

# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CH. 135 ]

### Lands and Buildings; Special Wildlife Management Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend §§ 135.101—135.107 (relating to special wildlife management areas) to simplify, reorganize and modernize these special wildlife management area regulations.

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's Middle Creek Wild Management Area and Pymatuning Wildlife Management Area are prime destinations for wildlife and people who care about wildlife and wild places. The Commission built these special wildlife management areas at a time when Canada geese were in less than desirable numbers within this Commonwealth, particularly in the east. But over time, the Middle Creek Wildlife Management Area and Pymatuning Wildlife Management Area have become so much more for myriad wildlife species and countless residents in this Commonwealth and tourists. The Commission has determined that the regulations governing the use and access to these special wildlife management areas are needlessly complex, redundant, outdated and simply inconsistent with current available technologies, particularly as it relates to management of the controlled hunts. The Commission is proposing to amend §§ 135.101—135.107 to simplify, reorganize and modernize these special wildlife management area regulations.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters." The amendments to §§ 135.101—135.107 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend §§ 135.101—135.107 to simplify, reorganize and modernize these special wildlife management area regulations.

#### 3. Persons Affected

Persons wishing to use and access any area designated as a special wildlife management area 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:** 48-499. No fiscal impact; recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 135. LANDS AND BUILDINGS

#### Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

#### § 135.101. [ Scope ] Designation of special wildlife management areas.

(a) [ The Commission may create special wildlife management areas on lands, waters and buildings under its ownership, lease or jurisdiction. Specific parts of these areas may be referred to as controlled goose hunting areas, controlled duck hunting areas, propagation areas, public hunting areas, public recreation areas or a designation consistent with the use of lands, waters or buildings ] Authority to designate special wildlife management areas. The Commission may designate any lands and waters it owns, leases or otherwise controls as a special wildlife management area. The Commission will mark any area designated as a special wildlife management area with conspicuous signage designating its boundaries.

(b) [ In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and 50 CFR Part 20 (relating to migratory bird hunting), this subchapter pertains to areas designated as special wildlife management areas ] Authority to designate areas within special wildlife management areas. The Commission may designate any lands or waters within an established special wildlife management area as a public recreation area propagation area, open public hunting or trapping area, controlled hunting or trapping area, or any other designation consistent with the intended use of the lands and waters. The Commission will mark any internally designated area within a special wildlife management area with conspicuous signage designating its boundaries and stating the intended purpose of the area.

(c) [ Boundaries shall be conspicuously posted with signs designating the purpose of an area. ] Designated special wildlife management areas. The following areas of this Commonwealth are designated as a special wildlife management area:

(1) Middle Creek Wildlife Management Area. The area otherwise known as State Game Land No. 46, that is located in Clay, Elizabeth and West Cocalico Townships, Lancaster County and Heidelberg Township, Lebanon County.

(2) Pymatuning Wildlife Management Area. The area otherwise known as State Game Land No. 214, that is located in North Shenango, Pine, Sadsbury and West Fallowfield Townships, Crawford County.

(d) [ The Director has the authority to open special wildlife management areas, or parts thereof to hunting or trapping for the purpose of population control when it is determined that uncontrolled numbers of certain species have become detrimental to the area.

(1) When a certain area is declared open to hunting or trapping by the Director, the number of hunters/trappers may be limited by a permit or drawing.

(2) The Director may declare the area open to unlimited hunters or trappers and no permit or drawing will be required at which time §§ 135.102(a)(1) and (3), (b)(1) and (2) and (d), 135.104(1), 135.106(a)(1), (c)(1) and (d)(1) and 135.107(a)(1) and (b)(1) do not apply ] Scope. In addition to the requirements and limitations of §§ 135.2, 135.41 and 135.161 (relating to unlawful actions; State game lands; and Commission-owned or leased), the provisions of this subchapter shall govern public use and access to any area designated as a special wildlife management area.

§ 135.102. [ Controlled goose and controlled duck hunting areas ] Designation of areas within an established special wildlife management area.

(a) [ Hunting.

(1) General. Hunting is by permit only. Permits will be issued on hunting days at a designated registration center. Decoys and dogs are permitted. Dogs shall be kept under control.

(2) Check-out restriction. A hunting permit holder shall check out at the registration center immediately upon vacating the blind and surrender, in person, the permit. A hunter shall submit birds or mammals taken for examination at the registration center. The deadline for check-out shall be 1 hour following the expiration time, as indicated on the permit.

(3) Unlawful acts. It shall be unlawful to:

(i) Allow dogs to run unaccompanied or without direction and control.

(ii) Possess firearms except in connection with a hunting permit ] Public recreation areas. An area designated by the Director as a public recreation area within an established special wildlife management area is open to public access for recreation purposes. Hunting and trapping opportunities are closed within any area designated as a public recreation area. The Director may also impose further travel or use restrictions within a public recreation area with appropriate signage or postings.

(b) [ Trapping.

(1) General. Trapping permits will be issued on a first-come, first-served basis or by drawing until the quota, established by the Director or a designee, has been filled.

(2) Surrendering permit. A trapping permit holder shall surrender the permit at the registration center, either in person or by mail, within 4 days of the expiration date, indicated on the permit, along with a written report of animals taken on a form supplied with the permit. A person failing to surrender a permit, or file a report, may be denied trapping privileges on the area for 3 years ] Propagation areas. An area designated by the Director as a propagation area within an established special wildlife management area is generally closed to public access. Entry into and hunting and trapping within a propagation area is controlled by an access permit authorization under §§ 135.103 and 135.161 (relating to controlled hunting and trapping area access permit procedures; and Commission-owned or leased).

(c) [ Harvest control. Hunting and trapping for any species may be stopped by the Director or a designee when, in his opinion, an adequate harvest of that species has occurred on the area ] Open public hunting and trapping areas. An area designated by the Director as an open hunting and trapping area within an established special wildlife management area is open to public access for general hunting and trapping activities. The Director may impose further travel or use restrictions within an open hunting and trapping area with appropriate signage or postings.

(d) [ Cancellation of permits. Permits may be cancelled or denied for infractions of the act, Federal regulations or regulations adopted for wildlife management areas ] Controlled hunting and trapping areas. An area designated by the Director as a controlled hunting or trapping area within an established special wildlife management area is limited to hunting or trapping of designated game and wildlife by access permit only. The Director may impose further travel or use restrictions within a controlled hunting or trapping area with appropriate signage or postings.

§ 135.103. [ Registration for controlled goose hunting areas ] Controlled hunting and trapping area access permit procedures.

[ The following apply to reservations for controlled goose hunting areas:

(1) Applications shall be submitted on a form and in the manner designated by the Commission. Applications must include the applicant's name, address, date of birth and Commission-issued Customer Identification Number, and any other information required by the Commission.

(2) Applications for controlled goose hunting areas in the Middle Creek Wildlife Management Area or the Pymatuning Wildlife Management Area shall be submitted to the Commission by the deadline set by the Director or a designee.

(3) An individual may submit no more than one official application per year to hunt on a controlled

hunting area in this Commonwealth. Incomplete, illegible or duplicate applications will not be included in the drawing.

(4) The Director will establish the number of applications to be drawn no later than 20 days prior to the respective drawing of reservations for the Middle Creek and Pymatuning Wildlife Management Areas. Reservations will be awarded by the Commission to individuals selected during random public drawings from all eligible applications submitted for each management area. The drawings for each management area will occur on the date, time and at the location set by the Director or a designee. The Commission will hold separate drawings for the disabled access blinds for persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits).

(i) *Youth only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a youth-only day. Adults who accompany a junior hunter on this day may participate in the hunt by calling only. Applications received from junior hunters will be separated and drawn prior to the other applications on the established drawing date for the Special management area. Unsuccessful applicants for the youth shooting day will then be placed with all other applications and the drawing will proceed until all shooting days are filled.

(ii) *Veterans or veterans with disabilities only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day. Only persons who possess a resident disabled veteran license, a reduced fee resident disabled veteran license or persons who possess a senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license are eligible to apply. Successful applicants may be accompanied by up to three properly licensed guests of any general or base hunting license classification. Applications received from veterans with disabilities will be separated and drawn prior to all other applications on the established drawing date for each wildlife management area.

(5) A reservation is not transferable. The person whose name appears on the reservation shall present the reservation in person at the wildlife management area registration center designated. A reservation shall entitle the applicant to bring not more than three guests with him. Guests shall be present and register.

(6) Except as otherwise provided in subparagraph (i), each person is permitted to hunt only 1 day per season on only one controlled goose hunting area as either a reservation holder or a guest of a reservation holder.

(i) *Exception.* In the absence of applications for unclaimed blinds from persons who have not previously been a registration holder or the guest of a registration holder on the morning of the designated shooting day, a person who has previously been a registration holder or the guest of a regis-

tration holder may apply for an unclaimed blind in the manner provided for in paragraph (8).

(ii) *Penalty.* Except as otherwise authorized by subparagraph (i), a person who files more than one application or hunts more than one time per season on one or more controlled goose hunting areas within this Commonwealth will be denied the privilege to hunt any controlled goose hunting area for 3 years.

(7) A reservation for 1 day is valid only up to 1/2 hour before the daily shooting time.

(8) Blinds will be assigned, by drawing, to reservation holders on the morning of the designated shooting day. A blind which is unclaimed will be assigned by drawing to persons present and applying for the unclaimed blinds on the morning of each shooting day, 1/2 hour prior to shooting time. ]

(a) *Authority to establish and cancel dates and quotas.* The Director will establish the dates and number of available access permits each year for any authorized hunting or trapping activities approved for an established controlled hunting or trapping area. The Director may treat any area designated as a propagation area within a special wildlife management area in the same manner as a controlled hunting or trapping area as it relates to the authorization of hunting and trapping by access permit. The Director may cancel or suspend any authorized hunting or trapping dates for an established controlled hunting or trapping area when the Commission determines that an adequate number of the respective game or wildlife has been taken, a game or wildlife health or disease concern has been identified or some other circumstance warrants suspension or closure.

(b) *Notice.* The Commission will provide notice of the opening or closure of limited hunting or trapping opportunities for designated game and wildlife within an established controlled hunting or trapping area through a public announcement, web site or other means reasonably intended to reach the widest audience. Notice of the opening of limited hunting or trapping opportunities within an established controlled hunting or trapping area will also include information concerning the application process.

(c) *Application.*

(1) *Eligibility.* An applicant must possess a valid and current hunting or trapping license, whichever is applicable, plus any other license, stamp or permit that is required for the designated game or wildlife, to be eligible to make application for an access permit. An applicant is eligible to submit only one application per drawing for an access permit to participate in a controlled hunting or trapping activity on any established special wildlife management area.

(2) *Timeliness, form and content.* Applications for a controlled hunting or trapping permit shall be submitted on a form, in the manner and by the deadline established by the Commission. Applications must include the applicant's name, Commission-issued Customer Identification Number and any other information required by the Commission. Incomplete, illegible, duplicate or late applications will be rejected.

(d) Drawing.

(1) The Commission will conduct a random drawing of applications to select participants for each authorized hunting or trapping activity approved for an established controlled hunting or trapping area. Successful applicants will be issued an access permit specifying the dates and the authorized species for the applicable hunting or trapping activity. Access permits are not transferable. The Commission may conduct special random drawings prior to scheduled regular drawings for controlled hunting or trapping area access permits that are reserved for:

(i) Junior license holders and persons in possession of a valid mentored youth permit issued under Chapter 147, Subchapter X (relating to Mentored Hunting Program permit). An adult who accompanies a junior license holder or mentored youth permit holder on an established special youth day may participate in the hunt by calling, but may not harvest any game or wildlife.

(ii) Persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits).

(iii) Persons in possession of a resident disabled veteran license, a reduced fee resident disabled veteran license or persons who possess a senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license.

(iv) Persons in possession of a resident general hunting license, senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their veteran status.

(2) The Commission will include all unsuccessful applications from special random drawings with all other standard applications awaiting the regular drawings.

(e) Unclaimed permits. If one or more successful applicants cancels or fails to appear for check-in by 1/2 hour prior to open hunting hours on the scheduled date and time for their hunting or trapping opportunity for any controlled hunt that requires in-person check-in, the Commission may void the issued access permits and conduct a random drawing to reassign unclaimed access permits.

§ 135.104. [ Restrictions on controlled goose hunting areas ] Controlled hunting and trapping area access requirements and limitations.

[ It is unlawful to:

(1) Take wildlife other than ducks, geese, coots and mergansers, except by permit issued by the Director or a designee.

(2) Remove ducks, geese, coots and mergansers from a blind prior to vacating the blind to check out.

(3) Remain in a blind when the maximum limit of geese, has been killed or the ammunition limit has been expended, or after the time specified on the permit has expired.

(4) Shoot from other than an assigned blind.

(5) Enter a closed blind, or a blind other than the one assigned.

(6) Shoot on, along or from a road or parking area.

(7) Possess more than ten rounds of ammunition per hunter in the blind. This does not prohibit one member of a party in a blind from giving part of the ten-round allotment to another member of the same party, while in the blind.

(8) Obtain or possess more than the original ten rounds of ammunition permitted at the beginning of each day.

(9) Take more than one Canada goose per person per day at a controlled goose hunting area. Season and daily limits on other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

(10) Take more than one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area. ]

(a) Check-in. A person issued an access permit shall check-in upon arrival at the special wildlife management area in the manner set forth in the instructions provided with their permit, which may include physical presentation of their permit to Commission staff at a designated registration area. A person issued a 1-day access permit must check-in on the scheduled date within 1/2 hour before open hunting hours for that day, otherwise the Commission may void the access permit and conduct a random drawing to reassign the unclaimed access permit as set forth in § 135.103(e) (relating to controlled hunting and trapping area access permit procedures).

(b) Check-out. A person issued a controlled hunting or trapping area access permit shall check-out upon departure from the assigned controlled hunting or trapping area in the manner set forth in the instructions provided with their permit, which may include physical presentation of the permit and any game or wildlife harvested to Commission staff at a designated registration area or the mailing of a harvest report card supplied with the permit by the deadline specified on the permit. A person issued a controlled hunting area access permit shall check-out of the controlled hunting area no later than 1 hour after the close of hunting hours for the day as set forth in § 141.4 (relating to hunting hours) or within 1 hour of the closing time specified on their access permit.

(c) Access restricted.

(1) Except as provided in this subsection, entry into a controlled hunting or trapping area without a valid controlled hunting or trapping area access permit is prohibited.

(2) A person in possession of a valid access permit may enter only the controlled hunting or trapping area or hunting blind designated on their access permit.

(3) A person may recover wounded or harvested game or wildlife from a controlled hunting or trapping area that is not designated on their access permit only after receipt of specific advance permission from the Commission.

(4) A person with a valid controlled hunting or trapping area access permit is prohibited from entering or remaining in a controlled hunting or trapping area at any time outside of 1 hour before or 1 hour after legal hunting hours as set forth in § 141.4 or as specified on their access permit without specific advance permission from the Commission.

§ 135.105. [ Public hunting areas ] Hunting hours in a controlled hunting area.

[ The following apply to public hunting areas:

(1) Public hunting areas are those areas not included in the controlled goose area, the controlled duck area, propagation area or public recreation area.

(2) Hunting wildlife, in season, including waterfowl, is lawful ] A person hunting game or wildlife within a controlled hunting area shall comply with the hunting hours provisions set forth in § 141.4 (relating to hunting hours) or as specified on their access permit.

§ 135.106. [ Pymatuning Wildlife Management Area ] Controlled hunting and trapping area harvest limitations.

(a) [ In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Pymatuning Wildlife Management Area:

(1) Entering, hunting or trapping on the controlled goose and duck areas is by permit only.

(2) Waterfowl hunting is permitted Monday, Wednesday, Friday and Saturday.

(3) Hunting shall conform to the legal hunting hours in § 141.4 and Chapter 141, Appendix G (relating to hunting hours), except legal hunting hours for waterfowl hunting ends each open day at 12:30 p.m. ] *Species restriction.* A person with a valid controlled hunting or trapping area access permit is authorized to hunt, trap or harvest, whichever is applicable, only the game or wildlife species designated on their access permit. All other hunting, trapping or harvesting is prohibited.

(b) [ The following apply to reservations for the controlled duck hunting area: ] *Nontoxic shot restrictions.*

(1) [ Reservations will be made on each designated shooting day at the registration center. Hunting is limited to 85 hunters at one time on the 2 areas combined. Reservations will be issued on a first-come, first served basis if there are 85 hunters or less applying at the registration center and 1 1/2 hours prior to the opening hunting hour. If there are more than 85 applicants present, a drawing will be held to determine to whom the 85 permits are issued ] *Small game other than waterfowl.* Notwithstanding the authorizations under § 141.22(a)(2) and (c)(1)(ii) (relating to small game seasons), a person hunting small game, other than waterfowl, in a small game controlled hunting area is prohibited from using multiple-projectile ammunition containing any lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot

of such sizes and compositions as are otherwise authorized under § 141.22(a)(2) or (c)(1)(ii), whichever is applicable.

(2) [ Permits returned to the registration center prior to 10 a.m. may be released to another applicant ] *Waterfowl.* A person hunting waterfowl in a waterfowl controlled hunting area is prohibited from using multiple-projectile ammunition containing any lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of such sizes and compositions as are otherwise authorized in § 141.23 (relating to nontoxic shot).

(c) [ The following apply to the controlled duck hunting areas: ] *Controlled hunting or trapping area restrictions.*

(1) [ Ducks, coots and mergansers are the only legal game; taking other wild birds or mammals is prohibited, except by permit issued by the Director or a designee ] *Parking.* If the Commission assigns a parking placard to an access permit holder for any controlled hunting or trapping activity, the permit holder shall park only in assigned parking areas and shall display the parking placard on the dashboard of their vehicle in a manner that allows it to be visible from the exterior of the vehicle.

(2) [ A hunter shall possess on his person the identification tag furnished by the Commission while on the areas. The identification tag is valid for entry upon the area indicated on the tag. Entry upon another area is prohibited. Identification tags shall be returned to the registration center at check-out time ] *Restriction on dogs.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from allowing a dog to run unaccompanied or without direction and control.

(3) *Shooting on, along or from a road or parking area.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from shooting on, along or from parking areas.

(d) [ The following apply to special deer hunts within the Pymatuning Wildlife Management Area: ] *Controlled waterfowl hunting area specific restrictions.*

(1) [ *Authority to establish special hunt.* The Director may authorize special deer hunts within the Pymatuning Wildlife Management Area by permit. The Director will establish the number of access permits to be issued and designate the one or more hunt zones within the controlled area prior to the opening of the earliest established deer season ] A person hunting waterfowl in a controlled waterfowl hunting area or blind is authorized to begin the hunt and thereafter possess or discharge no more than ten rounds of ammunition. This paragraph does not prohibit one member of a party in a controlled waterfowl hunting area or blind from giving part of their original ten-round allotment to another member of the same hunting party. The Director may waive the limitations of this paragraph for any designated youth waterfowl hunting day.

(2) [ *Permit authorization.* During any year the Director authorizes a special deer hunt within the

Pymatuning Wildlife Management Area, permitted hunters are eligible to access the controlled area to hunt deer during any applicable antlered or antlerless deer season established in § 139.4 (relating to seasons and bag limits for the license year) using valid antlered and antlerless licenses and harvest tags issued to them. Notwithstanding § 135.161(2) (relating to Commission-owned or leased), the Executive Director may designate dates for deer hunting outside of established seasons and bag limits within the controlled area as authorized by § 139.3 (relating to authority to alter seasons and bag limits) ] A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from removing any waterfowl from the person's assigned waterfowl hunting area or blind prior to final check-out for that day.

(3) [ *Applications.* An individual possessing a valid hunting license for the current license year may submit a maximum of one application per year to participate in a special deer hunt within the Pymatuning Wildlife Management Area. Applications must include the applicant's name, address, date of birth, Commission-issued Customer Identification Number and any other information required by the Commission. Applicants shall submit completed applications in the manner directed by the Director or a designee. Incomplete, illegible or duplicate applications will not be included in the drawing ] A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from harvesting more than one Canada goose per person per day. Seasons and daily limits for all other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

[ (4) *Drawing.* The Director or a designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of special deer hunt permits within the Pymatuning Wildlife Management Area. Special deer hunt access permits are not transferrable.

(5) *Hunting hours and duration of access limited.* Hunting during the special deer hunt shall conform to the legal hunting hours in § 141.4 and Chapter 141, Appendix G, except legal hunting hours for deer begins each open day at 12:30 p.m. Permittees may access the controlled area no sooner than the start of legal hours and all permittees shall vacate the controlled area within 1 hour after the close of hunting hours. Entering or remaining in the controlled area after this period shall be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(6) *Access to controlled area limited.* A permittee may enter and hunt deer only within the hunt zone or hunt zones designated by his permit. Entry into other hunt zones or areas outside of the hunt zones to pursue a wounded deer shall be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(7) *Parking.* A permittee shall park only in assigned parking areas and shall display the provided parking placard on the dashboard of the vehicle in a manner that allows it to be read from the exterior of the vehicle.

(8) *Reporting.* A permittee that successfully harvests a deer during the special deer hunt shall report the harvest to the Commission within 10 days of the kill by completing the report card supplied with the special deer hunt permit for reporting deer killed and mail the report card to the Pymatuning Wildlife Management Area in Hartstown, PA, or by any other method designated by the Director.

(9) *Violations.* A person violating any requirement or restriction established within this section may be prosecuted under section 721 of the act (relating to control of property) or other applicable provision of the act and, upon conviction, be sentenced to pay the fine prescribed in the act. Furthermore, the Director may deny, revoke or suspend a permit for any violation of the requirements of this subchapter upon written notice to the permittee. ]

§ 135.107. [ Middle Creek Wildlife Management Area ] Unlawful acts.

[ (a) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Middle Creek Wildlife Management Area:

(1) Entering, hunting, trapping or fishing on the controlled areas shall be by permit only, except as listed in paragraph (3).

(2) From March 1 to September 14, entry on foot or vehicle is restricted to roadways and designated trails, except that when gates are closed, entry is prohibited.

(3) Shooting on, along, or from parking areas or highways which traverse or parallel the controlled Hunting Area is prohibited.

(4) Waterfowl hunting is permitted on Tuesday, Thursday and Saturday. Starting times conform to State and Federal regulations. Shooting ends at 1:30 p.m.

(5) A permit holder shall surrender, in person, the permit at the registration center through which he entered. A hunter shall submit for examination all game taken. The deadline for checking out is 2:30 p.m.

(6) Nontoxic shot in sizes no larger than # 4 Bismuth/tin and # 2 steel shall be used in the controlled and propagation areas for hunting small game. For hunting waterfowl, nontoxic shot no larger than size "T" shall be used.

(b) The following apply to special deer hunts on the controlled areas:

(1) Special deer hunt will be by permit only.

(2) A drawing shall be conducted at the visitor center to determine successful applicants on dates designated by the Director or a designee.

(3) The number of permits and methods of issue will be set by the Director or a designee prior to the drawing.

(4) The Director reserves the right to suspend the hunt and cancel remaining permits when an adequate number of deer have been taken.

(5) A successful permittee shall submit the deer for examination at the visitor center on the date of the permit.

(6) A permittee shall return the permit to the visitor center not later than 1/2 hour after the closing time of the hunt, as specified on the permit.

(7) Hunters participating in the special archery and muzzleloader hunts inside the controlled areas shall wear a minimum of 250 square inches of fluorescent orange material on the head, chest and back combined.

(8) Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Director may designate dates for deer hunting outside of established seasons and bag limits.

(c) The following apply to special rabbit and squirrel hunts on the controlled hunting areas:

(1) Rabbit and squirrel hunting will be by permit only.

(2) A drawing will be conducted at the visitor center to determine successful applicants on dates designated by the Director or a designee.

(3) The number of permits and methods of issue shall be set by the Director or a designee prior to the drawing.

(4) The Director reserves the right to suspend the hunt and cancel remaining permits when an adequate number of rabbits or squirrels, or both, have been taken.

(5) The permittee shall return the permit and report form to the visitor center by United States Postal Service no later than 5 days after the expiration of the permit ] A person violating any provision of this subchapter may be prosecuted under section 721 of the act (relating to control of property) or other applicable provision of the act and, upon conviction, be sentenced to pay the fine prescribed in the act. Furthermore, the Director may deny, revoke or suspend a permit for any violation of this subchapter upon written notice to the permittee.

[Pa.B. Doc. No. 23-456. Filed for public inspection April 7, 2023, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 137 ]

#### Wildlife; Chronic Wasting Disease Restrictions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend § 137.35 (relating to Chronic Wasting Disease restrictions) to: 1) authorize a Statewide Chronic Wasting Disease (CWD) cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a disease management area (DMA); and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within this Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or Established Area (EA).

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

Current CWD regulations restrict movement of high-risk cervid parts from being imported or removed from any DMA or EA created within this Commonwealth. These restrictions directly impact and limit where successful hunters can take cervids for processing and taxidermy. In an effort to provide hunters with more options, the Commission established “cooperating processors and taxidermists” (cooperators) who were authorized to receive high-risk cervid parts at their facilities. These cooperators are approved based upon their compliance with proper disposal requirements for high-risk cervid parts to help limit human-assisted spread of CWD. Currently, cooperators are specific to a current DMA and do not allow access to cooperators associated with other DMAs, regardless of proximity. The Commission has determined that limiting public access to DMA specific cooperators adds unnecessary complexity and confusion for cooperators and hunters alike.

In an effort to simplify CWD regulations and enhance protections against human-assisted spread of CWD, the Commission is proposing to amend § 137.35 to: 1) authorize a Statewide CWD cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a DMA; and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within this Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or EA. This new structure will allow hunters to use any cooperating processor or taxidermist within this Commonwealth rather than limiting hunters to cooperators associated only with a particular DMA. This new structure will also allow for a limited or controlled authorization for hunters to import high-risk cervid parts into this Commonwealth.

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 § 137.35 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend § 137.35 to: 1) authorize a Statewide CWD cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a DMA; and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within the Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or EA.

3. *Persons Affected*

Persons wishing to become a cooperators, persons wishing to import high-risk cervid parts into this Commonwealth from other states, Canadian provinces or other locations, and persons wishing to export high-risk cervid parts from a DMA or EA 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:** 48-495. No fiscal impact; recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 137. WILDLIFE**

**§ 137.35. Chronic Wasting Disease restrictions.**

(a) *Importation.*

(1) **General rule.** It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(2) **Exceptions.** This subsection may not be construed to [ **limit** ]:

(i) **Limit** the importation of non-high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(ii) **Limit** the importation of high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The following apply:

(A) **Application.** A location or facility seeking approval to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes shall submit a completed application on a form and in the manner established by the Commission. Applications must include the applicant's name, business address, phone number, name of current commercial refuse pickup service or other approved disposal method and any other information required by the Commission.

(B) **Approved locations and facilities.** A location or facility approved by the Commission to receive high-risk cervid parts for waste disposal, taxidermy

or butchering purposes shall dispose of all high-risk cervid parts through a commercial refuse pickup service or other method approved by the Commission. An approved location or facility shall keep and maintain records of their use of an approved disposal method and provide access to these records upon request of the Commission. An approved location or facility shall also provide the Commission access to its location or facility during normal business hours to collect biological data and samples from harvested cervids.

(b) *Exportation.*

(1) **General rule.** It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management or Established Area established within this Commonwealth.

(2) **Exceptions.** This subsection may not be construed to [ **limit** ]:

(i) **Limit** the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth.

[ (3) This subsection may not be construed to limit ] (ii) **Limit** the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management or Established Area established within this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy [ or ], butchering or harvest reporting purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy [ or ], butchering or harvest reporting purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. **The following apply:**

(A) **Application.** A location or facility seeking approval to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes shall submit a completed application on a form and in the manner established by the Commission. Applications must include the applicant's name, business address, phone number, name of current commercial refuse pickup service or other approved disposal method, and any other information required by the Commission.

(B) **Approved locations and facilities.** A location or facility approved by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes shall dispose of high-risk cervid parts only through a commercial refuse pickup service or other method approved by the Commission. An approved location or facility shall keep and maintain records of their use of an approved disposal method and provide access to these records upon request of the Commission. An approved location facility shall also provide the Commission access to their location or facility during normal business hours to collect biological data and samples from harvested cervids.

[ (4) ] (3) All cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth or imported into this Com-



# GAME COMMISSION

[ 58 PA. CODE CH. 143 ]

## Hunting and Furtaker Licenses; Antlerless Deer Licenses

monwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations under conditions in a forthcoming notice. The submission process, if any, will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The cost of testing, sampling and analysis will be borne by the Commission.

[ (5) ] (4) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth.

[ (6) ] (5) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management or Established Area established within this Commonwealth.

[ (7) ] (6) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth. This prohibition may not be construed to apply to normal or accepted agricultural, habitat management, oil and gas drilling, mining, forest management, or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting this activity. Failure to discontinue this activity is a violation of this section.

[ (8) ] (7) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management or Established Area established within this Commonwealth.

**(8) It is unlawful to transport or move a cervid harvested, taken or killed outside of this Commonwealth or within any Disease Management or Established Area from the location of harvest or kill and thereafter place or dispose of any high-risk cervid parts on the landscape anywhere within this Commonwealth. High-risk cervid parts shall be disposed of only through a commercial refuse pickup service or other method approved by the Commission.**

(c) *Nonapplicability.*

(1) Nothing in this section shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.

\* \* \* \* \*

(f) *Violations.* A person violating a requirement or restriction in this section may be prosecuted under section 2102 or 2307 of the act (relating to regulations; and unlawful taking or possession of game or wildlife) and, upon conviction, be sentenced to pay the fine prescribed in the act. **The Commission may deny, revoke or suspend a location or facility's authorization to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes from any cervid harvested, taken or killed outside of this Commonwealth or within any Disease Management or Established Area.**

[Pa.B. Doc. No. 23-457. Filed for public inspection April 7, 2023, 9:00 a.m.]

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 28, 2023, meeting to amend §§ 143.41—143.45 and delete §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process.

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

Historically, county treasurers have been the only class of issuing agents that were authorized to issue antlerless deer licenses. This limited authority structure necessitated the use of an inflexible and outdated mail-in antlerless license application process that generated inconsistent distribution results from year to year and from county to county. The act of November 3, 2022 (P.L. 2133, No. 148) (Act 148) expanded the Commission's authority to designate additional classes of issuing agents to issue antlerless deer licenses. This legislation became effective January 2, 2023.

Under this new legislation, the Commission is now able to designate any or all issuing agent classes as authorized to issue antlerless licenses. With these expanded issuing agent opportunities, the Commission is now able to implement full use of all of the PALS license sales system services for antlerless licenses that have been available for other license types for many years, including online and over-the-counter sales. The Commission does not anticipate that this modernized sales process will result in a significantly different license purchasing experience for most antlerless deer license applicants as it expects that many of these purchases will be combined with other license product purchases a la carte at the beginning of the license year.

The Commission is proposing to amend §§ 143.41—143.45 and delete §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process. These amendments will make two notable changes to the antlerless deer license regulations. First, the eligibility criteria for the issuance of antlerless deer licenses outside of the allocations established to wildlife management units have been slightly expanded to include additional eligibility for disabled veteran and landowner licenses. Second, the antlerless deer license consecutive sales rounds timeline has been advanced a few weeks as a result of the elimination of the slower mail-in procedures. The remaining amendments to the regulatory text reorganize and reconstitute existing procedures and requirements for the distribution of antlerless deer licenses. The Commission will continue to accept applications for antlerless deer licenses allocated to each wildlife management unit on a first-come, first-served basis through one

or more sales rounds that will remain open until the supply of licenses is exhausted for each respective unit. This process will also maintain the familiar three-round application process that limits the distribution of one antlerless deer license per round followed by a fourth round of continuous over-the-counter sales for those wild-life management units with remaining allocations.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the Commission shall adopt regulations for "The administration, control and performance of activities conducted pursuant to the provisions of this chapter." The amendments to §§ 143.41—143.45 and deletion of §§ 143.48—143.56 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend §§ 143.41—143.45 and delete §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process.

3. *Persons Affected*

Persons wishing to make application for an antlerless deer license 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 rule-making, 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:** 48-491. No fiscal impact; recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKER LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

§ 143.41. [ **Purpose and scope** ] General.

(a) [ **The intent of this section is to ensure a fair and equitable distribution of licenses** ] The purpose of this subchapter is to implement a structure and process that provides for the fair and equitable distribution of the antlerless deer licenses allocated by the Commission to each wildlife management unit annually.

(b) [ **The Commission, after reviewing available management data, will establish the number of antlerless deer licenses allocated to each wildlife management unit** ] The Commission will establish the annual allocation of antlerless deer licenses for each wildlife management unit after its review of available management data.

(c) [ **An application shall be accepted without restriction or regard to the applicant's county of residence. The following procedure shall be adhered to when determining successful applicants for licenses:**

(1) **Accept applications on a first-come-first-served basis.**

(2) **Envelopes received by first class mail delivered through and by the United States Postal Service will be processed and licenses issued as soon as practicable.**

(3) **This process of license issuance will continue until the available supply of licenses for that wild-life management unit is exhausted ] The Commission will accept applications for antlerless deer licenses allocated to each wildlife management unit on a first-come, first-served basis through one or more sales rounds that will continue until the supply of licenses is exhausted for each wildlife management unit.**

(d) [ **The Commission may act in the capacity of a county treasurer for issuing antlerless licenses if authority to issue licenses has been removed from any or all county treasurers** ] [ **Reserved** ].

(e) [ **Notwithstanding the provisions of this chapter limiting the number of licenses available, the Commission will authorize antlerless deer licenses to be issued regardless of an established quota to ] Except as provided in subsection (f), notwithstanding the provisions of this subchapter limiting the total number of antlerless deer licenses allocated to each wildlife management unit, the Commission will establish a review process to authorize the issuance of licenses outside of the allocations established in each wildlife management unit to:**

(1) A resident of this Commonwealth **servicing on active duty in the armed forces of the United States or in the United States Coast Guard** or within 60 days of discharge from active duty under honorable conditions from the United States Armed Forces or United States Coast Guard.

(2) A disabled veteran as defined in section 2706(b)(1) **and (1.1)** of the act (relating to resident license and fee exemptions).

(3) **An applicant who is eligible for a landowner antlerless deer license as authorized under section 2706(c)** of the act.

(4) An applicant whom the [ **Executive Director** ] **Commission** has determined to have been erroneously denied [ **a license** ] **an antlerless deer license.**

(f) **Except for antlerless licenses issued under subsection (e)(4), an eligible applicant may receive no more than one antlerless license each license year under any outside-of-allocation exception set forth in subsection (e). Should an applicant be eligible for two or more conditions, only one exception may be exercised each license year.**

§ 143.42. [ **Definitions** ] Antlerless deer license required.

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

**Application**—The original PALS form issued with a regular hunting license or the original or reasonable facsimile of the universal form provided by the Commission that is used in applying for an antlerless license or an unsold tag.

**County treasurer**—A county treasurer in this Commonwealth or a person carrying out the duties and responsibilities of a county treasurer in counties functioning under a home rule charter.

**Date issued**—The date printed on the license at the time of issuance indicating when the license was mailed or given to the person named on the license.

**Envelope**—The official envelope issued with a regular hunting license which shall be used by the applicant to mail completed applications to a county treasurer.

**Home address**—The location where a person is legally domiciled; a true, fixed and permanent home and principal residence; and the place to which, whenever the applicant is temporarily absent, he intends to return.

**License**—The numbered license which is issued by the county treasurer or the Commission authorizing the holder thereof to hunt antlerless deer in a specific wildlife management unit.

**Management unit allocation**—The number of licenses allocated by the Commission to an individual wildlife management unit.

**Unsold tag**—An antlerless deer license permitting properly licensed persons to take an antlerless deer during any firearms antlerless deer season, archery or flintlock muzzleloader and muzzleloader deer seasons in the wildlife management unit of issue.

**Void**—A voided license which remains nonissuable. ]

(a) **General rule.** Except as provided in subsection (b), a person must acquire and possess a valid antlerless deer license for an applicable wildlife management unit to lawfully hunt and take each antlerless deer within that wildlife management unit during any open antlerless deer season established in § 139.4 (relating to seasons and bag limits for the license year). Each antlerless deer license is valid for taking only one antlerless deer only in the wildlife management unit designated on the license.

(b) **Exceptions.** The licensure requirements of subsection (a) do not apply to persons lawfully hunting antlerless deer in accordance with allowances and requirements of:

(1) The agricultural lands license exemption as set forth in section 2706(a) of the act (relating to resident license and fee exemptions).

(2) An applicable antlerless deer special permit issued by the Commission.

(3) The lawful cooperation and assistance authorizations or exceptions set forth in sections 2301(b) and 2325 of the act (relating to prima facie evidence of hunting; and cooperation after lawfully killing big game) and also § 141.43(e) (relating to deer seasons).

§ 143.43. [ Preamble ] Antlerless deer license eligibility and application.

(a) [ An application shall be submitted to a county treasurer and a license shall be issued only in accordance with the act and this subchapter ] The Commission will make antlerless deer licenses available to eligible applicants for purchase through PALS online and at each of its current issuing agent locations across this Commonwealth.

(b) [ A nonresident of this Commonwealth may only apply under § 143.50 (relating to procedure for nonresidents of this Commonwealth). ] The Commission will only accept an application for an antlerless deer license from a person who meets all of the following criteria:

(1) The person either currently possesses a valid base hunting license or is making a contemporaneous purchase of a valid base hunting license with the application for an antlerless deer license.

(2) At the time of application, the person has not exceeded application limits for antlerless deer licenses as set forth in § 143.45 (relating to antlerless deer license application limits).

(3) The person has paid the applicable cost of the antlerless deer license, plus any applicable transactional and issuing agent fees established in section 2709 of the act (relating to license cost and fees).

(4) At the time of application, the person is not subject to any active hunting or furtaking license suspension or revocation.

§ 143.44. [ Application ] Antlerless deer license application schedule.

[ It is unlawful to apply for more than one license before the unsold tag and unlimited antlerless license application periods as set forth in this chapter. ]

(a) **Application schedule.** The Commission will make antlerless deer licenses available for application through PALS online and at each of its current issuing agent locations across this Commonwealth according to the following distribution schedule:

(1) Round 1.

(i) Beginning the fourth Monday in June for all resident applicants.

(ii) Beginning the second Monday in July for all nonresident applicants.

(2) Round 2. Beginning the fourth Monday in July for all resident and nonresident applicants.

(3) Round 3. Beginning the second Monday in August for all resident and nonresident applicants.

(4) Round 4. Beginning the fourth Monday in August for all resident and nonresident applicants.

(b) **Application time.** The Commission will open sales on the date for each respective round of antlerless deer license sales beginning at 8 a.m. Eastern Daylight Time and sales will remain open thereafter for that respective round until allocations for each applicable wildlife management unit are exhausted.

§ 143.45. [ Completing and submitting applications ] Antlerless deer license application limits.

[ (a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than by regular first class mail delivered through and by the United States Postal Service. Applications for unsold antlerless deer licenses shall be accepted by county treasurers over the counter and may immediately be processed if any licenses remain available in any wildlife management unit beginning on the second Monday in September.

(b) Applications will not be accepted by county treasurers prior to the start of the normal business day on the second Monday in July.

(c) The application shall be legibly completed, in its entirety, in accordance with instructions on the application. An applicant may enter up to three units, in order of preference, on the application.

(d) The application shall be mailed only in the envelope provided.

(e) Applications are limited to not more than three per envelope.

(f) The envelope must contain return first class postage and a return address. If requirements of this subsection are not met, applications will be placed in a dead letter file and may be reclaimed by the applicant upon contacting the county treasurer's office. Postage, both forward and return, is the responsibility of the applicant.

(g) Unless otherwise ordered by the Director, remittance shall be in the form of a negotiable check or money order payable to "County Treasurer" for applications enclosed, and in the total amount specified in the act for each license. Cash may be accepted by county treasurers for over the counter sales. ]

(a) Application limit. Except as otherwise provided in subsections (b) and (c), an eligible applicant may submit only one antlerless deer license application for each open antlerless deer license sales round listed in § 143.44 (relating to antlerless deer license application schedule). The Commission will reject all applications in excess of these limits.

(b) Catch-up allowance. An eligible applicant may submit multiple antlerless deer license applications in a single transaction if the applicant has not previously applied for an antlerless deer license during one or more previous open rounds, and only then equal to the number of rounds currently open on the date of application.

(c) Round 4 continuous sales.

(1) Subject to the procedures and limitations of paragraph (2), an eligible applicant may submit multiple and continuous applications for antlerless deer licenses for each wildlife management unit whose antlerless deer license allocation remains unexhausted upon the opening of Round 4 of antlerless deer license sales on the date set forth in § 143.44. The authorizations of this subsection will terminate automatically for each wildlife management unit once its antlerless deer license allocation is exhausted.

(2) An eligible applicant may make one or more applications for antlerless deer licenses under this subsection only when the Commission's PALS licensing system shows five or less active and unfulfilled antlerless deer licenses on the applicant's license profile. Once an applicant has been issued a sixth cumulative active and unfulfilled antlerless deer license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS. At no time is an applicant authorized to exceed six cumulative active and unfulfilled antlerless licenses in their PALS license profile.

(d) Resident agricultural lands exception. A person exercising the privileges of the license exemption provided under section 2706(a) of the act (relating to resident license and fee exemptions) on eligible lands is not entitled or required to obtain antlerless deer license(s) under this subchapter, but is subject to the same antlerless deer season limits that would otherwise apply to a licensed person hunting the wildlife management units covering the eligible lands as follows:

(1) Rounds 1, 2 and 3. An eligible person is authorized to harvest one deer for every antlerless deer license sales round, up to round 3, that is opened for the applicable wildlife management unit as set forth in § 143.44. Authorization to harvest an antlerless deer may not be acquired for a round subsequent to round 1, 2 or 3 if the allocation for the applicable wildlife management unit is exhausted before the subsequent round opens.

(2) Round 4. An eligible person is authorized to harvest multiple and continuous antlerless deer up to the limits and subject to the reporting requirements and closure dates of subsection (c). The authorizations of this paragraph will terminate automatically for an eligible person hunting within an applicable wildlife management unit once the wildlife management unit's antlerless license allocation is exhausted.

§ 143.48. [ First-come-first-served license issuance ]  
[ Reserved ].

[ (a) Envelopes containing applications will be accepted on a first-come-first-served basis.

(b) If there are more than three applications in one envelope, the enclosed applications will be rejected and returned to the sender as soon as practicable.

(c) The first-come-first-served procedure will continue until the management unit's allocation is exhausted.

(d) Applications received over the management unit's allocation will be returned to the applicants as soon as practicable.

(e) If an application fails to be in compliance with § 143.45 (relating to completing and submitting applications), applications enclosed in the envelope shall be rejected and returned by the county treasurer to the sender as soon as practicable. ]

§ 143.49. [ Issuing licenses ] [ Reserved ].

[ (a) Licenses may be issued by county treasurers immediately following receipt of applications.

(b) Licenses will be issued through the Commission's PALS. The county treasurer shall write in ink the applicants' customer ID numbers on the face of the check or money order. If there are no licenses available in the applicant's first unit of preference, the county treasurer shall issue a license for the applicant's next unit of preference in the order given. If all three units have no licenses available, the county treasurer shall return the application to the applicant indicating that the selected units were sold out.

(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the second Monday in September, except for licenses issued under § 143.51(f) (relating to application and issuance of unsold tags) which shall be placed with the United States Postal Service no later than the fourth Monday in September. If more than one application is mailed to the county treasurer in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people. ]

§ 143.50. [ Procedure for nonresidents of this Commonwealth ] [ Reserved ].

[ Nonresidents may apply for unsold licenses on the third Monday in July and thereafter in compliance with § 143.45 (relating to completing and submitting applications). ]

§ 143.51. [ Application and issuance of unsold tags ] [ Reserved ].

[ (a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the first Monday in August, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) The original PALS form issued with a regular hunting license or the original or reasonable facsimile of the universal form contained in the "Hunting and Trapping Digest" that is used in applying for an antlerless license or an unsold tag.

(c) The applicant shall use the official antlerless deer license application envelope.

(d) Unless otherwise ordered by the Director, remittance in the form of a negotiable check or money order for the total amount due as specified in the act, payable to "County Treasurer," shall accompany the application.

(e) Unsold tags shall be issued through the Commission's PALS. The county treasurer shall write in ink the applicants customer ID numbers on the face of the check or money order. If there are no licenses available in the applicant's first unit of preference, the county treasurer shall issue a li-

cense for the applicant's next unit of preference in the order given. If all three units have no licenses available, the county treasurer shall return the application to the applicant indicating that the selected units were sold out.

(f) Beginning on the third Monday in August, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to a county treasurer. ]

§ 143.52. [ Procedure for unlimited antlerless licenses ] [ Reserved ].

[ (a) Subject to the procedures and limitations of this section, applicants are eligible to make application to receive an unlimited number of antlerless licenses within each wildlife management unit that remains unexhausted beginning on the second Monday in September.

(b) Unexhausted antlerless licenses allocated to a wildlife management unit shall be made available to eligible applicants over the counter starting the second Monday in September, subject to the following limitations:

(1) An applicant is eligible to make application for an antlerless license under this section only when the Commission's PALS licensing system shows five or less active and unfulfilled antlerless licenses on their license profile.

(2) Once an applicant has been issued a sixth cumulative antlerless license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS.

(3) At no time is an applicant authorized to exceed six cumulative active and unfulfilled antlerless licenses in their PALS license profile.

(c) The authorizations of this section will terminate automatically for each wildlife management unit once its antlerless license allocation quota is exhausted. ]

§ 143.53. [ Reapplication ] [ Reserved ].

[ (a) A person whose application has been rejected and returned may secure a new official envelope from a hunting license issuing agent and reapply for a license by:

(1) If applicable, correcting the errors which caused the original application to be rejected and returning it to a county treasurer.

(2) Changing on the application the designated wildlife management units in which the applicant desires to hunt and forwarding it to a county treasurer.

(b) A person who was issued a license that was subsequently lost in the United States mail and never received by the licensee may, upon submitting an affidavit stating this fact, receive a replacement license from any county treasurer. There will be no additional cost for this license. Prior to issuing a replacement license, county treasurers shall first verify through the Commission's PALS that the applicant was issued the original license. ]

§ 143.54. [ Validity of license ] [ Reserved ].

[ An antlerless deer license is valid for taking antlerless deer only in the wildlife management unit designated on the antlerless deer license. ]

§ 143.55. [ Unlawful acts ] [ Reserved ].

[ It is unlawful:

(1) For a county treasurer to accept an application or to issue a license contrary to the act or this part.

(2) For a person to apply for or to receive a license contrary to the act or this part.

(3) For a person to aid another person in applying for or receiving a license contrary to this subchapter.

(4) For a person to transfer or reissue a license or back tag, or to issue a void.

(5) For a person to apply for or receive more than one antlerless license or more than one unsold tag, except as specified in §§ 143.51(f), 143.52 and 143.53 (relating to application and issuance of unsold tags; procedure for unlimited antlerless licenses; and reapplication). ]

§ 143.56. [ Penalties ] [ Reserved ].

[ (a) A person violating this chapter shall, upon conviction, be sentenced to pay the fine prescribed in the act.

(b) Hunting antlerless deer or killing an antlerless deer with an invalid license constitutes hunting or killing deer without a license. ]

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