

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 141]

Preliminary Provisions and Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 10, 2021, meeting to amend §§ 131.2 and 141.1 (relating to definitions; and special regulations areas) to define and authorize the use of firearms that utilize straight-walled cartridges within most areas designated as special regulations areas and also reorganize § 141.1 to provide a clearer and more seamless construction within the section itself and with related arms and ammunition provisions.

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

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

This proposed rulemaking was made public at the April 10, 2021, meeting of the Commission. Comments can be sent until July 21, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 141.1 currently provides a general restriction prohibiting the use of single-projectile firearms and possession of single-projectile ammunition while hunting game or wildlife within areas designated as special regulations areas. The section thereafter provides a multitude of exceptions for various firearms and their associated ammunition. These firearm and ammunition restrictions are intended to address safety related concerns in the predominantly urban and developed areas of this Commonwealth. This general firearm restriction serves as an effective ban on the use of firearms that utilize straight-walled cartridges. The Commission has determined that these firearms afford no greater risk of safety in the special regulation areas than currently exempted shotguns and muzzleloading firearms. The Commission has also determined that a reorganization of § 141.1 is necessary to address its unwieldy and confusing structure. The Commission is proposing to amend §§ 131.2 and 141.1 to define and authorize the use of firearms that utilize straight-walled cartridges within most areas designated as special regulations areas and also reorganize § 141.1 to provide a clearer and more seamless construction within the section itself and with related arms and ammunition provisions.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to §§ 131.2 and 141.1 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2 and 141.1 to define and authorize the use of firearms that utilize straight-walled cartridges within most areas designated as special regulations areas and also reorganize § 141.1 to provide a clearer and more seamless construction within the section itself and with related arms and ammunition provisions.

3. Persons Affected

Persons wishing to hunt wildlife within the special regulations areas may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-471. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

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

Bottle-necked cartridge—A cartridge having a main diameter and a distinct angular shoulder stepping down to a smaller diameter at the neck position of the case. This term does not include straight-walled cartridges.

Bow—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided

by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a manually held release aid.

* * * * *

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

Straight-walled cartridge—A cartridge having straight or slightly tapered walls down to the projectile. This term does not include bottle-necked cartridges.

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

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

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) [Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employees of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).] **Restricted devices.** Notwithstanding the authorizations of §§ 141.22, 141.43—141.45, 141.47 and 141.67, it is unlawful to:

(A) **Hunt, take, kill or to attempt, aid, abet, assist or conspire to hunt, take or kill any game or wildlife through the use of a firearm that discharges bottle-necked centerfire cartridges or to possess bottle-necked centerfire cartridges or any firearm that is designed to discharge bottle-necked centerfire cartridges while hunting any game or wildlife within any special regulations area.**

(B) **Hunt, take, kill or to attempt, aid, abet, assist or conspire to hunt, take or kill any game or wildlife through the use of a centerfire or muzzleloading firearm or to possess centerfire cartridges or muzzleloading ammunition or any firearm that is designed to discharge centerfire cartridges or muzzleloading ammunition while**

hunting any game or wildlife within the following parts of the southeast special regulations area: Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County.

(2) [It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director] (Reserved).

(3) **Restricted feeding.** It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities, or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in the southeast special regulations area for the purpose of feeding white-tailed deer, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause white-tailed deer to congregate or habituate an area. If otherwise lawful feeding is attracting white-tailed deer, the Commission may provide written notice prohibiting this activity.

(d) *Permitted acts.* It is lawful to:

(1) [Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer and bear through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile] (Reserved).

(2) [Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the southeast area only] (Reserved).

(3) [Take small game, furbearing animals, crows or wildlife with the following devices:] (Reserved).

(i) [A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less] (Reserved).

(ii) [A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized] (Reserved).

(4) [Kill an animal legally caught in a trap with the following devices:] (Reserved).

(i) [A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less] (Reserved).

(ii) [A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized] (Reserved).

(5) [Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter] (Reserved).

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control

permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

(7) Hunt or take deer in the southeast special regulations area during regular open hunting seasons for white-tailed deer through the use of or by taking advantage of bait on private, township or municipal property only as set forth in this paragraph.

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[Pa.B. Doc. No. 21-846. Filed for public inspection May 21, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 10, 2021, meeting to amend § 141.62 (relating to beaver and otter trapping) to eliminate the restriction on the number of traps that beaver trappers can set during the 5-day period after the closure of otter trapping seasons.

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

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

This proposed rulemaking was made public at the April 10, 2021, meeting of the Commission. Comments can be sent until July 21, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Beaver and otter trappers are currently limited to using no more than five traps or snares, and no more than two devices may be body-gripping traps, in any Wildlife Management Unit (WMU) during an open otter trapping season. This regulation was originally developed to minimize the chance of a trapper exceeding the season bag limit of one otter in a day. The limitation on the number of beaver traps extends for 5 additional consecutive days after the close of the otter season. The 5-day extension was put in place to allow for an otter trapping season extension if warranted. No otter trapping seasons have been extended since the first season was established during 2015. Longer trapping seasons, rather than year-specific season extensions, will be proposed by the Commission in areas where more otters can be trapped sustainably. The Commission is proposing to amend § 141.62 to eliminate the restriction on the number of traps that beaver trappers can set during the 5-day period after the closure of otter trapping seasons.

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 proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.62 to eliminate the restriction on the number of traps that beaver trappers can set during the 5-day period after the closure of otter trapping seasons.

3. Persons Affected

Persons wishing to trap beavers during the 5-day period after the closure of otter tapping seasons will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-470. No fiscal impact; (8) recommends adoption.

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:

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(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**].

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[Pa.B. Doc. No. 21-847. Filed for public inspection May 21, 2021, 9:00 a.m.]

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) proposed at its April 10, 2021, meeting to amend § 147.804 (relating to general) to expand species eligibility for the mentored hunting program to include participation in waterfowl, bear and expanded spring (special) turkey seasons.

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

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

This proposed rulemaking was made public at the April 10, 2021, meeting of the Commission. Comments can be sent until July 21, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

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. With each progressive expansion of species eligibility, the mentored hunting program has come into closer alignment to the Commission's traditional hunting license structures. The Commission is proposing to amend § 147.804 to expand species eligibility for the mentored hunting program to include participation in waterfowl, bear and expanded spring (special) turkey seasons. Existing regulatory structures will authorize mentored youth 7 years of age or older at the time of application and mentored adults to make application for bear licenses and special wild turkey licenses as a direct applicant. Mentored youth under 7 years of age at the time of application will be authorized to receive the harvest tags from bear and special wild turkey licenses by transfer from a mentor in similar fashion to other big game harvest tags.

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 § 147.804 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 147.804 to expand species eligibility for the mentored hunting pro-

gram to include participation in waterfowl, bear and expanded spring (special) turkey seasons.

3. Persons Affected

Persons wishing to participate in the Mentored Hunting Program may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-472. No fiscal impact; (8) recommends adoption.

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, **waterfowl, bear** and wild turkey.

* * * * *

(k) *Transfer of a spring turkey harvest tag or special wild 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 **or special wild 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 **or special wild 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 **or special wild 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 **or special wild turkey harvest tag** each

license year. This provision shall not be construed to authorize the transfer of a **spring turkey harvest tag or special wild turkey 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 **a bear license, a special wild turkey license, and** 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).

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

[Pa.B. Doc. No. 21-848. Filed for public inspection May 21, 2021, 9:00 a.m.]

