

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 93]

Boating; Boat Registration and Numbering

The Fish and Boat Commission (Commission) proposes to amend Chapter 93 (relating to boat registration and numbering). 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 registration and titling of boats.

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 Robert Caccese, 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 § 93.1 (relating to registration) is published under the statutory authority of section 5308 of the code (relating to period of registration). The proposed amendment to § 93.5 (relating to display of registration number and validation decal) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

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

The act of June 27, 2022 (P.L. 386, No. 28) (Act 28) amended section 5308 of the code regarding registration and titling of boats. Act 28 establishes a calendar-year boat registration cycle that is valid from January 1 through December 31.

Act 28 requires the Commission to promulgate final regulations to implement the amendments and publish them in the *Pennsylvania Bulletin* within 18 months of the effective date of section 2 of Act 28. The Commission has identified two relevant sections of 58 Pa. Code (relating to recreation) that require amendments to be consistent with Act 28.

Additionally, Commission staff have identified language in § 93.1(a) relating to “state owned” boat registrations which is inconsistent with the statutory registration period and Commission practices. State owned boats are issued 2-year registration certificates.

The Commission proposes that §§ 93.1 and 93.5 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 to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-341. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.1. Registration.

(a) With the exception of a “Manufacturer/Dealer/Jobber” registration certificate, which is valid for 1 year, **[and a “State Owned” registration certificate, which is valid until the removal of the property from inventory,]** all other boat registration certificates issued under this chapter are valid for a period not exceeding 2 years. The Commission will not issue 1-year registration certificates except to “Manufacturer/Dealer/Jobbers.” The registration period expires on **[March] December** 31 of the second year following issuance.

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§ 93.5. Display of registration number and validation decal.

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(b) A set of two color-coded validation decals will be issued for display with each registration number. The decal shall be displayed within 6 inches of the registration number and on a level with the number. The decals shall be approximately 3 inches by 3 inches and color-coded to indicate the registration period. Registration numbers and validation decals shall be displayed in the following manner: PA 12 AM or PA 12 AM. A validation decal may be displayed prior to **[April] January** 1 of the period for which it is issued.

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[Pa.B. Doc. No. 23-398. Filed for public inspection March 24, 2023, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend § 133.21 (relating to classification of birds) to update the scientific names of the Yellow-crowned Night-Heron, Sedge Wren and Northern Harrier on the Commonwealth’s lists of threatened and endangered birds with current accepted taxonomic nomenclature.

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 January 28, 2023, meeting of the Commission. Comments can be sent until April 12, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission is proposing to amend § 133.21 to update the scientific names of the Yellow-crowned Night-Heron, Sedge Wren and Northern Harrier on the Commonwealth’s lists of threatened and endangered birds with current accepted taxonomic nomenclature. The scientific name for the Yellow-crowned Night-heron was changed from *Nycticorax violaceus* to *Nyctanassa violacea* as part of a splitting of genera as published in the 37th Supplement to the American Ornithologists’ Union Checklist of North American Birds. The Sedge Wren was split from Grass Wren, a non-migratory Mexican and South American population that retained the *Cistothorus platensis* scientific name. The new scientific name for the Sedge Wren migratory population and Pennsylvania endangered breeding species is now *Cistothorus stellaris*. The Northern Harrier has been split from its old world relative the Hen Harrier. The Hen Harrier retained the original scientific name (*Circus cyaneus*) as the older described species and the Northern Harrier received the new scientific name of *Circus hudsonius*. These changes do not affect the protection, management or common names of these species, but will keep the Commonwealth’s lists consistent with current accepted taxonomic nomenclature.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to “Add to or change the classification of any wild bird or wild animal.” 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 § 133.21 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 133.21 to update the scientific names of the Yellow-crowned Night-Heron, Sedge Wren and Northern Harrier on the Commonwealth’s lists of threatened and endangered birds with current accepted taxonomic nomenclature.

3. *Persons Affected*

Persons concerned with the scientific identification 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: 48-494. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

(1) *Endangered.*

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(viii) Great Egret (*Ardea alba*)

(ix) Yellow-crowned Night-Heron ([*Nycticorax violaceus*] *Nyctanassa violacea*)

(x) Common Tern (*Sterna hirundo*)

* * * * *

(xiii) Dickcissel (*Spiza americana*)

(xiv) Sedge Wren (*Cistothorus* [*platensis*] *stellaris*)

(xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)

* * * * *

(2) *Threatened.*

(i) Northern Harrier (*Circus* [*cyaneus*] *hudsonius*)

(ii) Long-eared Owl (*Asio otus*)

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[Pa.B. Doc. No. 23-399. Filed for public inspection March 24, 2023, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2023-2024 license year.

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 January 28, 2023, meeting of the Commission. Comments can be sent until April 12, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

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 is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2023-2024 license year. The 2023-2024 seasons and bag limits have been 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, a significant expansion of opportunity for put-and-take hunting of captive-reared bobwhite quail in most of this Commonwealth is proposed by means of an earlier season opening date, later season closing date and removal of the daily bag limit. Also, adjustments to crow season dates and addition of Thursdays as hunting days are proposed to shift hunting opportunity from the peak breeding season to the fall and winter months. For black bear, 5 wildlife management units (WMUs) (1B, 2C, 4A, 4B and 4D) are proposed to be deleted from the extended firearms black bear season because of declining trends in nuisance complaints and hunter success rates. For furbearers, WMUs 3B and 4E are proposed to be opened to river otter trapping because habitat and population data indicate that these units can support sustainable otter harvest. Also, several furbearers are proposed for addition to the list of species that are legal for falconry harvest. For elk, the proposed archery season is a week later than in 2022-2023 to provide additional time

between the license drawing and the beginning of the season. For falconry, an expansion of falconry opportunities, to include the period of overlap with the regular firearms deer season, is proposed for those species for which falconry is a legal means of take. This expansion fully implements the intended effect of recent amendments to § 141.4 (relating to hunting hours) made by the Commission at its July 9, 2022, meeting. No substantive changes are proposed for white-tailed deer or wild turkey seasons, although the 2024 youth and regular spring turkey seasons are proposed to open 5 days later than in 2023. This is a normal fluctuation that occurs every several years for consistency with the wild turkey management plan guideline of opening the regular season the Saturday closest to May 1.

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 proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 139.4 to provide updated seasons and bag limits for the 2023-2024 hunting/furtaking license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2023-2024 hunting/furtaking license year 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

The effective dates of this proposed rulemaking are July 1, 2023, to June 30, 2024.

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: 48-493. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

(Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in § 139.4, 58 Pa. Code pages 139-3—139-18, serial pages (404705)—(404720), with the following table.)

§ 139.4 Seasons and bag limits for the license year.

2023-2024 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>
<i>Squirrel</i> —(Combined species) ¹ Eligible Junior Hunters only, with or without the required junior license	Sept. 9		Sept. 23	6	18
<i>Squirrel</i> —(Combined species) ²	Sept. 9 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Feb. 29, 2024	6	18
<i>Ruffed Grouse</i> ²	Oct. 14 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23	2	6
<i>Rabbit, Cottontail</i> ¹ Eligible Junior Hunters only, with or without the required junior license	Sept. 30		Oct. 14	4	12
<i>Rabbit, Cottontail</i> ²	Oct. 14 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Feb. 29, 2024	4	12
<i>Ring-necked Pheasant</i> —There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					
Central Susquehanna Wild Pheasant Recovery Area— <i>Male only</i> ¹	As authorized by the Executive Order				
<i>Ring-necked Pheasant</i> — <i>Male or Female</i> ¹ Eligible Junior Hunters only, with or without the required junior license	Oct. 7		Oct. 14	2	6

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
<i>Ring-necked Pheasant—Male or Female</i> ²	Oct. 21 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Feb. 29, 2024	2	6
<i>Bobwhite Quail</i> —There is no open season for the taking of bobwhite quail in the area surrounding the Letterkenny Bobwhite Quail Focus Area, as designated in § 141.30 (relating to bobwhite quail recovery area).					
<i>Bobwhite Quail</i> ²	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Mar. 30, 2024	Unlimited	
<i>Hare (Snowshoe Rabbits) or Varying Hare</i> ¹	Dec. 26		Jan. 1, 2024	1	3
<i>Woodchuck (Groundhog)</i> ²	July 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 June 29, 2024	Unlimited	
<i>Crow</i> ³ (Hunting permitted on Thursday, Friday, Saturday and Sunday only)	Aug. 24		Mar. 24, 2024	Unlimited	
<i>Starling and English Sparrow</i> ³	No closed season, except season closed during the regular firearms deer season(s).			Unlimited	

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

PROPOSED RULEMAKING

WILD TURKEY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Turkey, Fall—Male or Female</i> ¹ WMU 2B	Oct. 28	and	Nov. 17	1	1
	Nov. 22		Nov. 24		
WMUs 1A, 1B, 4A, 4B, 4D and 4E	Oct. 28		Nov. 4		
WMUs 2A, 2F, 2G, 2H, 3A, 3B, 3C, 3D and 4C	Oct. 28		Nov. 11		
WMUs 2C, 2D and 2E	Oct. 28	and	Nov. 11		
	Nov. 22		Nov. 24		
WMU 5B	Oct. 31		Nov. 2		
WMUs 5A, 5C and 5D	Closed to fall turkey hunting				
<i>Turkey, Spring</i> ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 27, 2024		Apr. 27, 2024	1	1
<i>Turkey, Spring</i> ^{1,4} Bearded Bird only	May 4, 2024	and	May 18, 2024	1	2
	May 20, 2024		May 31, 2024		
				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	

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
<i>Squirrel—(Combined species)</i> ²	Sept. 1	and and and and and and	Nov. 11	6	18
	Sun. ³ , Nov. 12		Sun. ³ , Nov. 12		
	Nov. 13		Nov. 18		
	Sun. ³ , Nov. 19		Sun. ³ , Nov. 19		
	Nov. 20		Nov. 25		
	Sun. ³ , Nov. 26		Sun. ³ , Nov. 26		
	Nov. 27		Mar. 30, 2024		
<i>Quail</i> ²	Sept. 1	and and and and and and	Nov. 11	Unlimited	
	Sun. ³ , Nov. 12		Sun. ³ , Nov. 12		
	Nov. 13		Nov. 18		
	Sun. ³ , Nov. 19		Sun. ³ , Nov. 19		
	Nov. 20		Nov. 25		
	Sun. ³ , Nov. 26		Sun. ³ , Nov. 26		
	Nov. 27		Mar. 30, 2024		

PROPOSED RULEMAKING

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<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
<i>Ruffed Grouse</i> ²	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	2	6
<i>Cottontail Rabbits</i> ²	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	4	12
<i>Snowshoe or Varying Hare</i> ²	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	1	3
<i>Ring-necked Pheasant—Male² and Female (Combined)</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	2	6
<i>Mink, Muskrat, Fox, Opossum, Raccoon, Striped Skunk, and Weasel</i> ²	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26	Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
	Nov. 27	and	Mar. 30, 2024		
<i>Migratory Game Bird</i> 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>
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2, 5} With the required archery license WMUs 2B, 5C and 5D	Sept. 16 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 26	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Jan. 27, 2024	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2, 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	Sept. 30 Sun. ³ , Nov. 12 Nov. 13 Dec. 26	and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 17 Jan. 15, 2024	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only)</i> ¹ With the required muzzleloading license	Oct. 14		Oct. 21	An antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders ⁶ Mentored Permit Holders ⁹ , 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	Oct. 19		Oct. 21	An antlerless deer with each required antlerless license.
<i>Deer, Regular Firearms (Antlered & Antlerless)</i> ^{2, 5} Statewide	Nov. 25 Sun. ³ , Nov. 26 Nov. 27	and	Nov. 25 Sun. ³ , Nov. 26 Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1, 5} 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. 15, 2024	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1, 5} WMUs 2B, 5C and 5D	Dec. 26		Jan. 27, 2024	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 2B, 5C and 5D	Dec. 26		Jan. 27, 2024	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Antlerless</i> 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>
<i>Bear, Archery</i> ^{2, 7} WMUs 2B, 5C and 5D	Sept. 16 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20	and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24	1
<i>Bear, Archery</i> ^{2, 7} WMU 5B	Sept. 30 Sun. ³ , Nov. 12 Nov. 13	and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 17	1
<i>Bear, Archery</i> ^{1, 7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 14		Nov. 4	1
<i>Bear, Muzzleloader</i> ^{1, 7} (Statewide)	Oct. 14		Oct. 21	1
<i>Bear, Special firearms</i> ⁷ Only Junior and Senior License Holders ⁶ , Mentored Permit Holders ⁹ , 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 in the United States Coast Guard (Statewide)	Oct. 19		Oct. 21	1
<i>Bear, Regular Firearms</i> ^{2, 7} (Statewide)	Nov. 18 Sun. ³ , Nov. 19 Nov. 20	and and	Nov. 18 Sun. ³ , Nov. 19 Nov. 21	1
<i>Bear, Extended firearms</i> ^{2, 7} WMUs 2B, 5B, 5C and 5D	Nov. 25 Sun. ³ , Nov. 26 Nov. 27	and and	Nov. 25 Sun. ³ , Nov. 26 Dec. 9	1
<i>Bear, Extended firearms</i> ^{2, 7} WMUs 3A, 3B, 3C, 3D, 4C, 4E and 5A	Nov. 25 Sun. ³ , Nov. 26 Nov. 27	and and	Nov. 25 Sun. ³ , Nov. 26 Dec. 2	1

PROPOSED RULEMAKING

ELK

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Elk, Special Conservation Tag^{1,8} and Special-License Tag^{1,8} (Antlered and Antlerless)</i>	Sept. 1		Nov. 4	1
<i>Elk, Archery^{1,8}</i>	Sept. 16		Sept. 30	1
<i>Elk, Regular^{1,8} (Antlered and Antlerless)</i>	Oct. 30		Nov. 4	1
<i>Elk, Late^{1,8}</i>	Dec. 30		Jan. 6, 2024	1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Mink and Muskrat</i>	Nov. 18		Jan. 7, 2024	Unlimited	
<i>Beaver</i>	Dec. 16		Mar. 31, 2024		
WMUs 1A and 1B (Combined)				20	60
WMUs 2A, 2B and 3C (Combined)				20	40
WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)				20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)				5	5

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i>	Oct. 21		Feb. 18, 2024	Unlimited
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 18, 2024	Unlimited
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 16		Jan. 7, 2024	1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 16		Dec. 31	1
<i>River Otter, with required otter permit</i> WMUs 1A, 1B, 2F, 3B, 3C, 3D and 4E	Feb. 10, 2024		Feb. 17, 2024	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Coyote—(Outside of any big game season)³</i>	May be taken with a hunting license or a furtaker’s license.			Unlimited	
<i>Coyote—(During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker’s license.			Unlimited	
<i>Opossum, Striped Skunk, Weasel²</i>	July 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 June 29, 2024	Unlimited May be hunted any hour, day or night, on open dates from July 1—Nov. 24 and Dec. 10—June 29, 2024. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9.	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Fox</i> ³	Oct. 21		Feb. 17, 2024	Unlimited May be hunted any hour, day or night, from Oct. 21—Nov. 24 and Dec. 10—Feb. 17, 2024. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9.	
<i>Raccoon</i> ²	Oct. 21 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Feb. 17, 2024	Unlimited May be hunted any hour, day or night, on open dates from Oct. 21—Nov. 24 and Dec. 10—Feb. 17, 2024. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9.	
<i>Bobcat, with required bobcat permit</i> ¹ WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 6, 2024		Jan. 31, 2024	1	1
<i>Porcupine</i> ²	Oct. 7 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Jan. 27, 2024	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 Hunting on Sunday authorized on separately delineated Sunday date(s) only. See 34 Pa.C.S. § 2303.

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

⁴ Only persons who possess a special wild turkey license as provided for in 34 Pa.C.S. § 2709 (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.

⁵ Only one antlered deer (buck) may be taken during the hunting license year.

⁶ Includes resident 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 34 Pa.C.S. § 2706 (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.

⁹ Includes mentored youth and mentored adults with a valid mentored hunter permit issued under Chapter 147, Subchapter X (relating to Mentored Hunting Program permit).

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits; Wildlife Management Units

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend § 139.17 (relating to wildlife management units) to eliminate wildlife management unit (WMU) 2H and return WMU 2G to its original boundary.

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 January 28, 2023, meeting of the Commission. Comments can be sent until April 12, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of this new wildlife management unit system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiography, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. Over the years, the WMUs have undergone periodic reviews and evaluations. Following a recent evaluation of WMU 2H, which was separated out of the footprint of WMU 2G in 2013, it was determined that WMU 2H is too small to effectively collect adequate wildlife and hunter data for big game species. Furthermore, WMU 2H remains similar to WMU 2G in deer harvests and forest habitat measures. As a result, the Commission is proposing to amend § 139.17 to eliminate WMU 2H and return WMU 2G to its original boundary.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "Define geographic limitations or restrictions." 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 § 139.17 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 139.17 to eliminate WMU 2H and return WMU 2G to its original boundary.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within WMUs 2G or 2H 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: 48-492. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

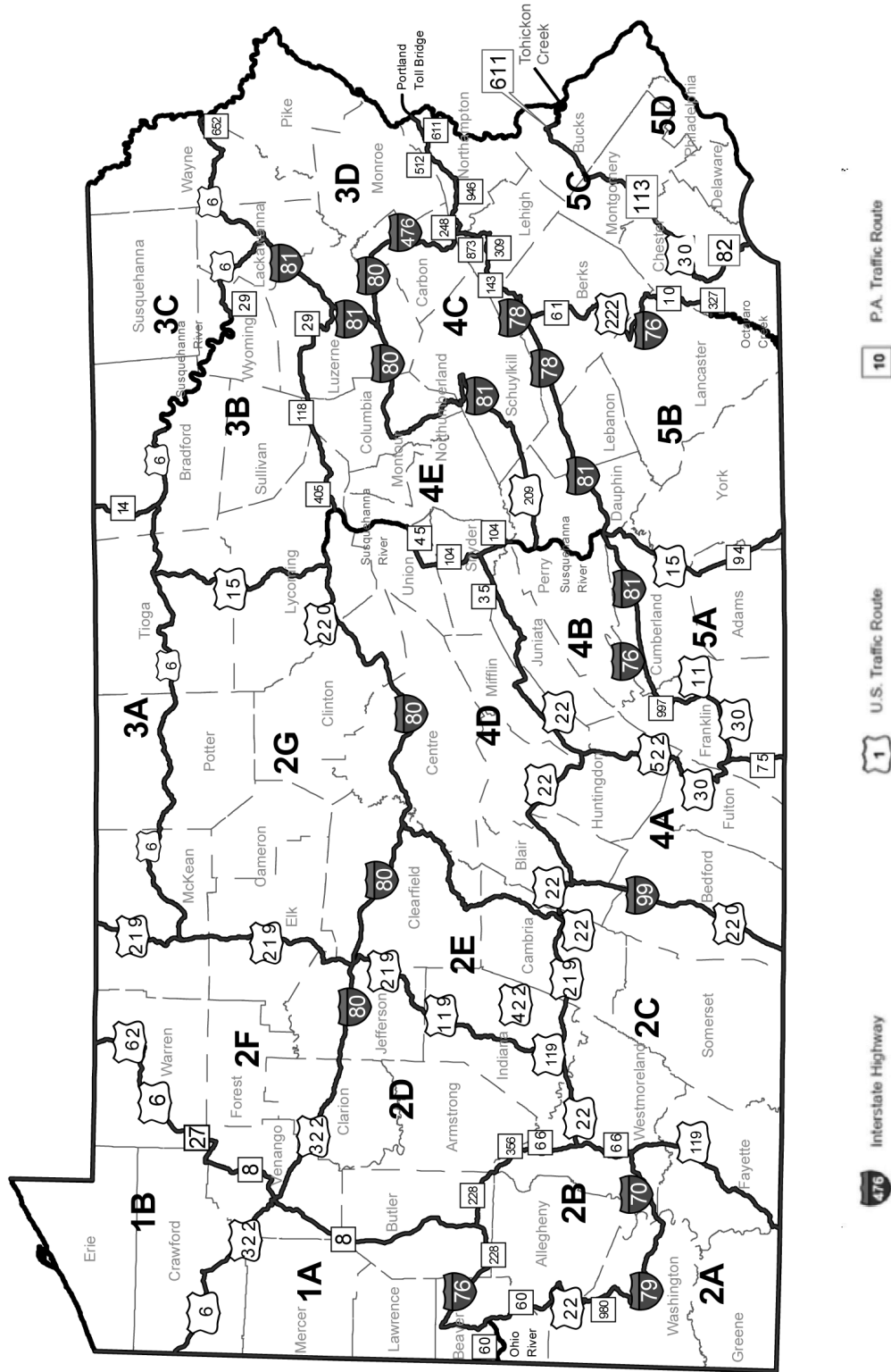
CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.17. Wildlife management units.

(a) The divisional line between two or more wildlife management units shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth wildlife management units.

Wildlife Management Units



* * * * *

[Pa.B. Doc. No. 23-401. Filed for public inspection March 24, 2023, 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 January 28, 2023, meeting to amend § 141.67 (relating to furbearer seasons) to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

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 January 28, 2023, meeting of the Commission. Comments can be sent until April 12, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Members of the falconry community have recently requested an expansion of the hunting seasons for falconry to include certain mink, muskrat, fox, opossum, raccoon, striped skunk and weasel. The Commission has reviewed this request and preliminarily included the addition of these species in the 2023-2024 seasons and bag limits proposal. If approved, this falconry season/species expansion will require the addition of falcons to the list of lawful devices that may be used to harvest any furbearer having an open falconry season. A similar provision was added to § 141.22(a)(7) (relating to small game seasons) to accommodate this similar purpose. The Commission is proposing to amend § 141.67 to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

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 § 141.67 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.67 to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

3. Persons Affected

Persons wishing to hunt furbearers with a falcon 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: 48-498. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.67. Furbearer seasons.

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

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

* * * * *

(11) A cage or box trap, except as prohibited under section 2361(a)(17) of the act.

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

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

* * * * *

[Pa.B. Doc. No. 23-402. Filed for public inspection March 24, 2023, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend § 141.4 (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 2023-2024 hunting/trapping license year.

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 January 28, 2023, meeting of the Commission. Comments can be sent until April 12, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to amend § 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 2023-2024 hunting/trapping 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 proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 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 2023-2024 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2023-2024 hunting/furtaking license year 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*

The effective dates of this proposed rulemaking are July 1, 2023, to June 30, 2024.

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: 48-497. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

Appendix G. Hunting Hours

(Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of the tables which appear in 58 Pa. Code pages 141-37—141-41, serial pages (410939)—(410943) and replace them with the following tables.)

§ 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.

* * * * *

**HUNTING HOURS TABLE
FOR JULY 1, 2023, THROUGH JUNE 30, 2024**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1	5:05	9:03	Dec. 31—Jan. 6	6:53	5:16
July 2—8	5:09	9:02	Jan. 7—13	6:53	5:21
July 9—15	5:14	8:59	Jan. 14—20	6:51	5:28
July 16—22	5:20	8:54	Jan. 21—27	6:48	5:36
July 23—29	5:26	8:47	Jan. 28—Feb. 3	6:43	5:44
July 30—Aug. 5	5:33	8:40	Feb. 4—10	6:37	5:53
Aug. 6—12	5:39	8:31	Feb. 11—17	6:29	6:01
Aug. 13—19	5:46	8:21	Feb. 18—24	6:20	6:09
Aug. 20—26	5:53	8:11	Feb. 25—March 2	6:10	6:18
Aug. 27—Sept. 2	6:00	8:00	March 3—9	6:00	6:25
Sept. 3—9	6:06	7:49	March 10—16* Begins	6:49	7:33
Sept. 10—16	6:12	7:38	March 17—23	6:38	7:40
Sept. 17—23	6:19	7:26	March 24—30	6:27	7:47
Sept. 24—Sept. 30	6:26	7:15	March 31—Apr. 6	6:15	7:54
Oct. 1—7	6:33	7:04	April 7—13	6:04	8:02
Oct. 8—14	6:40	6:53	April 14—20	5:53	8:09
Oct. 15—21	6:47	6:43	April 21—27	5:43	8:16
Oct. 22—28	6:55	6:33	April 28—May 4	5:35	8:23
Oct. 29—Nov. 4	7:03	6:25	May 5—11	5:25	8:30
Nov. 5—11** Ends	6:11	5:18	May 12—18	5:18	8:37

PROPOSED RULEMAKING

HUNTING HOURS TABLE FOR JULY 1, 2023, THROUGH JUNE 30, 2024					
<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Nov. 12—18	6:19	5:12	May 19—25	5:11	8:43
Nov. 19—25	6:27	5:08	May 26—June 1	5:07	8:49
Nov. 26—Dec. 2	6:34	5:06	June 2—8	5:03	8:54
Dec. 3—9	6:40	5:05	June 9—15	5:02	8:59
Dec. 10—16	6:46	5:06	June 16—22	5:02	9:02
Dec. 17—23	6:50	5:10	June 23—June 30	5:05	9:03
Dec. 24—30	6:52	5:14			

Daylight Saving Time:

Begins*

Ends**

MIGRATORY GAME BIRD HUNTING HOURS TABLE FOR JULY 1, 2023, THROUGH JUNE 30, 2024					
<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1	5:05	8:33	Dec. 31—Jan. 6	6:53	4:46
July 2—8	5:09	8:32	Jan. 7—13	6:53	4:51
July 9—15	5:14	8:29	Jan. 14—20	6:51	4:58
July 16—22	5:20	8:24	Jan. 21—27	6:48	5:06
July 23—29	5:27	8:16	Jan. 28—Feb. 3	6:43	5:14
July 30—Aug. 5	5:33	8:10	Feb. 4—10	6:37	5:23
Aug. 6—12	5:39	8:01	Feb. 11—17	6:29	5:31
Aug. 13—19	5:46	7:51	Feb. 18—24	6:20	5:39
Aug. 20—26	5:53	7:41	Feb. 25—March 2	6:10	5:48
Aug. 27—Sept. 2	6:00	7:30	March 3—9	6:00	5:55
Sept. 3—9	6:06	7:19	March 10—16* Begins	6:49	7:03
Sept. 10—16	6:12	7:08	March 17—23	6:38	7:10
Sept. 17—23	6:19	6:56	March 24—30	6:27	7:17
Sept. 24—30	6:26	6:45	March 31—Apr. 6	6:15	7:24
Oct. 1—7	6:33	6:34	April 7—13	6:04	7:32
Oct. 8—14	6:40	6:23	April 14—20	5:53	7:39
Oct. 15—21	6:47	6:13	April 21—27	5:43	7:46
Oct. 22—28	6:55	6:03	April 28—May 4	5:35	7:53
Oct. 29—Nov. 4	7:03	5:55	May 5—11	5:25	8:00
Nov. 5—11** Ends	6:11	4:48	May 12—18	5:18	8:07
Nov. 12—18	6:19	4:42	May 19—25	5:11	8:13
Nov. 19—25	6:27	4:38	May 26—June 1	5:07	8:19
Nov. 26—Dec. 2	6:34	4:36	June 2—8	5:03	8:24
Dec. 3—9	6:40	4:35	June 9—15	5:02	8:29
Dec. 10—16	6:46	4:36	June 16—22	5:02	8:32
Dec. 17—23	6:50	4:40	June 23—June 30	5:05	8:33
Dec. 24—30	6:52	4:44			

Daylight Saving Time:

Begins*

Ends**

[Pa.B. Doc. No. 23-403. Filed for public inspection March 24, 2023, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Menageries

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend § 147.282 (relating to safety) to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for that category of wildlife.

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 January 28, 2023, meeting of the Commission. Comments can be sent until April 12, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

A menagerie has approached the Commission to request that its safety regulations concerning public exposure with certain wildlife held by a menagerie be relaxed. The Commission has reviewed the applicable regulations and determined that changes can be made to the regulation without exposing the public to unnecessary danger or harm. A menagerie is defined as “[a]ny place where one or more wild birds or wild animals, or one or more birds or animals which have similar characteristics and appearance to birds or animals wild by nature, are kept in captivity for the evident purpose of exhibition with or without charge.” The Commission is proposing to amend § 147.282 to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for the given category of wildlife. These changes will authorize menageries to remove additional species of wildlife from caging and directly expose them to the public, including wallabies, nonhuman primates and all other wildlife outside of the families Ursidae, Felidae and Canidae.

Section 2901(b) of the code (relating to authority to issue permits) provides that “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 § 147.282 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 147.282 to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for the given category of wildlife.

3. Persons Affected

Persons holding a menagerie permit or persons visiting a wildlife menagerie facility 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: 48-496. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter O. MENAGERIES

§ 147.282. Safety.

(a) Cage construction shall be sufficiently strong to contain the wildlife and to protect the animal from injury from other specimens on exhibit. Caging determined unsafe by Commission personnel shall be reconstructed as directed. Reconstruction shall be completed and approved within 30 days after official notification from the Commission.

(b) Except as provided in [**subsections (c) and (d)**] **subsection (c)**, wildlife may not be removed from cages or directly exposed to the public. Safety barriers shall be present to adequately prevent **the** wildlife from touching, grasping or biting visitors. Barriers, such as walls, fences, moats, retaining rails and other necessary devices shall be present to prevent the public from approaching [**the**] cages, pens, enclosures or areas near enough to contact the wildlife.

(c) [**Public human contact with the following designated animals is permitted under the specified conditions**] **Removal of wildlife from cages and public human contact with the following categories of wildlife is authorized only as follows:**

(1) **Category 1 wildlife.** Ruminant animals **may be moved from cages or confinement and directly exposed to the public, specifically to include public human contact, without restriction.**

(2) [**Organ grinder monkeys, trained performing chimpanzees and elephants**] **Category 2 wildlife.** **Other wildlife not defined as Category 3 wildlife in paragraph (3), may be removed from cages or confinement and directly exposed to the public, specifically to include public human contact, only if the wildlife is under the immediate control of the handler to preclude danger to the public.**

(3) *Category 3 wildlife.* Members of the families Ursidae, Felidae and Canidae may not be removed from cages or confinement or directly exposed to the public. Public human contact is not authorized for this wildlife.

[(d) Wildlife other than members of the families Ursidae, Felidae and wild Canidae when exhibited

on a stage or in an arena, may be removed from their cage by the exhibitor in a manner precluding danger to the public. Other human contact with the wildlife is prohibited.]

[Pa.B. Doc. No. 23-404. Filed for public inspection March 24, 2023, 9:00 a.m.]
