

PROPOSED RULEMAKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 44]

Mortgage Licensee Education

The document which appeared at 39 Pa.B. 2805 (June 6, 2009) should have contained the following fiscal impact notation:

Fiscal Note: 3-44. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1023. Filed for public inspection June 5, 2009, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 21, 2009, meeting, proposed the following rule-making:

Amend § 135.103 (relating to registration for controlled goose hunting areas) to permit persons who have previously hunted a controlled goose hunting area to apply for unclaimed blinds on the morning of the designated shooting day, but only when there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 21, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 3, 2009.

1. Purpose and Authority

The Commission currently maintains two controlled goose hunting areas across this Commonwealth at its Pymatuning and Middle Creek Wildlife Management Areas. As a measure to promote full and equal opportunity for all Pennsylvania goose hunters, the Commission has limited hunters 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. Although a rare occasion, the lack of flexibility of this restriction has had the unfortunate consequence of limiting the Commission's ability to fill unclaimed blinds when there was an absence of available first-time hunter applicants present on the morning of the designated shooting day. The Commission has determined that it can continue to promote full and equal opportunity for all Pennsylvania goose hunters while also advancing the fullest utilization of its unclaimed blinds by amending this restriction. The Commission is proposing to amend § 135.103 to permit persons who have previously hunted a controlled goose hunting area to make application for unclaimed blinds on the

morning of the designated shooting day, but only when there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

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 § 135.103 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.103 by replacing the language prohibiting persons who have previously hunted a controlled goose hunting area from applying for an unclaimed blind with language permitting persons who have previously hunted a controlled goose hunting area to apply for unclaimed blinds on the morning of the designated shooting day, but only when there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

3. Persons Affected

Persons wishing to apply for controlled goose hunting area blinds may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-287. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

* * * * *

(6) [An individual may hunt 1 day per season on one controlled goose hunting area as a reservation holder, a guest of a reservation holder or by applying for unclaimed reservations. An individual filling more than one application or hunting more than

one time per season on a controlled goose hunting area in this Commonwealth shall be denied the privilege of hunting on these areas for 3 years] 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 with this Commonwealth will be denied the privilege to hunt any controlled goose hunting area for 3 years.

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[Pa.B. Doc. No. 09-1060. Filed for public inspection June 12, 2009, 9:00 a.m.]
