMAP harvest permit.

(d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

(e) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

[Pa.B. Doc. No. 20-599. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Guiding Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 7, 2020, meeting amended §§ 147.901—147.905 and added § 147.904.1 (relating to records and reports of commercial guides) to: 1) restructure the application requirements for commercial and noncommercial guiding permits; 2) add a noncommercial elk guiding permit; 3) add new guide permit fee structures for commercial and noncommercial elk guiding permits; 4) add recordkeeping and reporting requirements for commercial guides; and 5) address other minor housekeeping items.

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 50 Pa.B. 1390 (March 7, 2020).

1. Purpose and Authority

The Commission has determined that an update and restructuring of its guiding permit regulations was needed, especially as it relates to elk guiding. The Commission amends §§ 147.901—147.905 and adds § 147.904.1 to restructure the application requirements for commercial and noncommercial guiding permits, create a noncommercial elk guiding permit, create new guide permit fee structures for commercial and noncommercial elk guiding permits, create recordkeeping and reporting requirements for commercial guides and address other minor housekeeping items.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.901—147.905 and addition of § 147.904.1 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 147.901—147.905 and adds § 147.904.1 to: 1) restructure the application requirements for commercial and noncommercial guiding permits; 2) add a noncommercial elk guiding permit; 3) add new guide permit fee structures for commercial and noncommercial elk guiding permits; 4) add recordkeeping and reporting requirements for commercial guides; and 5) address other minor housekeeping items.

3. Persons Affected

Persons wishing to guide other persons engaged in hunting or trapping of certain wildlife within this Commonwealth may 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 any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; and adoption of regulations).

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.901, 147.902, 147.903, 147.904 and 147.905 and adds § 147.904.1 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 48-456 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter Y. GUIDING PERMIT

§ 147.901. Purpose and scope.

The purpose of this subchapter is to provide for the issuance of guiding permits to authorize eligible applicants to serve as guides for persons hunting, trapping or otherwise taking certain designated species of game or wildlife.

§ 147.902. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Commercial guiding activity—Any guiding activity provided by any person to another person for any fee, remuneration or other economic gain, including bartered goods or services.

Guide—A person who assists another person in any manner to hunt, trap or otherwise take certain designated species of game or wildlife.

Guiding activity—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of game or wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize any assistance taking the form of any overt act directly connected with harvesting game or wildlife by the guide discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

Non-commercial guiding activity—Any guiding activity provided by any person to another person for the species Elk, where there is no fee, remuneration or economic gain to the guide including bartered goods or services.

§ 147.903. Application for commercial and noncommercial guiding permits.

(a) Applications for commercial and noncommercial guiding permits issued under this subchapter shall be

made through the applicable Commission regional office local to the applicant on the appropriate form provided by the Commission.

(b) Applications for commercial and noncommercial guiding permits shall include the name, address, telephone number, customer identification number and date of birth of the primary applicant and each subpermittee, if applicable, as well as the specific eligible species of wildlife sought to be covered by the permit.

(c) Applications for commercial and noncommercial guiding permits will only be accepted if the applicant and each listed subpermittee possesses a valid hunting or furtaking license, whichever is applicable to the single species or multiple species designated on the permit application. Applicants for a noncommercial elk guiding permit must also possess a valid elk license.

(d) Applications for commercial and noncommercial guiding permits will only be accepted if the applicant and each listed subpermittee have no documented prior record of game or wildlife violations of the act or this title or related license revocations within the previous 10 years. This subsection shall not be construed to apply to the permittee listed on the application for a noncommercial elk guiding permit, but this provision remains effective for each subpermittee listed the permittee's application.

(e) The fee for a commercial or noncommercial guiding permit will be:

(1) Except as provided in paragraphs (2) and (3) for elk guiding permits, \$25 for residents and \$50 for nonresidents for each respective eligible species of wildlife to be covered by the permit.

(2) \$500 for residents and nonresidents for commercial elk guiding permits. This fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$50 per additional subpermittee.

(3) No cost for a noncommercial elk guiding permits. This no cost fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$25 per additional subpermittee.

§ 147.904. Permit.

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in any commercial or noncommercial guiding activity anywhere within this Commonwealth for the following designated species of wildlife: elk and bobcat. A guiding permit is also required for any person to engage in any commercial guiding activity for coyotes on any lands designated as State game lands.

(b) *Additional permits.* Possession of a commercial or noncommercial guiding permit issued under this subchapter does not diminish an individual's obligation to obtain any other applicable Federal, State or local permits concerning the guiding activities.

(c) *Guiding on State game lands.* Notwithstanding the general prohibitions of § 135.41 (relating to state game lands), a commercial guiding permit issued under this subchapter authorizes its holder to engage in commercial guiding activities on lands designated as State game lands for each species of game wildlife designated on the commercial guiding permit. This subsection shall not be construed to require a commercial or noncommercial guiding permit for noncommercial guiding activities occurring on lands designated as State game lands.

(d) *Licenses, permits and stamps required.* A commercial or noncommercial guide shall maintain valid licenses, permits and stamps applicable to each species for which they are conducting commercial or noncommercial guiding activities, excepting only elk licenses, if applicable. A guide shall carry these licenses, permits and stamps required by this subsection on their person while engaged any commercial or noncommercial guiding activities and shall produce same, upon demand, to any officer whose duty it is to enforce the title.

§ 147.904.1. Records and reports of commercial guides.

(a) *Records.* A commercial guide shall maintain legible, accurate and complete field records of all commercial guiding activities conducted under the authority of a commercial guiding permit on a form supplied by the Commission. These field records shall be maintained and made available for inspection in accordance with section 2906 of the act (relating to records). A commercial guide shall complete the field records form according to the instructions on the form and must contain the following information for each commercial guiding activity:

- (1) Name, address and customer identification number for each client.
- (2) Date of guided activity.
- (3) Quantity and species of game or wildlife harvested by each client.
- (4) Name and guide permit number of any accompanying guide permit holder for each guided activity.

(b) *Reports.* All field records shall be submitted to the Commission annually in accordance with section 2907 of the act (relating to reports).

§ 147.905. Violations.

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

[Pa.B. Doc. No. 20-600. Filed for public inspection May 1, 2020, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 7, 2020, meeting amended § 147.804 (relating to general) to: 1) combine the species eligibility list for mentored youth and mentored adults to one list; 2) issue all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license; 3) expand the ability to make direct application for antlerless deer licenses and Deer Management Assistance Program (DMAP) harvest permits for mentored adults and mentored youth 7 years of age or older; and 4) expand the eligibility of all mentored hunters to make direct application for migratory bird licenses and pheasant permits.

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 50 Pa.B. 1387 (March 7, 2020).

1. Purpose and Authority

Since the mentored hunting program's initial inception in 2006, the program has gradually grown and expanded to allow the hunting of many additional species of game and wildlife. The program has also incrementally expanded eligibility standards to now allow participation by all age groups. However, with this progressive linear expansion, the mentored hunting program has built up a complex and inconsistent web of eligibility standards and limitations for each of the three program age groups. Couple this complexity with its differences to the traditional hunting license structures and this Commonwealth's sporting men and women have understandably been challenged in fully understanding and consistently operating within the program's multifaceted standards. Furthermore, the Commission recognizes that the current complexity if these regulations themselves may in fact be undermining the recruitment and retention of the participants the program was intended to improve. With this in mind, the Commission has determined that the mentored hunting program is due for a significant streamlining of its standards.

The first improvement involves combining the species eligibility list for mentored youth and mentored adults to one list. This change alone will expand species eligibility for all age groups.

The second change involves issuing all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license. This change primarily affects mentored adults and does not change standards for mentored youth who are under 7 years of age at the time of application. This change eliminates the transfer of any harvest tags to mentored adults and mentored youth 7 years of age or older.

The third change builds off of the second by expanding the ability to make direct application for antlerless deer licenses and DMAP harvest permits for mentored adults and mentored youth 7 years of age or older. The fourth change allows all mentored hunter age classes to make direct application for migratory bird licenses and pheasant permits within the eligibility standards and limitations of these programs. Each of these improvements brings a greater degree of simplicity to the mentored hunting program and also brings it into closer alignment to the Commission's traditional hunting license structures.

Section 2701(a) of the code (relating to license requirements) states that "Except in defense of person or property or pursuant to exemptions authorized by the commission for implementing a mentored youth hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title." Section 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 per-

formed under authority of any permit issued.” The amendments to § 147.804 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 147.804 to: 1) combine the species eligibility list for mentored youth and mentored adults to one list; 2) issue all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license; 3) expand the ability to make direct application for antlerless deer licenses and DMAP harvest permits for mentored adults and mentored youth 7 years of age or older; and 4) expand the eligibility of all mentored hunters to make direct application for migratory bird licenses and pheasant permits.

3. *Persons Affected*

Persons who wish to participate in the mentored hunting program may 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 any 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 Jason L. DeCoskey, 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; and adoption of regulations).

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

Order

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

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

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-452 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

(b) *Permit required.* A mentored youth or mentored adult shall possess a valid applicable mentored hunting permit prior to engaging in any mentored hunting activities. Purchase of a hunting license by an eligible mentored youth or mentored adult shall automatically invalidate any mentored permit and associated harvest tags held by same.

(c) *Species limitation.* A mentored youth’s or mentored adult’s hunting eligibility is restricted to the following species: rabbit, hare, ruffed grouse, mourning dove, bobwhite quail, pheasant, crow, squirrel, porcupine, woodchuck, coyote, deer and wild turkey.

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

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

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

(g) *Transfer of an antlerless license.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act (relating to unlawful acts concerning licenses), mentors are authorized to transfer antlerless licenses issued to them to an eligible mentored youth who was under 7 years of age at the time of application. The antlerless license shall be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the antlerless license may not occur until after the mentored youth has harvested the antlerless deer, but before tagging the carcass. A mentored youth may receive by transfer no more than one antlerless deer license each license year. Mentored youth who are under 7 years of age at the time of application are ineligible to make direct application for an antlerless license.

(h) *Transfer of a fall turkey tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer fall turkey tags issued

to them to an eligible mentored youth who was under 7 years of age at the time of application. The fall turkey tag shall be valid and in the possession of the mentor at all times while hunting fall turkey. The transfer of the fall turkey tag may not occur until after the mentored youth has harvested the fall turkey, but before tagging the carcass. A mentored youth may not receive by transfer more than one fall turkey tag each license year. This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.

(i) *Transfer of a Deer Management Assistance Program harvest permit.* Notwithstanding the prohibitions in § 147.676(2) and (3) (relating to unlawful acts), mentors are authorized to transfer Deer Management Assistance Program (DMAP) harvest permits issued to them to an eligible mentored youth who was under 7 years of age at the time of application. The DMAP harvest permit must be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the DMAP harvest permit may not occur until after the mentored youth has harvested the antlerless deer, but before tagging the carcass. A mentored youth may not receive by transfer more than one DMAP harvest permit each license year. Mentored youth who are under 7 years of age at the time of application are ineligible to make direct application for a DMAP harvest permit. This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.

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

the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.

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

(l) *Application for and issuance of big game harvest tags.* Except as provided as follows, mentored youth and mentored adult hunting permits will be issued with an antlered deer, fall turkey and spring turkey harvest tag. No harvest tags will be issued with a mentored youth permit where the applicant is under 7 years of age at the time of application. Mentored youth over 7 years of age at the time of application and mentored adults are additionally eligible to make application for one antlerless deer license and as many DMAP harvest permits that are within the eligibility standards and limitations of these programs.

(m) *Application for and issuance of add-on licenses and permits.* Mentored youth and mentored adults are exempt from requirements to obtain archery and muzzleloader add-on licenses or stamps applicable to hunting archery or muzzleloader seasons for any species listed in subsection (c). Unless otherwise exempted by existing program standards, all mentored youth and mentored adults are required to obtain migratory bird licenses and pheasant permits to participate in hunting during applicable seasons for any associated species listed in subsection (c).

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