

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the Commission's regulations concerning Atlantic striped bass fishing in the Delaware River, West Branch Delaware River and River Estuary.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2023.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

At its May 2022 quarterly meeting, the Atlantic States Marine Fisheries Commission (ASMFC), which includes the Commonwealth as a member, approved Amendment 7 to the Interstate Fishery Management Plan for Atlantic striped bass. The most recent striped bass stock assessment determined the stock was overfished and that overfishing was occurring. Based on these findings, the ASMFC's striped bass management plan calls for management actions to rebuild the stock. As part of Amendment 7, new requirements were established to address recreational release mortality, among other management plan components. Recreational release mortality is a large component of annual fishing mortality and Amendment 7 establishes a new gear restriction which prohibits gaffing striped bass when fishing recreationally. This new restriction, along with the existing circle hook requirement when fishing recreationally with bait, are intended to increase the chance of survival after a striped bass is released alive. To align with the provisions of Amendment 7, it is recommended to prohibit the use of a gaff when fishing for striped bass in the Delaware River, West Branch Delaware River and River Estuary.

In addition to the ASMFC mandated amendment, Commission staff identified an opportunity to further clarify language in § 61.2(b) pertaining to the legal harvestable size range for striped bass. The current language describes the minimum legal harvestable length but does not account for the maximum legal harvestable length in the striped bass slot limit. Although the harvest slot limit

in the regulation chart clearly defines the upper and lower limits to the legal harvestable length range, it is recommended to add clarifying language to the body of the text in the regulation.

The Commission proposes that § 61.2 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-339. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size **or greater than the maximum size** specified in this section. It is not a violation of this section if an undersized **or oversized** fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which it was taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks. The definition of a non-offset (in-line) circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. The term "non-offset" means the point and the barb are in the same plane as the shank.

(d.1) It is unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing.

(e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

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[Pa.B. Doc. No. 22-1345. Filed for public inspection September 2, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the Commission's regulations pertaining to bowfishing.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

This proposed amendment to § 63.8 (relating to long bows, crossbows, spears and gigs) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

The Commission, specifically the Bureau of Law Enforcement, has received an increasing number of comments from bow fishing anglers who want to see snakehead added to the list of approved species that can be targeted with long bows, crossbows, spears and gigs. Snakeheads are an invasive species that are found in many Commonwealth waters and continue to spread across the State. Many of the states surrounding this Commonwealth already allow this activity.

The Commission proposes that § 63.8 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-338. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.8. Long bows, crossbows, spears and gigs.

(a) *General.* Except as otherwise provided in this part, snakehead, carp, suckers and catfish may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs any hour of the day or night aided by a light at night if so desired, in Commonwealth waters and waters bounding and adjacent thereto.

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[Pa.B. Doc. No. 22-1346. Filed for public inspection September 2, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 107]

Boating; Boating Restrictions

The Fish and Boat Commission (Commission) proposes to amend Chapter 107 (relating to boating restrictions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations pertaining to allowable electric motor speeds and clarify horsepower restrictions.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2023.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendments to §§ 107.1 and 107.2 (relating to horsepower restrictions; and electric motors) are published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. *Purpose and Background*

The specific purpose and background of the proposed amendments are described in more detail under the summary of proposal.

E. *Summary of Proposal*

Current regulations limit boat propulsion to electric motors only on Commission owned or controlled lakes, some State Park lakes, and water bodies specified in Chapter 111 (relating to special regulations counties). These regulations were originally intended to reduce noise, excessive wakes, shoreline erosion and property damage, and reduce the risk of petroleum-based water pollution on certain water bodies. Boats powered by small electric motors (such as trolling motors) and unpowered boats are popular on Commonwealth bodies of water with electric motor only restrictions.

Some exceptions exist for State Park lakes and certain other waters specified in Chapter 111 where internal

combustion motors are permitted but with horsepower limitations. Boats propelled by small gas outboard motors and unpowered boats are popular on these waterways.

Recent technological advancements with battery-powered electric boat motors have produced a variety of higher-powered options up to 180 horsepower and 60 miles per hour. While these new units are currently expensive and have limited battery capacity, it is anticipated they will become more affordable and widely available in the future. Boating stakeholders, partner organizations, other State agencies and staff have expressed concern about the potential increased availability and popularity of high-powered electric motors, which would be legal to be operated on waters under current regulations that allow electric motors only. Additionally, law enforcement staff have expressed concern about the complexity of enforcing horsepower limitations for electric motors to meet the original intent of current regulations.

To address these issues, the Commission recommends amending Chapter 107 to limit the speed at which electric motors may be operated and clarify that horsepower restrictions apply to internal combustion motors only. These amendments set the conditions by which Chapter 111 regulations are qualified, as noted in § 111.71 (relating to general requirements).

The Commission proposes that §§ 107.1 and 107.2 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-336. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 107. BOATING RESTRICTIONS

§ 107.1. Horsepower restrictions.

On waters where horsepower limitations are prescribed, as set forth in Chapter 111 (relating to special regulations counties), [**boats with motors larger than the maximum horsepower shall be permitted but the motors**

may not be used] the use of internal combustion motors in excess of the prescribed horsepower limitation is prohibited.

§ 107.2. Electric motors.

Except as otherwise specified in Chapter 111 (relating to special regulations counties):

(1) Electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted.

(1.1) Boats propelled by electric motors on Commission owned or controlled lakes, State Park lakes and water bodies specified in Chapter 111 may not be operated at greater than slow, no-wake speed.

(2) On Commission and State Park owned or controlled lakes, internal combustion motors attached to or installed in boats need not be removed, but the operation of engines is specifically prohibited.

(3) Officers authorized to enforce the code and this part and, in the case of State Park lakes, officers and officials of the Bureau of State Parks and operators of emergency vessels may operate boats powered by internal combustion motors in the performance of their official duties on waters otherwise restricted to electric motors only.

[Pa.B. Doc. No. 22-1347. Filed for public inspection September 2, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulation counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the Commission's regulations pertaining to Treasure Lake, located in Clearfield County.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2023.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The proposed amendment to § 111.17 (relating to Clearfield County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. Purpose and Background

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Treasure Lake is a 379-acre lake within the grounds of a semi-private resort-style residential development of the same name. It is the largest of three lakes on the property and is designated for motorboats. It has a speed limit of 35 mph. Treasure Lake is popular for boat-towed watersports, as well as fishing and kayaking. The lake has a marina with 200 boat rental slips and four boat launches.

In March 2022, the Treasure Lake Board of Directors voted to amend its policies to extend the maximum boat length on Treasure Lake from 25 feet to 26 feet, consistent with the United States Coast Guard's definition of a Class 1 vessel (16 feet to 25.9 feet). The Treasure Lake Board of Directors has requested the Commission adopt the same regulatory amendment in the Pennsylvania Code so that Waterways Conservation Officers can continue to assist in enforcement of this boating regulation.

The Commission proposes that § 111.17 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER, Executive Director

Fiscal Note: 48A-337. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.17. Clearfield County.

(a) Treasure Lake.

* * * * *

(3) Boats longer than [25] 26 feet in length are prohibited.

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[Pa.B. Doc. No. 22-1348. Filed for public inspection September 2, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Definitions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its July 9, 2022, meeting to amend § 131.2 (relating to definitions) to permit muzzleloading firearms that allow a cartridge of loose or pelletized black powder or black powder substitute to be loaded from the breech, while the projectile remains loaded from the muzzle to be used as a muzzleloading firearm.

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 July 9, 2022, meeting of the Commission. Comments can be sent until September 21, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

As the nature of its name implies, a muzzleloading firearm is by definition “a firearm designed” to have its loose ammunition components “loaded . . . from the muzzle. . . .” In this instance, the ammunition components refer to the combination of the loose or pelletized black powder or black powder substitute and the projectile or projectiles. Recent developments in the firearms industry have generated muzzleloading firearms that can accommodate the loading of a captured powder charge similar to a cartridge, casing or shell that is loaded from the breech, with the projectile or projectiles remaining to be loaded from the muzzle. Current regulations specifically prohibit muzzleloaders that accept cartridge ammunition. However, this restriction was originally intended to restrict modern firearms that are loaded by a cartridge or casing that contains both the powder and the projectile. The Commission does not intend or desire for this restriction to apply to the previously-described muzzleloaders. The Commission is proposing to amend § 131.2 to permit muzzleloading firearms that allow a cartridge of loose or pelletized black powder or black powder substitute to be loaded from the breech, while the projectile remains loaded from the muzzle to be used as a muzzleloading firearm.

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 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 131.2 to permit muzzleloading firearms that allow a cartridge of loose or pelletized black powder or black powder substitute to be loaded from the breech, while the projectile remains loaded from the muzzle, to be used as a muzzleloading firearm.

3. Persons Affected

Persons who utilize muzzleloaders that utilize a charge cartridge, casing or shell that is loaded from the breech

and the projectile or projectiles remaining to be loaded from the muzzle within this Commonwealth 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: 48-484. 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:

* * * * *

Muzzleloading firearm—

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

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

(iii) The term does not authorize a firearm that accepts cartridge ammunition **that contains both the projectile and propellant charge.**

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[Pa.B. Doc. No. 22-1349. Filed for public inspection September 2, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 135]

Preliminary Provisions; Definitions; Lands and Buildings; Shooting Ranges

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its July 9, 2022, meeting to amend §§ 131.2 and 135.181 and delete § 135.182 (relating to definitions; rifle and handgun ranges; and ranges, State Game Lands No. 176) to eliminate the outdated and unnecessary text unique to State Game Lands No. 176 (SGL 176) and replace it with new Statewide shotgun range regulations

for both clay bird ranges and shotgun patterning ranges under proposed § 135.182a (relating to shotgun ranges).

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 July 9, 2022, meeting of the Commission. Comments can be sent until September 21, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission manages the use and operation of the shooting ranges located on SGL 176, in part, under the provisions of § 135.182. The Commission manages the use and operation of the remainder of its 33 shooting ranges located on State game lands across this Commonwealth under the various provisions of § 135.181. The Commission reviewed this split regulatory structure and determined that the days and hours of operation and range reservation periods unique to the shooting ranges at SGL 176 are no longer necessary.

The elimination of the text in § 135.182 that is unique to SGL 176 will revert the management of the use and operation of the shooting ranges at this location entirely to the general provisions of § 135.181 which have Statewide application. This will result in a number of changes that are largely beneficial to users of the SGL 176 shooting ranges. As it relates to the proposed deletion of paragraph (1), users will see an expansion in open shooting days to now include Mondays and Tuesdays but will also see hours of operation on Sundays restricted to 12 p.m. to sunset, except those specifically designated as being open from 8 a.m. to sunset. While certainly a change to the regulatory text, the Commission does not believe that a change will be observed by users of the shooting ranges at SGL 176, as the Commission itself has not followed these unique days and hours of operation language for approximately 8 years. As it relates to the proposed deletion of paragraph (2), users will see the calendar window of opportunity for groups or organizations to reserve a range reduced from year-round to January 1 through October 1.

In replacement of the previously addressed proposed deletion of text, the Commission is proposing to insert new shotgun range regulations that will be specific to the unique needs of these types of ranges not properly addressed by other existing regulations. The Commission currently only has a few ranges designated specifically as shotgun ranges. However, the Commission intends to establish more ranges soon as a result of their increasing popularity and use. The proposed changes will set forth the types of firearms, ammunition and targets that may be used on shotgun ranges. The proposed amendments will also establish the standards for use of these shotgun ranges to help ensure that users of the ranges, as well as other persons and property in the vicinity of these ranges, are protected from harm or injury. These changes will also protect the significant investment the Commission has put into constructing the current and future facilities. The Commission is proposing to amend §§ 131.2 and 135.181 and delete § 135.182 to eliminate the outdated and unnecessary text unique to SGL 176 and replace it with proposed § 135.182a regarding new Statewide shotgun range regulations for both clay bird ranges and shotgun patterning ranges.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters.” The amendments to §§ 131.2, 135.181 and 135.182 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2 and 135.181 and delete § 135.182 to eliminate the outdated and unnecessary text unique to SGL 176 and replace it with proposed § 135.182a regarding new Statewide shotgun range regulations for both clay bird ranges and shotgun patterning ranges.

3. Persons Affected

Persons who utilize the shooting ranges located on SGL 176 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: 48-485. 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:

* * * * *

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

Clay bird range—An area where saucer-shaped targets, usually made of baked clay or limestone, are launched and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

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

* * * * *

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

Multiple projectile ammunition—Cartridge or shell ammunition that is loaded with shot pellets or multiple loose projectiles designed to spread or scatter upon discharge from a firearm.

Muzzleloading firearm—

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

* * * * *

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

Shotgun patterning range—An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

Shotgun range—A firearms range designated by the Commission as a clay bird range or shotgun patterning range.

Single projectile ammunition—A cartridge or shell ammunition that is loaded with a single projectile designed to remain intact upon discharge from a firearm.

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

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CHAPTER 135. LANDS AND BUILDINGS

Subchapter J. SHOOTING RANGES

§ 135.181. Rifle and handgun ranges.

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

* * * * *

§ 135.182. [Ranges, State Game Lands No. 176] [Reserved].

[**In addition to §§ 135.2 and 135.181 (relating to unlawful actions; and rifle and handgun ranges), the following exceptions apply to ranges located on State Game Lands No. 176, Half Moon Township, Centre County:**

(1) **Ranges are open to the public Wednesday, Thursday, Friday, Saturday and Sunday, from 8 a.m., prevailing time, to sunset. In addition to the periods in this section for public use of the range, the Regional Director or a designee has discretion to grant special use of the range during any period. At other times, the range is closed to public use.**

(2) **A group or organization desiring to use the range shall make necessary arrangements with the Northcentral Regional Director or a designee at least 20 days in advance.]**

(Editor's Note: The following section is proposed to be added and is printed in regular type to enhance readability.)

§ 135.182a. Shotgun ranges.

(a) *Shotgun ranges.* In addition to § 135.2 (relating to unlawful actions) the following pertain to lands under Commission ownership, lease or jurisdiction designated as shotgun ranges:

(1) Shotgun ranges are open for use from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 p.m. to sunset Sunday, unless posted otherwise by the Commission.

(2) A person using a shotgun range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter, except in approved refuse containers. Range users shall remove all targets from range backboards, if applicable, and collect used cartridge casings or shotshell hulls when their shooting is completed and prior to leaving the range.

(3) The Commission is not responsible for anyone injured on a shotgun range. An individual using a shotgun range does so at their own risk and assumes all responsibility for injuries to a person or property caused by or to them.

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

(5) A person under 16 years of age may not use a shotgun range unless they are properly accompanied and supervised by a person 18 years of age or older.

(6) The Commission or any designated local representative may close a shotgun range by posting appropriate signs to that effect. A person may not use a shotgun range during a period when the range is designated as closed.

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

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

(2) Discharge a firearm on a shotgun patterning range at any target other than a paper target placed on a stationary target backboard mounted by the Commission.

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

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

(5) Discharge an automatic firearm.

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

(7) Target or shoot at clay birds anywhere on the range except areas designated by the director by signs stating that clay bird shooting is permitted.

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

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

(10) Use or discharge any single projectile ammunition.

(11) Use or discharge multiple projectile ammunition on a clay bird range that is larger than # 4 lead, # 2 steel or # 4 of any other composition or alloys of nontoxic shot approved by the Director of the United States Fish and

Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings).

(12) Throw, target or shoot clay birds on a clay bird range that are composed of any substance other than baked clay, limestone or other biodegradable material.

(13) Throw clay birds on a clay bird range from any location other than the designated firing line.

(14) Use the range in violation of any other requirement of this section or posted signage.

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