

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; Archery Ranges

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 24, 2018, meeting, added § 135.183 (relating to archery ranges) to authorize the manners of usage of archery ranges established by the Commission.

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 1688 (March 24, 2018).

#### 1. Purpose and Authority

The Commission adds § 135.183 to authorize the manners of usage of archery ranges established by the Commission. These changes do not include a requirement that individuals using archery ranges acquire a range permit, hunting or trapping license, or meet other exemption criteria.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations...for its use and protection as necessary to properly manage these lands or waters.” The addition of § 135.183 is adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking adds § 135.183 to authorize the manners of usage of archery ranges established by the Commission.

#### 3. Persons Affected

Persons wishing to use State game lands archery ranges will be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

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

#### 5. Cost and Paperwork Requirements

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

#### 6. Effective Date

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

#### 7. Contact Person

For further information regarding this final-form rulemaking, contact Randy L. Shoup, 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by adding § 135.183 to read as set forth at 48 Pa.B. 1688.

(b) The Executive Director of the Commission shall certify this order and 48 Pa.B. 1688 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-432 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 18-819. Filed for public inspection May 25, 2018, 9:00 a.m.]

## Title 58—RECREATION

### 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, 2018, meeting, amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2018-2019 hunting/trapping license year.

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 1689 (March 24, 2018).

#### 1. Purpose and Authority

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission amends § 139.4 to provide updated seasons and bag limits for the 2018-2019 license year. The 2018-2019 seasons and bag limits are 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 sport-

ing groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

In regard to small game seasons, the Commission eliminates the hen pheasant restriction in wildlife management units (WMU) 2A, 2C, 4C and 5B. Commission staff has determined that allowing harvest of male and female pheasants in these WMUs is appropriate because they do not contain wild pheasant recovery areas, there is no evidence that these units are capable of sustaining huntable populations of wild pheasants under current landscape habitat conditions, and either-sex hunting would provide additional hunting opportunity (especially for youth hunters) and allow for more efficient use and distribution of game farm pheasants. The male-only restriction would continue in WMUs 4E and 5A, which contain active wild pheasant recovery areas.

In regard to black bear seasons, the Commission creates a new 4-day extended firearms seasons in WMUs 4A and 5A and an increase (from 4 to 6 days) in the length of the extended firearms season in WMU 3A. These changes are intended to prevent increases in bear populations and bear-human conflicts within these WMUs.

In regard to white-tail deer seasons, the Commission extends the early deer archery season in WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 4E, 5A and 5B for 2 additional days during the November rut.

In regard to furbearer seasons, the Commission opens WMUs 4B and 4C to fisher trapping. Commission staff has determined that fisher population indices within these WMUs are comparable to those in other units where fisher harvest is occurring sustainably, and staff and constituents have recommended this expansion of harvest opportunity.

There are no changes to turkey or elk seasons.

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*

This final-form rulemaking amends § 139.4 to provide updated seasons and bag limits for the 2018-2019 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife in this Commonwealth during the 2018-2019 hunting/trapping license year will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received 68 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

*Deer seasons:* A total of 11 comments were received concerning this subtopic: 1 supported an active duty military only deer season; 3 supported concurrent antlered/antlerless deer seasons; 1 supported opening regular firearms deer season for the entire month of December; 1 supported keeping the opening day of regular firearms deer season the Monday after Thanksgiving;

1 supported an earlier opening day for regular firearms deer season on private land; 3 supported extending archery deer season 1 week more during the rut; and 1 supported extending archery deer season to include Veterans Day.

*Elk seasons:* One comment was received concerning this subtopic in support of creating an archery elk season.

*Bear seasons:* One comment was received concerning this subtopic in support of expanding the muzzleloader bear Statewide.

*Turkey seasons:* Two comments were received concerning this subtopic: one supported keeping the fall turkey season open until November 16th; and one supported allowing hunters with disabilities to hunt turkey 1 week earlier than everyone else.

*Small game seasons:* A total of 61 comments were received concerning this subtopic: 58 supported and 3 opposed the changes to grouse season.

*Furbearer seasons:* Three comments were received concerning this subtopic: one supported opening otter season in Erie, Crawford and Venango Counties; one supported extending fisher season; and one supported opening bobcat season in WMU 2D.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

This final-form rulemaking will be effective July 1, 2018, to June 30, 2019.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Randy L. Shoup, 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 the 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 shall be effective July 1, 2018, to June 30, 2019.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-424 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.

**2018-2019 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 Second Day</i>
Squirrel—(Combined species) Eligible Junior Hunters only, with or without the required junior license	Sept. 29		Oct. 13	6	18
Squirrel—(Combined species)	Oct. 13		Nov. 24	6	18
	Dec. 10	and	Dec. 24		
	Dec. 26	and	Feb. 28, 2019		
Ruffed Grouse	Oct. 13		Nov. 24	2	6
	Dec. 10	and	Dec. 24		
Rabbit, Cottontail—Eligible Junior Hunters only, with or without the required junior license	Sept. 29		Oct. 13	4	12
Rabbit, Cottontail	Oct. 13		Nov. 24	4	12
	Dec. 10	and	Dec. 24		
	Dec. 26	and	Feb. 28, 2019		
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Hegins-Gratz or Franklin County wild pheasant recovery areas.					
Ring-necked Pheasant Eligible Junior Hunters only, with or without the required junior license WMUs 4E and 5A—Male only WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C and 5D—Male or female	Oct. 6		Oct. 13	2	6
Central Susquehanna Wild Pheasant Recovery Area—Male only	As authorized by Executive Order				
Ring-necked Pheasant	Oct. 20		Nov. 24	2	6
WMUs 4E and 5A—Male only	Dec. 10	and	Dec. 24		
WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C and 5D—Male or female	Dec. 26	and	Feb. 28, 2019		
Bobwhite Quail	Oct. 13		Nov. 24	8	24
		and			

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Dec. 10		Dec. 24		
	Dec. 26	and	Feb. 28, 2019		
Hare (Snowshoe Rabbits) or Varying Hare	Dec. 26		Jan. 1, 2019	1	3
Woodchuck (Groundhog)	No closed season except during the regular firearms deer season(s). Hunting on Sundays is prohibited.			Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female				1	1
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 27		Nov. 16		
	Nov. 22	and	Nov. 24		
WMU 1B	Oct. 27		Nov. 3		
WMUs 1A, 2A, 4A and 4B	Oct. 27		Nov. 3		
	Nov. 22	and	Nov. 24		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 27		Nov. 10		
	Nov. 22	and	Nov. 24		
WMU 2C	Oct. 27		Nov. 16		
	Nov. 22	and	Nov. 24		
WMU 5A	Nov. 1		Nov. 3		
WMU 5B	Oct. 30		Nov. 1		
WMUs 5C and 5D	Closed to fall turkey hunting				
Turkey, Spring <sup>1</sup> Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 20, 2019		Apr. 20, 2019	1	1
Turkey, Spring <sup>1</sup> Bearded Bird only	Apr. 27, 2019		May 11, 2019	1	2
	May 13, 2019	and	May 31, 2019	May be hunted 1/2 hour before sunrise to 12 noon	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset

**MIGRATORY GAME BIRDS**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 14, 2019	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer seasons.		Unlimited	

**FALCONRY**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species)	Sept. 1	Mar. 30, 2019	6	18
Quail	Sept. 1	Mar. 30, 2019	8	24
Ruffed Grouse	Sept. 1	Mar. 30, 2019	2	6
Cottontail Rabbits	Sept. 1	Mar. 30, 2019	4	12
Snowshoe or Varying Hare	Sept. 1	Mar. 30, 2019	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 30, 2019	2	6
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> With the required archery license WMUs 2B, 5C and 5D	Sept. 15 and Dec. 26	Nov. 24 and Jan. 26, 2019	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered and Antlerless) <sup>2</sup> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Sept. 29 and Dec. 26	Nov. 12 and Jan. 12, 2019	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) 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 United States Coast Guard	Oct. 18	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Nov. 26	Dec. 8	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Nov. 26	Nov. 30	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 1	Dec. 8	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G,	Dec. 26	Jan. 12, 2019	One antlered or one antlerless deer, plus an additional antlerless

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B				deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 26, 2019	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26		Jan. 26, 2019	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>Season Limit</i>
Bear, Archery <sup>4</sup> WMUs 2B, 5C and 5D	Sept. 15		Nov. 24		1
Bear, Archery <sup>4</sup> WMU 5B	Sept. 29		Nov. 10		1
Bear, Archery <sup>4</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 29		Nov. 3		1
Bear, Muzzleloader <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Oct. 13		Oct. 20		1
Bear, Special firearms <sup>4</sup> 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 WMUs 2B, 5B, 5C and 5D	Oct. 18		Oct. 20		1
Bear, Regular Firearms <sup>4</sup> (Statewide)	Nov. 17		Nov. 21		1
Bear, Extended firearms <sup>4</sup> WMUs 3A, 3B, 3C and 3D	Nov. 26		Dec. 1		1
Bear, Extended firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Nov. 26		Dec. 8		1
Bear, Extended firearms <sup>4</sup> WMUs 1B, 2C, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 28		Dec. 1		1

**ELK**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Elk, Special Conservation Tag <sup>5</sup> and Special-License Tag <sup>5</sup> (Antlered and Antlerless)	Sept. 1		Nov. 10		1
Elk, Regular <sup>5</sup> (Antlered and Antlerless)	Nov. 5		Nov. 10		1
Elk, Extended <sup>5</sup> (Antlered and Antlerless)	Nov. 12		Nov. 17		1

## FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 17		Jan. 6, 2019	Unlimited	
Beaver WMUs 1A, 1B and 3C (Combined)	Dec. 26		Mar. 31, 2019	20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)				20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)				5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 21		Feb. 17, 2019	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 17, 2019	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 15		Jan. 6, 2019	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4B, 4C, 4D and 4E	Dec. 15		Dec. 26	1	1
River Otter, with required otter permit WMUs 3C and 3D	Feb. 16, 2019		Feb. 23, 2019	1	1

## FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season)	May be taken with a hunting license or a furtaker's license.			Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
Opossum, Striped Skunk, Weasel	No closed season.				
Raccoon and Fox	Oct. 20		Feb. 16, 2019	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 12, 2019		Feb. 6, 2019	1	1
Porcupine	Sept. 1		March 30, 2019	3	10

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 2 spring 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 residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under 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 with the required bear license.

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

[Pa.B. Doc. No. 18-820. Filed for public inspection May 25, 2018, 9:00 a.m.]

**Title 58—RECREATION**

**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, 2018, meeting, amended Chapter 141, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2018-2019 hunting/trapping license year. The Commission also amended § 141.4 (relating to hunting hours) by eliminating the hunting hours closure of mourning dove season prior to noon during the first mourning dove season.

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 1683 (March 24, 2018).

*1. Purpose and Authority*

The Commission amends Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2018-2019 hunting license year. The Commission also amends § 141.4 by eliminating the hunting hours closure of mourning dove season prior to noon during the first mourning dove season. The Commission has progressively expanded the length of the first mourning dove season over the past few years and has determined that a simplified hunting hours standard is preferred over a split hunting hours structure or an extension of the restricted hunting hours period during the now longer first mourning dove season. The deletion of this text will cause hunting hours for mourning dove hunting to default to the hunting hours standard for migratory birds—1/2 hour before sunrise until sunset.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.4 and Appendix G are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends Appendix G by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2018-2019 hunting/trapping license year. This final-form rulemaking also amends § 141.4 by eliminating the hunting hours closure of mourning dove season prior to noon during the first mourning dove season.

*3. Persons Affected*

Persons wishing to hunt or trap game or wildlife, including mourning dove, within this Commonwealth

during the 2018-2019 hunting/trapping license year will be affected by this final-form rulemaking.

*4. Comment and Response Summary*

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

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

This final-form rulemaking will be effective July 1, 2018, to June 30, 2019.

*7. Contact Person*

For further information regarding this final-form rulemaking, contact Randy L. Shoup, 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4 and Appendix G to read as set forth at 48 Pa.B. 1683.

(b) The Executive Director of the Commission shall certify this order and 48 Pa.B. 1683 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall be effective July 1, 2018, to June 30, 2019.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-426 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 18-821. Filed for public inspection May 25, 2018, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

**[ 58 PA. CODE CHS. 141 AND 147 ]**

**Hunting and Trapping; Special Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 24, 2018, meeting, amended § 141.1 (relating to special regulations areas) and rescinded §§ 147.681—147.686 to eliminate the baiting permit and reporting requirements.



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

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

Notice of proposed rulemaking was published at 48 Pa.B. 1685 (March 24, 2018).

#### 1. *Purpose and Authority*

The Commission amends § 141.1 and rescinds §§ 147.681—147.686 to eliminate the baiting permit and reporting requirements. All other standards and requirements will remain the same.

Section 2308(a)(8) of the code (relating to unlawful devices and methods) generally prohibits a person hunting game or wildlife through the use of or by taking advantage of any artificial or natural bait. Section 2308(b)(2)(iii) of the code provides an exception to this prohibition for licensed hunters hunting deer in special regulations areas, other than counties of the second class. Section 2102(a) of the code (relating to regulations) provides that “[t]he 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 and the rescission of §§ 147.681—147.686 are adopted under this authority.

#### 2. *Regulatory Requirements*

This final-form rulemaking amends § 141.1 and rescinds §§ 147.681—147.686 to eliminate the baiting permit and reporting requirements.

#### 3. *Persons Affected*

Persons wishing to hunt white-tailed deer in the Southeast special regulations area may be affected by this final-form rulemaking.

#### 4. *Comment and Response Summary*

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

#### 5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork. This final-form rulemaking will significantly reduce cost and paperwork requirements for individuals that formerly were required to acquire and maintain a permit, as well as comply with related reporting requirements.

#### 6. *Effective Date*

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

#### 7. *Contact Person*

For further information regarding this final-form rulemaking, contact Randy L. Shoup, 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by deleting §§ 147.681—147.686 and amending § 141.1 to read as set forth at 48 Pa.B. 1685.

(b) The Executive Director of the Commission shall certify this order and 48 Pa.B. 1685 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-429 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 18-822. Filed for public inspection May 25, 2018, 9:00 a.m.]

## Title 58—RECREATION

### 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, 2018, meeting, amended § 141.28 (relating to wild pheasant recovery areas) by eliminating the Somerset Wild Pheasant Recovery Area (WPRAs).

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 1686 (March 24, 2018).

#### 1. *Purpose and Authority*

The Somerset WPRAs was established by the Commission in 2009. From 2009—2011, 964 wild pheasants were trapped and transferred to the WPRAs and annual population and habitat monitoring have continued through 2017. Population surveys show that current wild pheasant numbers in this WPRAs are very low, and much lower than the initial population at the conclusion of releases. Commission staff have concluded that due to habitat conditions, weather severity or a combination of these factors, a huntable wild pheasant population is not achievable or sustainable in this WPRAs and that in

keeping with guidelines established in the Pennsylvania Ring-necked Pheasant Management Plan for unsuccessful WPRAs, the Somerset WPRAs should be dissolved and the area should be reopened to either-sex pheasant hunting and to the stocking of game farm pheasants. The Commission amends § 141.28 by eliminating the Somerset WPRAs.

Section 2102(a) of the code (relating to regulations) provides that “[t]he 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*

This final-form rulemaking amends § 141.28 by eliminating the Somerset WPRAs.

3. *Persons Affected*

Persons wishing to hunt or take pheasants or train dogs on small game within Somerset WPRAs may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Randy L. Shoup, 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 the 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 48 Pa.B. 1686.

(b) The Executive Director of the Commission shall certify this order and 48 Pa.B. 1686 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-425 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 18-823. Filed for public inspection May 25, 2018, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

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

**Special Permits; Pheasant Permit**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 24, 2018, meeting, amended §§ 147.316 and 147.317 (relating to application; and permit) to require junior hunters to obtain a free pheasant permit to hunt pheasants in this Commonwealth. The Commission also amended § 147.317 to exempt additional individuals from the pheasant permit requirement, including individuals currently exempted from licensure by statute, individuals hunting and taking privately acquired propagated pheasants on private lands, and senior lifetime license holders that acquired their licenses before May 13, 2017, the effective date of the pheasant permit program.

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 1695 (March 24, 2018).

1. *Purpose and Authority*

The Commission amends §§ 147.316 and 147.317 to require junior hunters to obtain a free pheasant permit to hunt pheasants in this Commonwealth. This change will allow the Commission to track junior hunter participation in the pheasant hunting program. This change will also allow the Commission to accept Wildlife Restoration Act (16 U.S.C.A. §§ 669—669k) grant funds for each permit issued to a junior hunter.

The Commission also amends § 147.317 to exempt additional individuals from the pheasant permit requirement, including individuals currently exempted from licensure by statute, individuals hunting and taking privately acquired propagated pheasants on private lands, and senior lifetime license holders that acquired their licenses before May 13, 2017, the effective date of the pheasant permit program. The first exempted group includes persons hunting pheasants on commercial and noncommercial regulated hunting grounds or special retriever training areas, as well as persons engaged in dog training activities under a dog training area, special retriever area, field dog trial or field dog trial for retrievers permit.

The second group will allow privately acquired pheasants to be hunted and killed on private property without

requirement of a pheasant permit or its associated fee. This exemption does not apply to wild pheasants or on private lands designated by agreement as cooperative access lands. This exemption will also require that any pheasants hunted, taken or possessed under this paragraph shall be banded, tagged, marked or receipted in accordance with section 2930 of the code (relating to propagating permits).

The third and final group will allow individuals that previously acquired a senior lifetime resident hunting license or senior lifetime resident combination hunting and furtaking license, as defined under section 2705 of the code (relating to classes of licenses), prior to May 13, 2017, to hunt without acquiring a pheasant permit. This addition was made to accommodate concerns submitted by lifetime license holders that obtained their lifetime license status prior to the effective date of the initial pheasant permit program.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 147.316 and 147.317 are adopted under this authority.

### 2. Regulatory Requirements

This final-form rulemaking amends §§ 147.316 and 147.317 to require junior hunters to obtain a free pheasant permit to hunt pheasants in this Commonwealth. The Commission also amends § 147.317 to exempt additional individuals from the pheasant permit requirement, including individuals currently exempted from licensure by statute, individuals hunting and taking privately acquired propagated pheasants on private lands, and senior lifetime license holders that acquired their licenses before May 13, 2017, the effective date of the pheasant permit program.

### 3. Persons Affected

Persons wishing to hunt or take pheasants in this Commonwealth may be affected by this final-form rulemaking.

### 4. Comment and Response Summary

The Commission received eight comments regarding this final-form rulemaking. Two comments requested the Commission to exempt senior lifetime license holders from the pheasant permit requirement. These comments and related oral testimony convinced the Commission to incorporate this exemption in this final-form rulemaking. Two comments requested that senior license holders be exempted from the pheasant permit requirement, except when hunting with a dog. This exemption was not adopted. Four comments requested that the Commission set differing fee structures based upon residency, junior hunter status or whether a person is hunting pheasants with or without a dog. These changes were not adopted.

### 5. Cost and Paperwork Requirements

This final-form rulemaking will result in the creation of a new class of permit that will be required for junior hunters. The Commission anticipates that this free permit will be made available through the Pennsylvania Automated License System, therefore additional paperwork requirements to the general public will be nominal. The Commission has determined that there will be limited personnel and administrative costs associated with the implementation of this new permit class. How-

ever, the Commission anticipates that these costs will be accommodated through existing staffing and existing budgets. This final-form rulemaking will also result in a reduction in cost and paperwork requirements for the additional individuals that are now exempted from the pheasant hunting permit requirement.

### 6. Effective Date

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

### 7. Contact Person

For further information regarding this final-form rulemaking, contact Randy L. Shoup, 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.316 and 147.317 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*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-430 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter Q. PHEASANT PERMIT

#### § 147.316. Application.

(a) *Form and content.* Applications for pheasant hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the applicant's name, address, date of birth, Commission-issued Customer Identification Number and any other information required by the Commission.

(b) *Eligibility.*

(1) Adult pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident adult or senior hunting license, or a valid mentored adult hunting permit. The fee

for an adult pheasant hunting permit is \$25, plus any applicable transactional and issuing agent fees.

(2) Junior pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident junior hunting license. There is not a fee for a junior pheasant hunting permit.

**§ 147.317. Permit.**

(a) A pheasant hunting permit is required for any person to hunt or take pheasants by any means or manner or device, including the use of dogs, in this Commonwealth.

(b) A pheasant hunting permit shall be signed and carried on person when hunting or taking pheasants in this Commonwealth.

(c) This section and subchapter may not be construed to require a permit for individuals engaged in:

(1) Lawful pheasant hunting activities under a valid commercial or noncommercial regulated hunting grounds or special retriever training area permit issued under

sections 2928 and 2942 of the act (relating to regulated hunting grounds permits; and special retriever training areas).

(2) Lawful dog training activities under a valid dog training area, special retriever area, field dog trial or field dog trial for retrievers permit issued under sections 2941—2944 of the act.

(3) Lawful hunting of pheasants they have acquired and released on private lands not otherwise designated as cooperative access lands under sections 709 and 729 of the act (relating to cooperative agreements relating to land; and public access projects). Any pheasants hunted, taken or possessed under this paragraph shall be banded, tagged, marked or receipted in accordance with section 2930 of the act (relating to propagating permits).

(4) Lawful hunting of pheasants by persons that previously acquired a senior lifetime resident hunting license or senior lifetime resident combination hunting and furtaking license, as defined under 2705 of the act (relating to classes of licenses), prior to May 13, 2017.

[Pa.B. Doc. No. 18-824. Filed for public inspection May 25, 2018, 9:00 a.m.]