

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; All-Terrain Vehicles

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 135.50 (relating to definitions) to delete references to 75 Pa.C.S. § 7702(3) (relating to definitions), which no longer exists, and replace them with a generic exclusory reference.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1238 (March 10, 2012).

#### 1. Purpose and Authority

Section 135.50 defines the term “ATV—all-terrain vehicle” for the purpose of restricting the type and design of off-road vehicles that may be operated on State Game Lands under applicable allowances. Section 135.50 contains a specific reference to 75 Pa.C.S. § 7702 to aid in defining this term. The act of June 25, 2001 (P. L. 701, No. 68) (Act 68) amended the meaning given to the terms “all-terrain vehicle” and “ATV” under 75 Pa.C.S. § 7702. The Act 68 amendments were not incorporated in § 135.50. The Commission amended § 135.50 to eliminate references to 75 Pa.C.S. § 7702(3), which no longer exists, and replace them with a generic exclusory reference. This amendment is nonsubstantive and is not intended to further expand or further limit the types of off-road vehicles that may be operated on State Game Lands under applicable allowances.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.50 are adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends § 135.50 by deleting references to 75 Pa.C.S. § 7702(3), which no longer exists, and replacing them with a generic exclusory reference.

#### 3. Persons Affected

Persons wishing to exercise limited authorized operation of all-terrain vehicles on State Game Lands within this Commonwealth will be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

#### 5. Cost and Paperwork Requirements

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

#### 6. Effective Date

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

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.50 to read as set forth at 42 Pa.B. 1238.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1238 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-337 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1153. Filed for public inspection June 22, 2012, 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) at its April 24, 2012, meeting amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2012-2013 hunting license year.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1238 (March 10, 2012). A correction to the proposed rulemaking was published at 42 Pa.B. 1864 (April 7, 2012).

### 1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2012-2013 seasons and daily season and possession limits are similar to those set in 2011-2012, the 2012-2013 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 wildlife resources of this Commonwealth.

Three changes were adopted for small game seasons. First, wildlife management unit (WMU) 2B is open to the hunting of pheasant cocks and hens. The Pike Run Wild Pheasant Recovery Area study in southwestern Pennsylvania has concluded. Habitat patch analysis shows that Pike Run meets only one of five targets in the pheasant habitat model. Pheasant densities are at one hen per square mile, far short of the ten hens per square mile objective. In light of the area's habitat characteristics and low pheasant densities and in keeping with the pheasant management plan, this area of this Commonwealth is to be opened to either sex pheasant hunting and stocking of game farm pheasants is to be reinstated beginning with the 2012-2013 season. The second proposed change concerns reducing the porcupine daily bag limit to three and establishing a season limit of ten per hunter. This amendment is based on a growing concern for commercial exploitation of this species. Finally, the third proposed change was the closing of the snowshoe hare season throughout this Commonwealth, except in WMUs 2F, 2G and 3A.

In WMUs 1A, 1B and 2A, the Commission removed the sporting arm limitations for the fall turkey season, which formerly required the use of shotguns, and bows and arrows only.

An expansion of bear harvest opportunity is also adopted. The taking of black bear by properly licensed hunters during all deer seasons from September through mid-December in WMUs 2B, 5B, 5C and 5D will be allowed. The black bear population in this Commonwealth is larger and more widely distributed than ever and bear-human incidents are becoming commonplace, especially in more developed areas. Continued expansion of residential development into areas occupied by black bears has resulted in more frequent sightings and encounters between people and bears. In these four WMUs with relatively high human population densities there currently are low bear densities, the Commission wants to continue to have a minimum number of bears and the Commission wants hunters to have an opportunity to play an important role in bear population management in these areas. On May 1, 2012, the Commission completed a notational vote to create a special firearms bear season in WMUs 2B, 5B, 5C and 5D to coincide with the Statewide special firearms bear season. The creation of this season was mistakenly omitted from the regulatory package voted upon on April 24, 2012.

Changes to beaver trapping regulations follow the recently implemented beaver management plan. Changes are adopted for WMUs 3A, 3D and 5D. Based on annual beaver harvest and nuisance complaint densities, WMUs fall into three categories of harvest and damage frequency characteristics. WMUs with high harvest rates (less than 50 beavers per 100 square miles) and high nuisance complaint rates (less than 1 1/2 complaints per 100 square miles) should have a combined bag limit of 40

beavers per season. WMUs with low harvest rates (less than ten beavers per 100 square miles) and low nuisance complaint rates (less than 6/10 complaint per 100 square miles) should have a combined bag limit of five beavers per season. WMUs that fall between the low and high harvest/complaint categories should have a combined bag limit of 20 beavers per season. WMUs 3A and 3D fall between the low and high harvest/complaint categories; therefore, it is amended to reduce the season bag limit to 20 beavers in these WMUs. However, the nuisance complaint density in WMU 5D is currently the fourth highest in this Commonwealth. To help alleviate beaver damage complaints in WMU 5D, the beaver bag limit is increased to 20. These bag limit changes will be monitored as to how they influence population numbers and nuisance complaint levels.

The addition of WMU 4C in the 2012-2013 bobcat hunting and trapping seasons has been adopted. This is based on expanding population numbers and a trend of increased incidental captures of bobcats in WMU 4C. The addition of WMUs 2G and 4D for fisher harvesting has been adopted. This is based on expanding fisher populations and increased numbers of incidental captures in these WMUs. As the next license year is fast approaching, the Commission amended § 139.4 to provide updated seasons and bag limits for the 2012-2013 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking . . ." The amendments to § 139.4 are adopted under this authority.

### 2. Regulatory Requirements

The final-form rulemaking amends § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2012-2013 license year.

### 3. Persons Affected

Persons wishing to hunt or trap game or wildlife in this Commonwealth during the 2012-2013 license year may be affected by the final-form rulemaking.

### 4. Comment and Response Summary

The Commission received a total of 772 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

*Deer seasons.* Out of a total of 118 comments received concerning this subtopic, 1 requested that the 2-week firearms deer season start on Saturday; 1 requested the creation of a handgun specific deer season; 1 requested that all deer seasons close on a Monday; 2 requested that seniors be allowed to harvest either a valid buck or doe during the senior season; 40 requested to go back to a 2-week buck/3-day doe format; 16 requested a reduction in the number of antlerless deer being killed; 25 requested that antlerless deer allocations be reduced; 1 requested that antlerless deer allocations in WMU 2G be reduced; 2 requested an increase in antlerless deer allocations; 2 requested a reduction in antlerless deer seasons; 4 requested longer antlerless deer seasons; 3 requested that antlerless deer season be closed for 1 or 2 years; 1 requested the closure of antlerless deer seasons in Forest and Elk Counties; 2 requested the closure of October

antlerless deer seasons; 1 requested an annual bag limit of one for antlerless deer; 5 supported the concurrent season structure; 2 requested a 2-week concurrent season for junior hunters; 1 requested that the split season be applied Statewide to prevent overcrowding; 1 requested a concurrent season structure in WMU 4D; 2 requested a split season in WMU 3A; 2 requested a split season in WMU 5A; 1 requested a split season in Bedford County; 1 requested an extension of archery deer season to include Monday, November 12, Veteran's Day; and 1 requested that archery deer season be shortened.

*Bear seasons.* Out of a total of 638 comments received concerning this subtopic, 522 requested the closure of bear hunting; 105 opposed expanded bear hunting in WMU 1A; 1 requested that extended bear hunting in WMU 1A be limited to archery and muzzleloaders only; 6 opposed extended bear seasons in WMUs 1A, 2B, 5B, 5C and 5D; 1 supported combining Statewide archery deer and bear seasons; 1 requested the creation of a spring bear season; 1 requested that fall bear seasons start sooner; and 1 requested that WMU 2F be included in September/October bear seasons.

*Turkey seasons.* Out of a total of six comments received concerning this subtopic, three opposed expanding the use of rifle for turkeys; one supported extended turkey seasons; one requested that spring gobbler season open sooner; and one requested that red tag deer season be closed during its overlap with spring gobbler season.

*Small game seasons.* Out of a total of eight comments received concerning this subtopic, one requested that porcupine season be closed; one requested that small game season open at 9 a.m.; one supported small game seasons; one requested that pheasant season be extended in Greene County; one opposed opening WMU 2A to either sex pheasant hunting; one opposed opening WMU 2B to either sex pheasant hunting; one requested that small game hunting seasons not be closed over Christmas; and one requested that snowshoe hare seasons be closed until the population recovers.

*Furbearer hunting/trapping seasons.* Out of a total of two comments received concerning this subtopic, one opposed the split bobcat season and one supported the split bobcat season.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

The effective dates of the final-form rulemaking are July 1, 2012, to June 30, 2013.

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

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

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

(c) This order will be effective from July 1, 2012, to June 30, 2013.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-332 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**(SEASONS AND BAG LIMITS TABLE)  
2012-2013 OPEN HUNTING AND FURTAKING 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 First Day</i>
Squirrel—(Combined species)	Oct. 6	Oct. 12	6	12

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law				
Squirrel—(Combined species)	Oct. 13	Nov. 24	6	12
	Dec. 10	and Dec. 24		
	Dec. 26	and Feb. 23, 2013		
Ruffed Grouse	Oct. 13	Nov. 24	2	4
	Dec. 10	and Dec. 24		
	Dec. 26	and Jan. 26, 2013		
Rabbit, Cottontail— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 13	4	8
Rabbit, Cottontail	Oct. 20	Nov. 24	4	8
	Dec. 10	and Dec. 24		
	Dec. 26	and Feb. 23, 2013		
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit				
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 13	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 13	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B	Oct. 20	Nov. 24	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 20	Nov. 24	2	4
	Dec. 10	and Dec. 24		
	Dec. 26	and Feb. 2, 2013		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed	Oct. 20	Nov. 24	4	8
Hare (Snowshoe Rabbit) or Varying Hare—in WMUs 2F, 2G and 3A	Dec. 26	Jan. 1, 2013	1	2
Woodchuck (Groundhog)	No closed season except during the regular firearms deer seasons.		Unlimited	
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Porcupine	Sep. 1	Mar. 31, 2013	3	10
	Season closed during the overlap with the regular firearms deer seasons.			

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<b>WILD TURKEY</b>				
Turkey—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 16		
	and			
	Nov. 22	Nov. 24		
WMUs 1A, 1B, 2A, 2C, 2D, 2E, 4A, 4B and 4D	Oct. 27	Nov. 10		
	and			
	Nov. 22	Nov. 24		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C and 4E	Oct. 27	Nov. 16		
	and			
	Nov. 22	Nov. 24		
WMU 5A	Oct. 30	Nov. 1		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide <sup>1</sup> Bearded Bird only			1	2
	Apr. 27, 2013	May 11, 2013	May be hunted 1/2 hour before sunrise to 12 noon	
	and			
	May 13, 2013	May 31, 2013	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	
Turkey (Spring Gobbler) Statewide Youth Hunt <sup>1</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 20, 2013	April 20, 2013	1	1

**MIGRATORY GAME BIRD**

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 August 27 and September 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.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 1	April 7, 2013	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer season.		Unlimited	

**FALCONRY**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrel—(Combined species)	Sept. 1	Mar. 31, 2013	6	12
Quail	Sept. 1	Mar. 31, 2013	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2013	2	4
Cottontail Rabbit	Sept. 1	Mar. 31, 2013	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2013	1	2

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2013	2	4

Migratory Game Bird—Seasons and bag limits shall be in accordance with Federal regulations.

#### WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> (Statewide)	Sep. 29 and Dec. 26	Nov. 12 and Jan. 12, 2013	One antlered and an antlerless deer with each required antlerless license.
Deer, Archery (Antlerless only) WMUs 2B, 5C and 5D	Sep. 15 and Nov. 12	Sep. 28 and Nov. 24	An antlerless deer with each required antlerless license.
Deer, Archery (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Jan. 14, 2013	Jan. 26, 2013	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Nov. 26	Dec. 8	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Nov. 26	Nov. 30	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 1	Dec. 8	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, <sup>3</sup> 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, with required antlerless license	Oct. 18	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> (Statewide)	Dec. 26	Jan. 12, 2013	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Dec. 26	Jan. 26, 2013	An antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) WMUs 2B, 5C and 5D	Dec. 26	Jan. 26, 2013	An antlerless deer with each required antlerless license.
Deer, Antlerless (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>Daily Limit</i>	<i>Season Limit</i>
Bear, Archery <sup>4</sup> WMUs 2B, 5C and 5D	Sep. 15	Sep. 28	1	1
Bear, Archery <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Sep. 29	Nov. 10	1	1
Bear, Archery <sup>4</sup> Statewide	Nov. 12	Nov. 16	1	1
Bear, Muzzleloading <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Oct. 13	Oct. 20	1	1
Bear, Special firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Oct. 13	Oct. 20	1	1
Bear, Regular firearms <sup>4</sup> Statewide	Nov. 17	Nov. 21	1	1
Bear, Extended firearms <sup>4</sup> WMUs 3A, 3C, and portions of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 26	Dec. 1	1	1
Portions of WMUs 2G in Lycoming and Clinton counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Rd. and South of Lusk Run Rd. to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Rd., South of Croak Hollow Rd. to Rt. 664 (at Swissdale), South of Rt. 664 to Little Plum Rd. (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Rd., South of Sulphur Run Rd. to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.				
Bear, Extended firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Nov. 26	Dec. 8	1	1
Bear, Extended firearms <sup>4</sup> WMUs 3D, 4C, 4D and 4E	Nov. 28	Dec. 1	1	1

**ELK**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Regular firearms <sup>5</sup> (Antlered and Antlerless)	Nov. 5	Nov. 10	1	One elk with required license
Elk, Special Conservation <sup>5</sup> (Antlered and Antlerless)	Sep. 1	Nov. 10	1	One elk with required license
Elk, Extended firearms <sup>5</sup> (Antlered and Antlerless)	Nov. 12	Nov. 17	1	One elk with required license

**FURTAKING—TRAPPING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat (Statewide)	Nov. 17	Jan. 6, 2013	Unlimited	
Beaver (Statewide)	Dec. 26	Mar. 31, 2013		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2D, 2E, 2F, 3A, 3B, 3D and 5D (Combined)			20	20
WMUs 2C, 2G, 4A, 4B, 4C, 4D, 4E, 5A, 5B, and 5C (Combined)			5	5
Coyote, Fox, Opossum, Raccoon, Skunk, Weasel—(Statewide)	Oct. 21	Feb. 17, 2013	Unlimited	
Coyote and Fox—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 17, 2013	Unlimited	

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 15	Jan. 6, 2013	1	1
Fisher (with appropriate permit) WMUs 2C, 2D, 2E, 2F, 2G and 4D	Dec. 15	Dec. 20	1	1

**FURTKING—HUNTING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Statewide)			Unlimited	
Coyote—(During any big game season)				
Opossum, Skunk, Weasel (Statewide)				
Raccoon and Fox—(Statewide)	Oct. 20	Feb. 16, 2013	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 15, 2013	Feb. 5, 2013	1	1

No open seasons on other wild birds or wild mammals.

<sup>1</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>2</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>3</sup> Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>4</sup> Only one bear may be taken during the hunting license year.

<sup>5</sup> Only one elk may be taken during the hunting license year.

[Pa.B. Doc. No. 12-1154. Filed for public inspection June 22, 2012, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Special Regulations Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 141.1 (relating to special regulations areas) to permit hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in southeastern Pennsylvania special regulations areas.

The final rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1235 (March 10, 2012).

1. *Purpose and Authority*

On March 31, 2010, the Commission's 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired.

The Commission's final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. Agricultural deer damage continues to be a challenge in the more developed areas of this Commonwealth. Special hunting regulations exist for these areas but hunting and permitted control provisions at times create conflicting regulations. On February 1, 2011, the Commission amended §§ 147.552 and 147.556 (relating to application; and lawful devices and methods) to create a focused limited authorization permitting the baiting of white-tailed deer in the southeast special regulations areas on approved properties enrolled in the Red Tag Program. In furtherance of the Commission's continuing efforts to find effective tools to manage the population on agriculture lands in this area of this Commonwealth, the Commission amends § 141.1 to permit hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in the southeast special regulations areas.

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 § 141.1 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.1 by permitting hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in the southeast special regulations areas.

3. *Persons Affected*

Persons wishing to hunt deer through the use of bait in the southeast special regulations areas will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.1 to read as set forth in Annex A.

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

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-333 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.1. Special regulations areas.**

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

(b) *Descriptions.*

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

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

(c) *Prohibitions.*

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

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

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

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

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

(3) Take small game, furbearing animals, crows or wildlife with a manually operated rimfire rifle or handgun .22 caliber or less.

(4) Kill an animal legally caught in a trap with a manually operated rimfire rifle or handgun .22 caliber or less while trapping.

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

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to

the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

[Pa.B. Doc. No. 12-1155. Filed for public inspection June 22, 2012, 9:00 a.m.]

\_\_\_\_\_

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Wild Pheasant Recovery Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 141.28 (relating to wild pheasant recovery areas) to eliminate the Pike Run wildlife pheasant recovery area (WPRA) and include crows to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1236 (March 10, 2012).

*1. Purpose and Authority*

The Pike Run WPRA study in southwestern Pennsylvania has concluded unsuccessfully. Habitat patch analysis shows that Pike Run meets only one of five habitat targets in the pheasant model. Pheasant densities are at one hen per square mile, far short of the ten hens per square mile objective. In light of the area's habitat characteristics and low pheasant densities, and in keeping with the pheasant management plan, it was proposed that this area be opened to either sex pheasant hunting and stocking of game farm pheasants be reinstated beginning with the 2012-2013 season. To complement this season change, the Commission amended § 141.28 to eliminate the Pike Run WPRA. The Commission additionally amended § 141.28(b)(2) to include crows along with waterfowl and woodchucks to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31. This addition will not have a detrimental effect on pheasant recovery.

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(c) of the code (relating to regulations) directs that "The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." Section 2102(a) of the code 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 § 141.28 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends § 141.28 by eliminating the Pike Run WPRA and including crows to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31.

*3. Persons Affected*

Persons wishing to hunt wild pheasants, release propagated pheasants, train dogs or hunt small game within the area designated as the Pike Run WPRA will be affected by the final-form rulemaking. Persons wishing to hunt crows within an area designated as a WPRA from the first Sunday in February through July 31 will also be affected by the final-form rulemaking.

*4. Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

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

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.28 to read as set forth at 42 Pa.B. 1236.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1236 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-334 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1156. Filed for public inspection June 22, 2012, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended §§ 141.43 and 141.44 (relating to deer; and bear) to delete the sunset language to effectively make permanent the authorized general use of crossbows during the archery deer and bear seasons. The Commission also amended § 141.44 to create and define the devices that will be permitted to harvest bears during the muzzleloader bear season.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1232 (March 10, 2012).

*1. Purpose and Authority*

On January 27, 2009, the Commission adopted amendments to §§ 141.43 and 141.44 that authorized the general use of crossbows during archery deer and bear seasons. See 39 Pa.B. 1110 (February 28, 2009). The crossbow amendments are subject to a sunset provision that expires on June 30, 2012. The Commission amended §§ 141.43 and 141.44 to delete the sunset language to effectively make permanent the authorized general use of crossbows during archery deer and bear seasons. The Commission also amended § 141.44 to create and define lawful devices for the muzzleloader bear season.

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 §§ 141.43 and 141.44 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends §§ 141.43 and 141.44 by deleting the sunset language to effectively make permanent the authorized general use of crossbows during archery deer and bear seasons. The final-form rulemaking also amends § 141.44 to create and define the lawful devices for the muzzleloader bear season.

*3. Persons Affected*

Persons wishing to hunt deer or bear with a crossbow during archery season and hunt bear during the muzzleloader bear season within this Commonwealth will be affected by the final-form rulemaking.

*4. Comment and Response Summary*

The Commission received a total of eight official comments regarding the final-form rulemaking. The comments were in support of the proposed rulemaking.

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

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

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.43 and 141.44 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-339 remains valid for the final adoption of the subject regulations.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter C. BIG GAME**

**§ 141.43. Deer.**

(a) *Archery deer season.*

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

(i) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

\* \* \* \* \*

§ 141.44. **Bear.**

(a) *Archery bear season.*

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

(i) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

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

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

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

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) *Regular and extended firearms bear seasons.*

(1) *Permitted devices.* It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) A manually operated, centerfire firearm.

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

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

(iv) A muzzleloading firearm as permitted under subsection (b)(1).

(2) *Prohibitions.* While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act.

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

[Pa.B. Doc. No. 12-1157. Filed for public inspection June 22, 2012, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Beaver Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 141.62 (relating to beaver trapping) to extend the 15-foot trap placement restriction near beaver dams and lodges Statewide and extend the body-gripping trap limit of 10 to wildlife management units (WMU) where beaver bag limits are 40 or more per season.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1231 (March 10, 2012).

1. *Purpose and Authority*

In an effort to comply with its beaver management plan, the Commission proposed two amendments to § 141.62. First, the 15-foot trap placement restriction near beaver dams and lodges should be enforced Statewide which will simplify regulations and help protect juvenile beavers in the colony. This can be accomplished by deleting references to WMUs 3B, 3C and 3D in § 141.62(b)(2). Secondly, the body-gripping trap limit of 10 should only apply to WMUs with high relative harvest/complaint density and with a bag limit of 40 beavers per season. The purpose of this amendment is to lift the two body-gripping trap limit only in WMUs with high relative beaver harvest and complaint densities. Because of the high efficiency of body-gripping traps, these devices should be limited to two in WMUs with medium to low beaver harvest and nuisance complaint densities. Limiting body-gripping traps also creates beaver trapping opportunities for the maximum number of trappers.

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." Section 2102(a) of the code 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, man-

ner, 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 § 141.62 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.62 by extending the 15-foot trap placement restriction near beaver dams and lodges Statewide and extending the body-gripping trap limit of 10 to WMUs where beaver bag limits are 40 or more per season.

3. *Persons Affected*

Persons wishing to hunt or trap beavers within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.62 to read as set forth at 42 Pa.B. 1231.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1231 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-335 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1158. Filed for public inspection June 22, 2012, 9:00 a.m.]

GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended Chapter 141, Appendix G (relating to hunting hours) by updating the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2012-2013 hunting license year.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1233 (March 10, 2012).

1. *Purpose and Authority*

Each year there is a shift in calendar days for each month. As a result of this occurrence, the tables of hunting hours in Appendix G are amended and updated each year to reflect the current year’s hunting dates and corresponding legal hunting hours. The Commission amended Appendix G to update the tables of hunting hours for the 2012-2013 hunting year to reflect the annual change in days and subsequent hunting times.

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(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 Appendix G are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends Appendix G to update the tables of hunting hours for the 2012-2013 hunting year to reflect the annual change in days and subsequent hunting times.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2012-2013 hunting year will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

### 5. *Cost and Paperwork Requirements*

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

### 6. *Effective Date*

The effective dates of the final-form rulemaking are July 1, 2012, to June 30, 2013.

### 7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Appendix G to read as set forth at 42 Pa.B. 1233.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1233 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective from July 1, 2012, to June 30, 2013.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-338 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1159. Filed for public inspection June 22, 2012, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 147 ]

#### Special Permits; Mentored Youth Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 147.804 (relating to general) to allow a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1244 (March 10, 2012).

### 1. *Purpose and Authority*

The National Wild Turkey Federation and others have continued to express an interest in having the Commission expand mentored youth turkey hunting opportunities to include fall turkeys. Commission staff has expressed conditional support as long as fall turkey harvest would not increase. With the advent of mentored youth license exemption language in the code, the Board has the ability to amend its regulations to allow for the transfer of a mentor fall turkey tag by amending § 147.804(c) and adding § 147.804(h). This action will not significantly increase the fall harvest or negatively impact the ongoing fall hen harvest rate and survival study and is consistent with the goal of providing additional mentored youth hunting opportunity as identified in the Wild Turkey Management Plan for this Commonwealth. The Commission amended § 147.804 to allow a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

Section 2711(a.1) of the code (relating to unlawful acts concerning licenses) states that "For the sole purpose of implementing and enhancing a mentored youth hunting program within this Commonwealth, the commission may establish regulations exempting certain limited youth hunting activities from the prohibitions specified in subsection (a)(1), (3), (5) and (8)." 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 § 147.804 are adopted under this authority.

### 2. *Regulatory Requirements*

The final-form rulemaking amends § 147.804 by allowing a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

### 3. *Persons Affected*

Persons wishing to hunt wild turkey within this Commonwealth under the Mentored Youth Hunting Program will be affected by the final-form rulemaking.

### 4. *Comment and Response Summary*

The Commission received a total of two official comments regarding the final-form rulemaking. One comment supported the final-form rulemaking while the other opposed it.

### 5. *Cost and Paperwork Requirements*

The final-form rulemaking may result in some additional cost and paperwork associated with the affects transferring tags will have on the Pennsylvania Automated License System. However, the Commission has determined that if there is additional expense associated with this effort, it will not be substantial and would be absorbed by the current budget.

### 6. *Effective Date*

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

7. *Contact Person*

For further information regarding the final-form rule-making, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.804 to read as set forth at 42 Pa.B. 1244.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1244 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-366 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1160. Filed for public inspection June 22, 2012, 9:00 a.m.]

**OFFICE OF ATTORNEY  
GENERAL**

**Pennsylvania Gaming Control Board; Table Game  
Devices; Rescission of Approval**

June 8, 2012

R. Douglas Sherman  
Office of Chief Counsel  
PA Gaming Control Board  
303 Walnut St., 5th Floor Verizon Tower  
Harrisburg, PA 17101

Dear Chief Counsel Sherman:

Please be advised that the Office of Attorney General did not receive for form and legality review the final version of Pennsylvania Gaming Control Board regulation #125-138 (Table Games) approved by the Independent Regulatory Review Commission and the legislative committees. Having received an incorrect version for review, we were unable to conduct the proper form and legality review required by the Commonwealth Attorneys Act. Therefore, we do hereby rescind, as erroneously granted, our February 3, 2012, approval of regulation #125-138.

The Office of Attorney General requests the Gaming Control Board to expeditiously submit for review the correct version of regulation #125-138. Once the regulation is received, review will be conducted as set forth in the Commonwealth Attorneys Act, 71 P. S. § 732-204(b).

Sincerely yours,  
ROBERT A. MULLE,  
*Chief Deputy Attorney General*  
*Office of Civil Law*

*(Editor's Note: The incorrect version of the Pennsylvania Gaming Control Board final-form rulemaking #125-138 was submitted to the Legislative Reference Bureau and published at 42 Pa.B. 2675 (May 12, 2012).)*

[Pa.B. Doc. No. 12-1161. Filed for public inspection June 22, 2012, 9:00 a.m.]