

RULES AND REGULATIONS

Title 4—ADMINISTRATION

STATE CIVIL SERVICE COMMISSION

[4 PA. CODE CHS. 93, 95, 97, 99, 101,
103 AND 105]

Rescission of Obsolete Regulations Pertaining to the Administration of Classified Service Employment

The State Civil Service Commission (Commission) amends Chapters 93, 95, 97, 99, 101, 103 and 105 by deleting all obsolete sections related to the administration of classified service employment in this Commonwealth. The obsolete sections deleted are set forth in Annex A.

Specifically, the Commission proposes to delete Chapters 95, 97, 101 and 103 in their entirety. With regard to Chapter 93, the Commission amends § 93.6 by deleting subsections (b) and (c) which are obsolete. Sections 93.1—93.5, 93.6(a), 93.7 and 93.8 are retained.

As for Chapter 99, the Commission is deleting all but § 99.31. Lastly, pertaining to Chapter 105, the Commission is deleting §§ 105.1, 105.3, 105.5 and 105.18 in their entirety. Sections 105.2, 105.4 and 105.11—105.17 are being retained.

Statutory Authority

The Commission issues this final-omitted rulemaking under the authority provided in: 1) section 506 of The Administrative Code of 1929 (71 P.S. § 186); 2) Executive Order 1996-1, Regulatory Review and Promulgation; and 3) section 204(3) of the act of July 31, 1968 (P.L. 796, No. 240), referred to as the Commonwealth Documents Law (CDL) (45 P.S. § 1204(3)).

Omission of Proposed Rulemaking

Public notice of intention to delete the regulations under the procedures set forth in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) was omitted as authorized under section 204(3) of the CDL because the Commission finds these procedures are, under the circumstances, unnecessary. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

Purpose and Background

The act of June 28, 2018 (P.L. 460, No. 71) (Act 71) modified the responsibilities and duties of the Commission and established within the Governor's Office of Administration (OA) duties and responsibilities for classified service employment in the Commonwealth effective March 28, 2019. As a result, the Commission is no longer responsible for the administration of classified service employment in the Commonwealth. Therefore, the Commission's regulations related to the administration of classified service employment are obsolete. Additionally, retaining the obsolete regulations could confuse the public because the OA has promulgated temporary regulations to carry out its new responsibilities in Chapters 601a—607a (relating to civil service reform—temporary regulations). Accordingly, the Commission is seeking to delete the obsolete sections of its regulations in their entirety.

Specifically, this final-omitted rulemaking deletes sections of the Commission's regulations which have been rendered obsolete by Act 71. This final-omitted rulemaking also amends § 93.6 of the Commission's regula-

tions by deleting two obsolete subsections. The Commission intends to make additional amendments in subsequent rulemakings.

Summary of Proposed Regulation

This final-omitted rulemaking deletes obsolete regulations in Chapters 95, 97, 99, 101, 103 and 105. This final-omitted rulemaking will also amend § 93.6 by deleting two obsolete subsections.

Persons Likely to be Affected

The deletion of the obsolete regulations will not affect any groups or entities. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

Paperwork Requirements

The deletion of the obsolete regulations will not result in an increase in paperwork for any individuals or entities.

Fiscal Impact

There will be no fiscal impact because this final-omitted rulemaking is only to delete obsolete regulations.

Effective Date

This final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

Individuals interested in further information may contact Alina L. Andreoli, Assistant Counsel, State Civil Service Commission, Legal Services Office, Strawberry Square Complex, P.O. Box 569, Harrisburg, PA 17108-0569, by telephone (717) 783-1444, by fax (717) 772-5120 or by e-mail at ra-cs-legalsvcsQandA@pa.gov.

Public Comment

Public notice of intention to delete the regulations under the procedures set forth in sections 201 and 202 of the CDL was omitted as authorized under section 204(3) of the CDL because the Commission finds these procedures are, under the circumstances, unnecessary. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 12, 2023, the Commission submitted a copy of the final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Labor and Industry and Senate Committee on State Government. On the same day, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

In addition to submitting this final-omitted rulemaking, the Commission provided IRRC and the Committees with a copy of the Regulatory Analysis Form prepared by the Commission. A copy of this form is available to the public upon request.

The Attorney General approved the final-omitted rulemaking on May 12, 2023. Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the final-omitted rulemaking was deemed approved by the House

and Senate Committees on May 17, 2023. At a hearing on May 18, 2023, IRRC approved the final-omitted rule-making.

Findings

The Commission finds that:

1) The amendments as set forth in Annex A are necessary and appropriate to repeal obsolete regulations related to the administration of classified service employment.

2) Public notice of the Commission’s intention to repeal its regulations under the procedures set forth in sections 201 and 202 of the CDL has been omitted for good cause as authorized under section 204(3) of the CDL because the Commission finds that these procedures are, under the circumstances unnecessary. The regulations related to the administration of classified service employment have been superseded by the promulgation of Act 71.

3) This final-omitted rulemaking is necessary, appropriate and in the public interest.

Order

The Commission, acting under its authorizing statute, orders that:

1) The regulations of the Commission, 4 Pa. Code Chapters 93, 95, 97, 99, 101, 103 and 105, are amended by amending § 93.6 and deleting §§ 95.1, 95.1a, 95.2, 95.5a, 95.7, 95.8, 95.11—95.14, 95.20—95.23, 95.31—95.33, 95.41—95.49, 95.51, 95.61, 95.63, 95.71, 97.1—97.5, 97.11—97.16, 97.20—97.24, 97.31—97.34, 97.36—97.39, 97.45—97.47, 97.51, 97.52, 97.61—97.63, 99.2, 99.11, 99.13—99.15, 99.21—99.25, 99.27, 99.32, 99.34, 99.41, 99.43, 99.52, 101.1, 101.21, 101.31, 101.32, 101.51, 101.52, 101.54, 101.55, 101.61—101.64, 101.71, 103.5—103.7, 103.11—103.15, 103.21—103.23, 105.1, 105.3, 105.5 and 105.18.

2) The Commission shall submit this final-omitted rulemaking to the Office of the Attorney General for approval as to form and legality as required by law.

3) The Commission shall submit this final-omitted rulemaking to IRRC and the House and Senate Committees as required by law.

4) The Commission shall certify this final-omitted rule-making and deposit it with the Legislative Reference Bureau as required by law.

5) This final-omitted rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

MARIA P. DONATUCCI,
Chairwoman

(Editor’s Note: See 53 Pa.B. 3055 (June 3, 2023) for IRRC’s approval order.)

Fiscal Note: 61-13. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART IV. CIVIL SERVICE COMMISSION

Subpart A. RULES OF THE CIVIL SERVICE COMMISSION

CHAPTER 93. CIVIL SERVICE COMMISSION AND EXECUTIVE DIRECTOR

§ 93.6. Records open to the public.

(a) An employe of the Commission shall be present at the inspection of records open to the public.

(b) [Reserved].

(c) [Reserved].

CHAPTER 95. [Reserved]

- Sec. [Reserved].
- 95.1. [Reserved].
- 95.1a. [Reserved].
- 95.2. [Reserved].
- 95.5a. [Reserved].
- 95.7. [Reserved].
- 95.8. [Reserved].
- 95.11—95.14. [Reserved].
- 95.20—95.23. [Reserved].
- 95.31—95.33. [Reserved].
- 95.41—95.49. [Reserved].
- 95.51. [Reserved].
- 95.61. [Reserved].
- 95.63. [Reserved].
- 95.71. [Reserved].

CHAPTER 97. [Reserved]

- Sec. [Reserved].
- 97.1—97.5. [Reserved].
- 97.11—97.16. [Reserved].
- 97.20—97.24. [Reserved].
- 97.31—97.34. [Reserved].
- 97.36—97.39. [Reserved].
- 97.45—97.47. [Reserved].
- 97.51. [Reserved].
- 97.52. [Reserved].
- 97.61—97.63. [Reserved].

CHAPTER 99. EMPLOYEES IN THE CLASSIFIED SERVICE

Subchapter A. [Reserved]

- Sec. [Reserved].
- 99.2. [Reserved].

Subchapter B. [Reserved]

- Sec. [Reserved].
- 99.11. [Reserved].
- 99.13—99.15. [Reserved].

Subchapter C. [Reserved]

- Sec. [Reserved].
- 99.21—99.25. [Reserved].
- 99.27. [Reserved].

Subchapter D. REDUCTIONS IN PAY OR DEMOTIONS

- Sec. [Reserved].
- 99.32. [Reserved].
- 99.34. [Reserved].

Subchapter E. [Reserved]

- Sec. [Reserved].
- 99.41. [Reserved].
- 99.43. [Reserved].

Subchapter F. [Reserved]

- Sec. [Reserved].
- 99.52. [Reserved].

CHAPTER 101. [Reserved]

- Sec. [Reserved].
- 101.1. [Reserved].
- 101.21. [Reserved].
- 101.31. [Reserved].
- 101.32. [Reserved].
- 101.51. [Reserved].
- 101.52. [Reserved].
- 101.54. [Reserved].
- 101.55. [Reserved].
- 101.61—101.64. [Reserved].
- 101.71. [Reserved].

CHAPTER 103. [Reserved]

- Sec. [Reserved].
- 103.5—103.7. [Reserved].
- 103.11—103.15. [Reserved].
- 103.21—103.23. [Reserved].

CHAPTER 105. NOTICE AND HEARINGS

NOTICE

- 105.1. [Reserved].
 105.3. [Reserved].
 105.5. [Reserved].

HEARINGS

- Sec.
 105.18. [Reserved].

[Pa.B. Doc. No. 23-754. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 133.21 (relating to classification of birds) to update the scientific names of the Yellow-crowned Night-Heron, Sedge Wren and Northern Harrier on the Commonwealth's lists of threatened and endangered birds with current accepted taxonomic nomenclature.

This 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 53 Pa.B. 1680 (March 25, 2023).

1. Purpose and Authority

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

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to "[a]dd to or change the classification of any wild bird or wild animal." 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 § 133.21 are adopted under this authority.

2. Regulatory Requirements

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

3. Persons Affected

Persons concerned with the scientific identification within this Commonwealth will be affected by this 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 costs or paperwork.

6. Effective Date

This 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 this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 133, are amended by amending § 133.21 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
 Executive Director

Fiscal Note: Fiscal Note 48-494 remains valid for the final adoption of the subject regulation.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 133. WILDLIFE CLASSIFICATION
Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

- (1) *Endangered.*
 * * * * *
- (viii) Great Egret (*Ardea alba*)
- (ix) Yellow-crowned Night-Heron (*Nyctanassa violacea*)
- (x) Common Tern (*Sterna hirundo*)
 * * * * *
- (xiii) Dickcissel (*Spiza americana*)
- (xiv) Sedge Wren (*Cistothorus stellaris*)
- (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
 * * * * *
- (2) *Threatened.*
 (i) Northern Harrier (*Circus hudsonius*)
- (ii) Long-eared Owl (*Asio otus*)
 * * * * *

[Pa.B. Doc. No. 23-755. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION
GAME COMMISSION
[58 PA. CODE CH. 135]

Lands and Buildings; Special Wildlife Management Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends §§ 135.101—135.107 (relating to special management areas) to simplify, reorganize and modernize these special wildlife management area regulations.

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 53 Pa.B. 1932 (April 8, 2023).

1. Purpose and Authority

The Commission’s Middle Creek Wildlife Management Area and Pymatuning Wildlife Management Area are prime destinations for wildlife and people who care about wildlife and wild places. The Commission built these special wildlife management areas at a time when Canada geese were in less than desirable numbers within this Commonwealth, particularly in the east. But over time, the Middle Creek Wildlife Management Area and Pymatuning Wildlife Management Area have become so much more for myriad wildlife species and countless residents in this Commonwealth and tourists. The Commission determined that the regulations governing the use and access to these special wildlife management

areas were needlessly complex, redundant, outdated and simply inconsistent with current available technologies, particularly as it relates to management of the controlled hunts. Therefore, the Commission amends §§ 135.101—135.107 to simplify, reorganize and modernize these special wildlife management area regulations. It should be noted this final-form rulemaking was amended on final adoption to better define the manner: 1) the Commission will conduct day of hunt drawings for unclaimed access permits; and 2) a hunter may contact the Commission to seek permission to enter other areas of the special wildlife management area not authorized by their access permit.

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

2. Regulatory Requirements

This final-form rulemaking amends §§ 135.101—135.107 to simplify, reorganize and modernize these special wildlife management area regulations.

3. Persons Affected

Persons wishing to use and access an area designated as a special wildlife management area within this Commonwealth 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 any additional cost or paperwork.

6. Effective Date

This 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 this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 135, are amended by amending §§ 135.101—135.107 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-499 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.101. Designation of special wildlife management areas.

(a) *Authority to designate special wildlife management areas.* The Commission may designate any lands and waters it owns, leases or otherwise controls as a special wildlife management area. The Commission will mark any area designated as a special wildlife management area with conspicuous signage designating its boundaries.

(b) *Authority to designate areas within special wildlife management areas.* The Commission may designate any lands or waters within an established special wildlife management area as a public recreation area, propagation area, open public hunting or trapping area, controlled hunting or trapping area, or any other designation consistent with the intended use of the lands and waters. The Commission will mark any internally designated area within a special wildlife management area with conspicuous signage designating its boundaries and stating the intended purpose of the area.

(c) *Designated special wildlife management areas.* The following areas of this Commonwealth are designated as a special wildlife management area:

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

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

(d) *Scope.* In addition to the requirements and limitations of §§ 135.2, 135.41 and 135.161 (relating to unlawful actions; State game lands; and Commission-owned or leased), the provisions of this subchapter shall govern public use and access to any area designated as a special wildlife management area.

§ 135.102. Designation of areas within an established special wildlife management area.

(a) *Public recreation areas.* An area designated by the Director as a public recreation area within an established special wildlife management area is open to public access for recreation purposes. Hunting and trapping opportunities are closed within any area designated as a public recreation area. The Director may also impose further

travel or use restrictions within a public recreation area with appropriate signage or postings.

(b) *Propagation areas.* An area designated by the Director as a propagation area within an established special wildlife management area is generally closed to public access. Entry into and hunting and trapping within a propagation area is controlled by an access permit authorization under §§ 135.103 and 135.161 (relating to controlled hunting and trapping area access permit procedures; and Commission-owned or leased).

(c) *Open public hunting and trapping areas.* An area designated by the Director as an open hunting and trapping area within an established special wildlife management area is open to public access for general hunting and trapping activities. The Director may impose further travel or use restrictions within an open hunting and trapping area with appropriate signage or postings.

(d) *Controlled hunting and trapping areas.* An area designated by the Director as a controlled hunting or trapping area within an established special wildlife management area is limited to hunting or trapping of designated game and wildlife by access permit only. The Director may impose further travel or use restrictions within a controlled hunting or trapping area with appropriate signage or postings.

§ 135.103. Controlled hunting and trapping area access permit procedures.

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

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

(c) *Application.*

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

(2) *Timeliness, form and content.* Applications for a controlled hunting or trapping permit shall be submitted on a form, in the manner and by the deadline established

by the Commission. Applications must include the applicant's name, Commission-issued Customer Identification Number and any other information required by the Commission. Incomplete, illegible, duplicate or late applications will be rejected.

(d) *Drawing.*

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

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

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

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

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

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

(e) *Unclaimed permits.* If one or more successful applicants cancels or fails to appear for check-in by 1/2 hour prior to open hunting hours on the scheduled date and time for their hunting or trapping opportunity for any controlled hunt that requires in-person check-in, the Commission may void the issued access permits and conduct a random drawing to reassign unclaimed access permits. If the Commission determines that a drawing to reassign unclaimed access permits is necessary, a drawing will be conducted using the same or substantially equivalent random selection process used in the original drawing until all openings are filled. The Commission will conduct unclaimed access permit drawings immediately prior to the opening of lawful hunting hours on the day of the scheduled hunt.

§ 135.104. Controlled hunting and trapping area access requirements and limitations.

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

random drawing to reassign the unclaimed access permit as set forth in § 135.103(e) (relating to controlled hunting and trapping area access permit procedures).

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

(c) *Access restricted.*

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

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

(3) A person may recover wounded or harvested game or wildlife from a controlled hunting or trapping area that is not designated on their access permit only after receipt of specific advance permission from the Commission. A person may seek this permission by contacting the Commission using the telephone number provided in the materials accompanying their access permit.

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

§ 135.105. Hunting hours in a controlled hunting area.

A person hunting game or wildlife within a controlled hunting area shall comply with the hunting hours provisions set forth in § 141.4 (relating to hunting hours) or as specified on their access permit.

§ 135.106. Controlled hunting and trapping area harvest limitations.

(a) *Species restriction.* A person with a valid controlled hunting or trapping area access permit is authorized to hunt, trap or harvest, whichever is applicable, only the game or wildlife species designated on their access permit. Other hunting, trapping or harvesting is prohibited.

(b) *Nontoxic shot restrictions.*

(1) *Small game other than waterfowl.* Notwithstanding the authorizations under § 141.22(a)(2) and (c)(1)(ii) (relating to small game seasons), a person hunting small game, other than waterfowl, in a small game controlled hunting area is prohibited from using multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.22(a)(2) or (c)(1)(ii), whichever is applicable.

(2) *Waterfowl.* A person hunting waterfowl in a waterfowl controlled hunting area is prohibited from using

multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.23 (relating to nontoxic shot).

(c) *Controlled hunting or trapping area restrictions.*

(1) *Parking.* If the Commission assigns a parking placard to an access permit holder for any controlled hunting or trapping activity, the permit holder shall park only in assigned parking areas and shall display the parking placard on the dashboard of their vehicle in a manner that allows it to be visible from the exterior of the vehicle.

(2) *Restriction on dogs.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from allowing a dog to run unaccompanied or without direction and control.

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

(d) *Controlled waterfowl hunting area specific restrictions.*

(1) A person hunting waterfowl in a controlled waterfowl hunting area or blind is authorized to begin the hunt and thereafter possess or discharge no more than ten rounds of ammunition. This paragraph does not prohibit one member of a party in a controlled waterfowl hunting area or blind from giving part of their original ten-round allotment to another member of the same hunting party. The Director may waive the limitations of this paragraph for any designated youth waterfowl hunting day.

(2) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from removing any waterfowl from the person's assigned waterfowl hunting area or blind prior to final check-out for that day.

(3) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from harvesting more than one Canada goose per person per day. Seasons and daily limits for all other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

§ 135.107. Unlawful acts.

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

[Pa.B. Doc. No. 23-756. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 137]

Wildlife; Chronic Wasting Disease Restrictions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 137.35 (relating to Chronic Wasting Disease restrictions) to: 1) authorize a

Statewide Chronic Wasting Disease (CWD) cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a disease management area (DMA); and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within this Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or Established Area (EA).

This 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 53 Pa.B. 1938 (April 8, 2023).

1. Purpose and Authority

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

In an effort to simplify CWD regulations and enhance protections against human-assisted spread of CWD, the Commission amended § 137.35 to: 1) authorize a Statewide CWD cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a DMA; and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within this Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or EA. This new structure will allow hunters to use any cooperating processor or taxidermist within this Commonwealth rather than limiting hunters to cooperators associated only with a particular DMA. This new structure will also allow for a limited or controlled authorization for hunters to import high-risk cervid parts into this Commonwealth. It should be noted this rulemaking was amended on final adoption to reorganize the text of paragraphs (b)(3)—(8) under a standalone subsection (b.1) titled “additional restrictions” to ensure their intended scope and applicability to both interstate and intrastate movement of high-risk cervid parts. This amendment was a non-substantive reorganization of the text.

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 § 137.35 are adopted under this authority.

2. *Regulatory Requirements*

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

3. *Persons Affected*

Persons wishing to become a cooperator, persons wishing to import high-risk cervid parts into this Commonwealth from other states, Canadian provinces or other locations, and persons wishing to export high-risk cervid parts from a DMA or EA will be affected by this 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 any additional cost or paperwork.

6. *Effective Date*

This 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 this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 137, are amended by amending § 137.35 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-495 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.35. Chronic Wasting Disease restrictions.

(a) *Importation.*

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

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

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

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

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

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

(b) *Exportation.*

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

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

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

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

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

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

(b.1) *Additional restrictions.*

(1) All cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth or imported into this Commonwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations under conditions in a forthcoming notice. The submission process, if any, will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The cost of testing, sampling and analysis will be borne by the Commission.

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

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

(4) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth. This prohibition may not be construed to apply to normal or accepted agricultural, habitat management, oil and gas

drilling, mining, forest management, or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting this activity. Failure to discontinue this activity is a violation of this section.

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

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

(c) *Nonapplicability.*

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

* * * * *

(f) *Violations.* A person violating a requirement or restriction in this section may be prosecuted under section 2102 or 2307 of the act (relating to regulations; and unlawful taking or possession of game or wildlife) and, upon conviction, be sentenced to pay the fine prescribed in the act. The Commission may deny, revoke or suspend a location or facility's authorization to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes from any cervid harvested, taken or killed outside of this Commonwealth or within any Disease Management or Established Area as set forth in section 929(a) of the act (relating to revocation, suspension or denial of license, permit or registration).

[Pa.B. Doc. No. 23-757. Filed for public inspection June 9, 2023, 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 15, 2023, meeting amends § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2023-2024 license year.

This 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 53 Pa.B. 1681 (March 25, 2023).

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Common-

wealth during the upcoming license year, the Commission amends § 139.4 to provide updated seasons and bag limits for the 2023-2024 license year. The 2023-2024 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

For small game, a significant expansion of opportunity for put-and-take hunting of captive-reared bobwhite quail in most of this Commonwealth is amended by means of an earlier season opening date, later season closing date and removal of the daily bag limit. Also, adjustments to crow season dates and addition of Thursdays as hunting days shift hunting opportunities from the peak breeding season to the fall and winter months. For black bear, five wildlife management units (WMU) (1B, 2C, 4A, 4B and 4D) are deleted from the extended firearms black bear season because of declining trends in nuisance complaints and hunter success rates. For furbearers, WMUs 3B and 4E are opened to river otter trapping because habitat and population data indicate that these units can support sustainable otter harvest. Also, several furbearers are added to the list of species that are legal for falconry harvest. For elk, the archery season is a week later than in 2022-2023 to provide additional time between the license drawing and the beginning of the season. For falconry, an expansion of falconry opportunities, to include the period of overlap with the regular firearms deer season, is adopted for those species for which falconry is a legal means of take. This expansion fully implements the intended effect of recent amendments to § 141.4 (relating to hunting hours) made by the Commission at its July 9, 2022, meeting. There are no substantive changes for white-tailed deer or wild turkey seasons, although the 2024 youth and regular spring turkey seasons are open 5 days later than in 2023. This is a normal fluctuation that occurs every several years for consistency with the wild turkey management plan guideline of opening the regular season the Saturday closest to May 1.

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

2. *Regulatory Requirements*

This final-form rulemaking amends § 139.4 to provide updated seasons and bag limits for the 2023-2024 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2023-2024 hunting/furtaking license year will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 1,347 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Seasons: Out of a total of 1,334 comments received concerning this subtopic, 576 supported and 721

opposed a Saturday opener for regular firearms deer season, 1 opposed the length of the regular firearms deer season, 1 supported lengthening regular firearms deer season, 6 supported and 14 opposed concurrent antlered/antlerless firearms deer season, 5 opposed the length of archery deer season, 3 supported lengthening archery deer season, 1 supported extended archery deer season, 1 supported muzzleloader deer season, 1 supported opening muzzleloader deer season for antlered deer harvest, 1 supported muzzleloader deer season in WMU 2D, 1 supported a longer muzzleloader deer and special firearms deer seasons, 1 supported adding a Sunday to flintlock muzzleloading deer season, and 1 supported regular firearms deer season closing on the same date as the special regulations areas.

Turkey Seasons: One comment was received concerning this subtopic in support of the fall and spring season structure.

Bear Seasons: Out of a total of five comments were received concerning this subtopic, one supported concurrent bear and deer seasons, three opposed early bear seasons, and one supported removing extended bear season in some WMUs.

Small Game Seasons: Out of a total of five comments were received concerning this subtopic, one supported late season grouse, one supported the early squirrel season, one opposed grouse season opening prior to December, one supported a “no dog” grouse season, and one opposed grouse season opening prior to November.

Furbearer Seasons: A total of two comments were received concerning this subtopic, both supporting more opportunity to harvest racoon.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 shall become effective upon publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-493 remains valid for the final adoption of the subject regulations.

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.

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

2023-2024 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>
<i>Squirrel</i> —(Combined species) ¹ Eligible Junior Hunters only, with or without the required junior license	Sept. 9		Sept. 23	6	18
<i>Squirrel</i> —(Combined species) ²	Sept. 9 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Feb. 29, 2024	6	18
<i>Ruffed Grouse</i> ²	Oct. 14 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23	2	6
<i>Rabbit, Cottontail</i> ¹ Eligible Junior Hunters only, with or without the required junior license	Sept. 30		Oct. 14	4	12
<i>Rabbit, Cottontail</i> ²	Oct. 14 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24	4	12

RULES AND REGULATIONS

3093

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
	Dec. 11 Dec. 26	and	Dec. 23 Feb. 29, 2024		
<i>Ring-necked Pheasant</i> —There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					
Central Susquehanna Wild Pheasant Recovery Area— <i>Male only</i> ¹	As authorized by the Executive Order				
<i>Ring-necked Pheasant—Male or Female</i> ¹ Eligible Junior Hunters only, with or without the required junior license	Oct. 7		Oct. 14	2	6
<i>Ring-necked Pheasant—Male or Female</i> ²	Oct. 21 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Feb. 29, 2024	2	6
<i>Bobwhite Quail</i> —There is no open season for the taking of bobwhite quail in the area surrounding the Letterkenny Bobwhite Quail Focus Area, as designated in § 141.30 (relating to bobwhite quail recovery area).					
<i>Bobwhite Quail</i> ²	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Mar. 30, 2024	Unlimited	
<i>Hare (Snowshoe Rabbits) or Varying Hare</i> ¹	Dec. 26		Jan. 1, 2024	1	3
<i>Woodchuck (Groundhog)</i> ²	July 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24	Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
	Dec. 11		June 29, 2024		
<i>Crow</i> ³ (Hunting permitted on Thursday, Friday, Saturday and Sunday only)	Aug. 24		Mar. 24, 2024	Unlimited	
<i>Starling and English Sparrow</i> ³	No closed season, except season closed during the regular firearms deer season(s).			Unlimited	

MIGRATORY GAME BIRDS

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

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Hunting on Sunday not authorized.¹

WILD TURKEY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Turkey, Fall—Male or Female</i> ¹ WMU 2B	Oct. 28	and	Nov. 17	1	1
	Nov. 22		Nov. 24		
WMUs 1A, 1B, 4A, 4B, 4D and 4E	Oct. 28		Nov. 4		
WMUs 2A, 2F, 2G, 3A, 3B, 3C, 3D and 4C	Oct. 28		Nov. 11		
WMUs 2C, 2D and 2E	Oct. 28	and	Nov. 11		
	Nov. 22		Nov. 24		
WMU 5B	Oct. 31		Nov. 2		
WMUs 5A, 5C and 5D	Closed to fall turkey hunting				
<i>Turkey, Spring</i> ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 27, 2024		Apr. 27, 2024	1	1
<i>Turkey, Spring</i> ^{1,4} Bearded Bird only	May 4, 2024	and	May 18, 2024	1	2
	May 20, 2024		May 31, 2024		
				May be hunted 1/2 hour before sunrise to 12 noon	
				May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
<i>Squirrel—(Combined species)²</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	6	18
<i>Quail²</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	Unlimited	
<i>Ruffed Grouse²</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	2	6
<i>Cottontail Rabbits²</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	4	12
<i>Snowshoe or Varying Hare²</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25	1	3

RULES AND REGULATIONS

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second day</i>
	Sun. ³ , Nov. 26 Nov. 27	and	Sun. ³ , Nov. 26 Mar. 30, 2024		
<i>Ring-necked Pheasant—Male² and Female (Combined)</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	2	6
<i>Mink, Muskrat, Fox, Opossum, Raccoon, Striped Skunk and Weasel²</i>	Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024	Unlimited	
<i>Migratory Game Bird¹</i> —Seasons and bag limits shall be in accordance with Federal regulations.					

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Archery (Antlered and Antlerless)^{2,5}</i> With the required archery license WMUs 2B, 5C and 5D	Sept. 16 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 26	and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Jan. 27, 2024	One antlered deer and an antlerless deer with each required antlerless license.
<i>Deer, Archery (Antlered and Antlerless)^{2,5}</i> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Sept. 30 Sun. ³ , Nov. 12 Nov. 13 Dec. 26	and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 17 Jan. 15, 2024	One antlered deer and an antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only)¹</i> With the required muzzleloading license	Oct. 14		Oct. 21	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders ⁶ Mentored Permit Holders ⁹ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 19		Oct. 21	An antlerless deer with each required antlerless license.
<i>Deer, Regular Firearms (Antlered and Antlerless)</i> ^{2, 5} Statewide	Nov. 25 Sun. ³ , Nov. 26 Nov. 27	and and	Nov. 25 Sun. ³ , Nov. 26 Dec. 9	One antlered deer and an antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1, 5} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26		Jan. 15, 2024	One antlered or one antlerless deer plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1, 5} With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 27, 2024	One antlered or one antlerless deer plus an additional antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 2B, 5C and 5D	Dec. 26		Jan. 27, 2024	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> ¹ (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Bear, Archery</i> ^{2, 7} WMUs 2B, 5C and 5D	Sept. 16 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20	and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24	1
<i>Bear, Archery</i> ^{2, 7} WMU 5B	Sept. 30 Sun. ³ , Nov. 12 Nov. 13	and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 17	1
<i>Bear, Archery</i> ^{1, 7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 14		Nov. 4	1
<i>Bear, Muzzleloader</i> ^{1, 7} (Statewide)	Oct. 14		Oct. 21	1

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Bear, Special firearms⁷</i> Only Junior and Senior License Holders ⁶ , Mentored Permit Holders ⁹ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard (Statewide)	Oct. 19		Oct. 21	1
<i>Bear, Regular Firearms^{2, 7}</i> (Statewide)	Nov. 18 Sun. ³ , Nov. 19 Nov. 20	and and	Nov. 18 Sun. ³ , Nov. 19 Nov. 21	1
<i>Bear, Extended firearms^{2, 7}</i> WMUs 2B, 5B, 5C and 5D	Nov. 25 Sun. ³ , Nov. 26 Nov. 27	and and	Nov. 25 Sun. ³ , Nov. 26 Dec. 9	1
<i>Bear, Extended firearms^{2, 7}</i> WMUs 3A, 3B, 3C, 3D, 4C, 4E and 5A	Nov. 25 Sun. ³ , Nov. 26 Nov. 27	and and	Nov. 25 Sun. ³ , Nov. 26 Dec. 2	1

ELK

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

FUR TAKING—TRAPPING

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

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i>	Oct. 21		Feb. 18, 2024	Unlimited
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 18, 2024	Unlimited

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 16		Jan. 7, 2024	1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 16		Dec. 31	1
<i>River Otter, with required otter permit</i> WMUs 1A, 1B, 2F, 3B, 3C, 3D and 4E	Feb. 10, 2024		Feb. 17, 2024	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Coyote—(Outside of any big game season)³</i>	May be taken with a hunting license or a furtaker's license.			Unlimited	
<i>Coyote—(During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
<i>Opossum, Striped Skunk, Weasel²</i>	July 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 June 29, 2024	Unlimited May be hunted any hour, day or night, on open dates from July 1—Nov. 24 and Dec. 10—June 29, 2024. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9.	
<i>Fox³</i>	Oct. 21		Feb. 17, 2024	Unlimited May be hunted any hour, day or night, from Oct. 21—Nov. 24 and Dec. 10—Feb. 17, 2024. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9.	
<i>Raccoon²</i>	Oct. 21 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27	and and and and and and	Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Feb. 17, 2024	Unlimited May be hunted any hour, day or night, on open dates from Oct. 21—Nov. 24 and Dec. 10—Feb. 17, 2024. May only be hunted from 1/2 and hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9.	
<i>Bobcat, with required bobcat permit¹</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 6, 2024		Jan. 31, 2024	1	1

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Porcupine</i> ²	Oct. 7		Nov. 11	3	10
	Sun. ³ , Nov. 12	and	Sun. ³ , Nov. 12		
	Nov. 13	and	Nov. 18		
	Sun. ³ , Nov. 19	and	Sun. ³ , Nov. 19		
	Nov. 20	and	Nov. 24		
	Dec. 11	and	Dec. 23		
	Dec. 26	and	Jan. 27, 2024		

No open seasons on other wild birds or wild mammals.

¹ No hunting on Sunday authorized. See 34 Pa.C.S. § 2303 (relating to hunting on Sunday prohibited).

² Hunting on Sunday authorized on separately delineated Sunday date(s) only. See 34 Pa.C.S. § 2303.

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

⁴ Only persons who possess a special wild turkey license as provided for in 34 Pa.C.S. § 2709 (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

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

⁶ Includes resident and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under 34 Pa.C.S. § 2706 (relating to resident license and fee exemptions).

⁷ Only one bear may be taken during the hunting license year with the required bear license.

⁸ Only one elk may be taken during the hunting license year with the required elk license.

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

[Pa.B. Doc. No. 23-758. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits; Wildlife Management Units

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 139.17 (relating to wildlife management units) to eliminate wildlife management unit (WMU) 2H and return WMU 2G to its original boundary.

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 53 Pa.B. 1690 (March 25, 2023).

1. Purpose and Authority

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiography, land cover and use, human population density and land ownership. WMU boundaries

were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. Over the years, the WMUs have undergone periodic reviews and evaluations. Following a recent evaluation of WMU 2H, which was separated out of the footprint of WMU 2G in 2013, it was determined that WMU 2H is too small to effectively collect adequate wildlife and hunter data for big games species. Furthermore, WMU 2H remains similar to WMU 2G in deer harvests and forest habitat measures. As a result, the Commission amends § 139.17 to eliminate WMU 2H and return WMU 2G to its original boundary.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the commission to “[d]efine geographic limitations or restrictions.” 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 § 139.17 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 139.17 to eliminate WMU 2H and return WMU 2G to its original boundary.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within WMUs 2G or 2H may be affected by this 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 any additional cost or paperwork.

6. *Effective Date*

This 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 this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 § 139.17 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-492 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

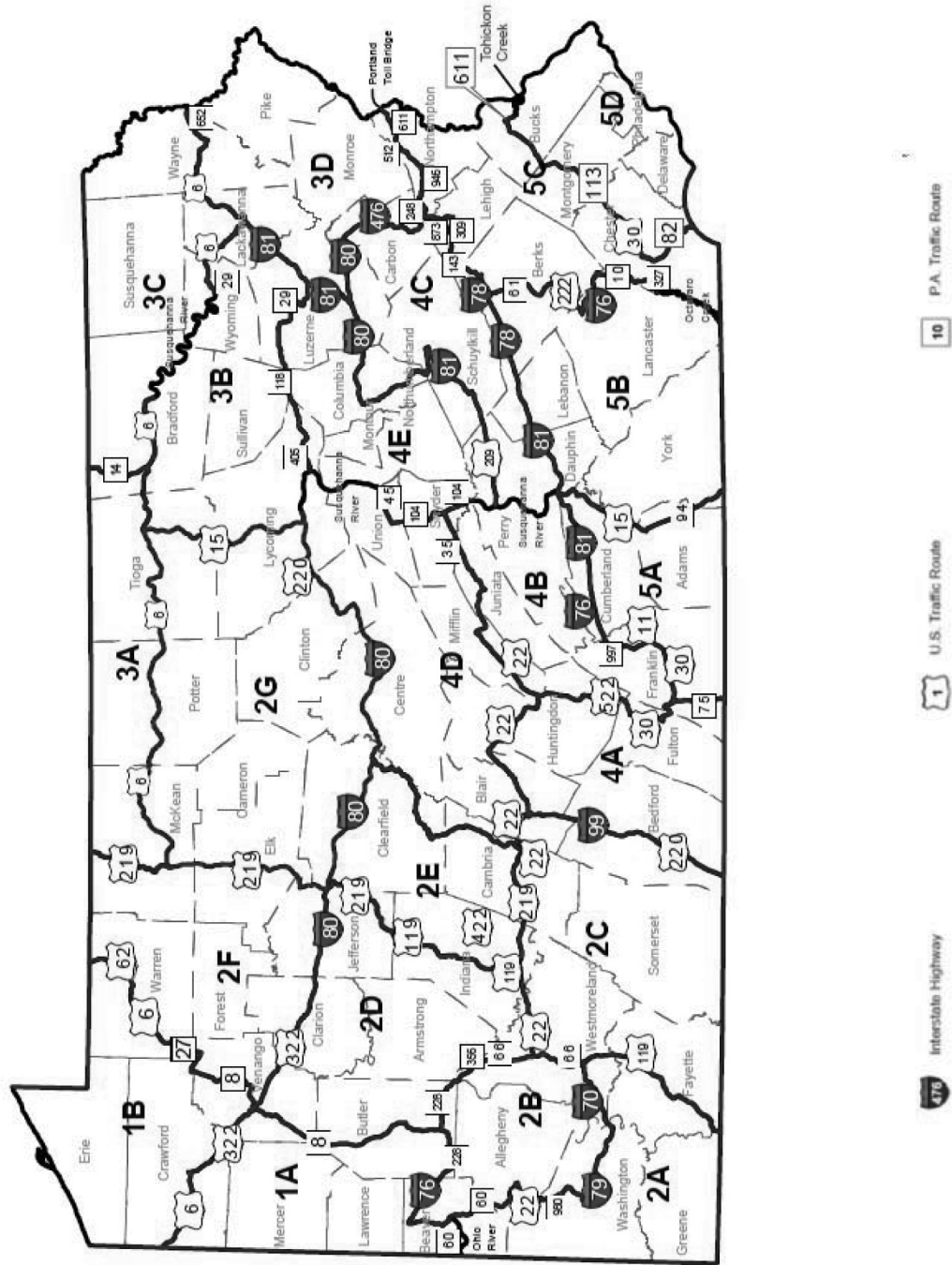
CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.17. Wildlife management units.

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

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

Wildlife Management Units



* * * * *

[Pa.B. Doc. No. 23-759. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

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

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 141.4 (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2023-2024 hunting/trapping license year.

This 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 53 Pa.B. 1692 (March 25, 2023).

1. Purpose and Authority

The Commission amends § 141.4, Appendix G, to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2023-2024 hunting/trapping license year.

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

2. Regulatory Requirements

This final-form rulemaking amends § 141.4, Appendix G, to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2023-2024 hunting/trapping license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2023-2024 hunting/furtaking license year will be affected by this 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 any additional cost or paperwork.

6. Effective Date

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

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 § 141.4, Appendix G 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-497 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**

(Editor’s Note: As part of this final-form rulemaking, the Commission deletes the text of the tables which appear in 58 Pa. Code pages 141-37—141-41, serial pages (410939)—(410943) and replaces them with the following tables.)

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

* * * * *

Appendix G. Hunting Hours

HUNTING HOURS TABLE FOR JULY 1, 2023, THROUGH JUNE 30, 2024					
<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1	5:05	9:03	Dec. 31—Jan. 6	6:53	5:16
July 2—8	5:09	9:02	Jan. 7—13	6:53	5:21
July 9—15	5:14	8:59	Jan. 14—20	6:51	5:28
July 16—22	5:20	8:54	Jan. 21—27	6:48	5:36
July 23—29	5:26	8:47	Jan. 28—Feb. 3	6:43	5:44
July 30—Aug. 5	5:33	8:40	Feb. 4—10	6:37	5:53
Aug. 6—12	5:39	8:31	Feb. 11—17	6:29	6:01
Aug. 13—19	5:46	8:21	Feb. 18—24	6:20	6:09
Aug. 20—26	5:53	8:11	Feb. 25—March 2	6:10	6:18
Aug. 27—Sept. 2	6:00	8:00	March 3—9	6:00	6:25
Sept. 3—9	6:06	7:49	March 10—16 *Begins	6:49	7:33
Sept. 10—16	6:12	7:38	March 17—23	6:38	7:40
Sept. 17—23	6:19	7:26	March 24—30	6:27	7:47
Sept. 24—Sept. 30	6:26	7:15	March 31—Apr. 6	6:15	7:54
Oct. 1—7	6:33	7:04	April 7—13	6:04	8:02
Oct. 8—14	6:40	6:53	April 14—20	5:53	8:09
Oct. 15—21	6:47	6:43	April 21—27	5:43	8:16
Oct. 22—28	6:55	6:33	April 28—May 4	5:35	8:23
Oct. 29—Nov. 4	7:03	6:25	May 5—11	5:25	8:30
Nov. 5—11 **Ends	6:11	5:18	May 12—18	5:18	8:37
Nov. 12—18	6:19	5:12	May 19—25	5:11	8:43
Nov. 19—25	6:27	5:08	May 26—June 1	5:07	8:49
Nov. 26—Dec. 2	6:34	5:06	June 2—8	5:03	8:54
Dec. 3—9	6:40	5:05	June 9—15	5:02	8:59
Dec. 10—16	6:46	5:06	June 16—22	5:02	9:02
Dec. 17—23	6:50	5:10	June 23—June 30	5:05	9:03
Dec. 24—30	6:52	5:14			

Daylight Saving Time:

Begins*

Ends**

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

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Sept. 24—30	6:26	6:45	March 31—Apr. 6	6:15	7:24
Oct. 1—7	6:33	6:34	April 7—13	6:04	7:32
Oct. 8—14	6:40	6:23	April 14—20	5:53	7:39
Oct. 15—21	6:47	6:13	April 21—27	5:43	7:46
Oct. 22—28	6:55	6:03	April 28—May 4	5:35	7:53
Oct. 29—Nov. 4	7:03	5:55	May 5—11	5:25	8:00
Nov. 5—11 **Ends	6:11	4:48	May 12—18	5:18	8:07
Nov. 12—18	6:19	4:42	May 19—25	5:11	8:13
Nov. 19—25	6:27	4:38	May 26—June 1	5:07	8:19
Nov. 26—Dec. 2	6:34	4:36	June 2—8	5:03	8:24
Dec. 3—9	6:40	4:35	June 9—15	5:02	8:29
Dec. 10—16	6:46	4:36	June 16—22	5:02	8:32
Dec. 17—23	6:50	4:40	June 23—June 30	5:05	8:33
Dec. 24—30	6:52	4:44			

Daylight Saving Time:
 Begins*
 Ends**

[Pa.B. Doc. No. 23-760. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 141]

Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 141.67 (relating to furbearer seasons) to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

This 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 53 Pa.B. 1692 (March 25, 2023).

1. Purpose and Authority

Members of the falconry community have recently requested an expansion of the hunting seasons for falconry to include certain mink, muskrat, fox, opossum, raccoon, striped skunk and weasel. The Commission has reviewed this request and included the addition of these species in the 2023-2024 seasons and bag limits final-form rulemaking published at 53 Pa.B. 3090 (June 10, 2023). This falconry season/species expansion required the addition of falcons to the list of lawful devices that may be used to harvest any furbearer having an open falconry season. A similar provision was added to § 141.22(a)(7) (relating to small game seasons) to accommodate this similar purpose. The Commission amends § 141.67 to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “. . . promulgate regulations

stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 141.67 are adopted under this authority.

2. Regulatory Requirements

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

3. Persons Affected

Persons wishing to hunt furbearers with a falcon within this Commonwealth will be affected by this 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 any additional cost or paperwork.

6. Effective Date

This 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 this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 § 141.67 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-498 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 D. FURBEARERS

§ 141.67. Furbearer seasons.

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

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

* * * * *

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

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

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

* * * * *

[Pa.B. Doc. No. 23-761. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at

its April 15, 2023, meeting amends §§ 143.41—143.45 and deletes §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process.

This 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 53 Pa.B. 1940 (April 8, 2023).

1. Purpose and Authority

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

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

The Commission amends §§ 143.41—143.45 and deletes §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process. These amendments make two notable changes to the antlerless deer license regulations. Under the first change, the eligibility criteria for the issuance of antlerless deer licenses outside of the allocations established to wildlife management units (WMU) have been slightly expanded to include additional eligibility for disabled veteran licenses. It should be noted that the proposed inclusion of landowner licenses in this expansion under the original proposed rulemaking has been deleted on final adoption to maintain conformity with section 2706(c) of the code (relating to resident license and fee exemptions). Under the second change, the antlerless deer license consecutive sales rounds timeline has been advanced a few weeks because of the elimination of the slower mail-in procedures. The remaining amendments to the regulatory text reorganize and reconstitute existing procedures and requirements for the distribution of antlerless deer licenses.

The Commission will continue to accept applications for antlerless deer licenses allocated to each WMU on a first-come, first-served basis through one or more sales rounds that will remain open until the supply of licenses is exhausted for each respective unit. This process will also maintain the familiar three-round application process that limits the distribution of one antlerless deer license per round followed by a fourth round of continuous over-the-counter sales for those WMUs with remaining allocations.

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

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 143.41—143.45 and deletes §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process.

3. *Persons Affected*

Persons wishing to apply for an antlerless deer license within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received two official written comments regarding this final-form rulemaking. The first comment opposed opening antlerless deer license sales on the same date as regular license sales, but was unclear on the reasons why this change was improper. The Commission has determined that the historical antlerless deer license sales process created an unnecessary and redundant process for customers to navigate. The Commission believes that the updates to the PALS licensing sales system allowing the sale of antlerless deer licenses on the same sales platform simultaneously alongside its other licensing products will better serve the public by reducing the necessity for and volume of licensing transactions occurring at different times and locations. Simply put, one-stop shopping was a significant goal under these changes.

The second comment expressed concern with the possibility of long lines at issuing agent locations that could result from individuals seeking their hunting license products within the same narrow timeframes. The Commission recognizes that there may be unanticipated challenges that result from this new antlerless deer license sales process, but what those challenges may be and how significant they may be is unknowable at this time. The Commission anticipates that the volume of customers interfacing the PALS license sales system at any given time will largely be controlled by customer purchasing habits and preferences. Issuing agents that fail to provide positive customer experiences during peak license purchasing periods with appropriate staffing and efficient operations procedures may see their customer base seek licensing services at other issuing agent locations. Because of this, the Commission believes that the commercial market will naturally self-correct most negative customer experiences. The Commission has developed communications for its various issuing agents to anticipate many of these challenges in advance.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

This 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 this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 143, are amended by amending §§ 143.41—143.45 and deleting §§ 143.48—143.56 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-491 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.41. General.

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

(b) The Commission will establish the annual allocation of antlerless deer licenses for each wildlife management unit after its review of available management data.

(c) The Commission will accept applications for antlerless deer licenses allocated to each wildlife management unit on a first-come, first-served basis through one or more sales rounds that will continue until the supply of licenses is exhausted for each wildlife management unit.

(d) [Reserved].

(e) Except as provided in subsection (f), notwithstanding the provisions of this subchapter limiting the total number of antlerless deer licenses allocated to each wildlife management unit, the Commission will establish a review process to authorize the issuance of licenses outside of the allocations established in each wildlife management unit to:

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

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

(3) An applicant whom the Commission has determined to have been erroneously denied an antlerless deer license.

(f) Except for subsection (e)(3), an eligible applicant may receive no more than one antlerless license each license year under any outside-of-allocation exception set forth in subsection (e). Should an applicant be eligible for two or more conditions, only one exception may be exercised each license year.

§ 143.42. Antlerless deer license required.

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

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

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

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

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

§ 143.43. Antlerless deer license eligibility and application.

(a) The Commission will make antlerless deer licenses available to eligible applicants for purchase through PALS online and at each of its current issuing agent locations across this Commonwealth.

(b) The Commission will only accept an application for an antlerless deer license from a person who meets all of the following criteria:

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

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

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

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

§ 143.44. Antlerless deer license application schedule.

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

(1) *Round 1.*

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

(ii) Beginning the second Monday in July for all non-resident applicants.

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

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

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

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

§ 143.45. Antlerless deer license application limits.

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

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

(c) *Round 4 continuous sales.*

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

(2) An eligible applicant may make one or more applications for antlerless deer licenses under this subsection only when the Commission's PALS licensing system shows five or less active and unfulfilled antlerless deer

licenses on the applicant’s license profile. Once an applicant has been issued a sixth cumulative active and unfulfilled antlerless deer license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS. At no time is an applicant authorized to exceed six cumulative active and unfulfilled antlerless licenses in their PALS license profile.

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

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

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

- § 143.48. [Reserved].
- § 143.49. [Reserved].
- § 143.50. [Reserved].
- § 143.51. [Reserved].
- § 143.52. [Reserved].
- § 143.53. [Reserved].
- § 143.54. [Reserved].
- § 143.55. [Reserved].
- § 143.56. [Reserved].

[Pa.B. Doc. No. 23-762. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION
GAME COMMISSION
[58 PA. CODE CH. 147]
Special Permits; Menageries

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 147.282 (relating to

safety) to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for that category of wildlife.

This 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 53 Pa.B. 1695 (March 25, 2023).

1. *Purpose and Authority*

A menagerie has approached the Commission to request that its safety regulations concerning public exposure with certain wildlife held by a menagerie be relaxed. The Commission has reviewed the applicable regulations and determined that changes can be made to the regulation without exposing the public to unnecessary danger or harm. A menagerie is defined as “[a]ny place where one or more wild birds or wild animals, or one or more birds or animals which have similar characteristics and appearance to birds or animals wild by nature, are kept in captivity for the evident purpose of exhibition with or without charge.” The Commission amends § 147.282 to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for the given category of wildlife. These changes will authorize menageries to remove additional species of wildlife from caging and directly expose them to the public, including wallabies, and all other wildlife outside of the families Ursidae, Felidae and Canidae. It should be noted that the proposed inclusion of nonhuman primates as category 2 wildlife under the original proposed rulemaking was amended on final adoption to redesignate them as category 3 wildlife. Under this updated structure, as written, nonhuman primates will be permitted to be removed from cages or confinement, but not directly exposed to the public.

Section 2901(b) of the code (relating to authority to issue permits) provides that “. . . the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.282 are adopted under this authority.

2. *Regulatory Requirements*

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

3. *Persons Affected*

Persons holding a menagerie permit or persons visiting a wildlife menagerie facility within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received seven official comments regarding this final-form rulemaking. Six comments opposed any expansion in public contact with any wildlife. One supported the reclassification of wildlife into categories that matched an associated level of exposure and public contact appropriate for the given category of wildlife.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

This 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 this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 147, are amended by amending § 147.282 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 publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-496 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter O. MENAGERIES

§ 147.282. Safety.

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

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

(c) Removal of wildlife from cages and public human contact with the following categories of wildlife is authorized only as follows:

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

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

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

[Pa.B. Doc. No. 23-763. Filed for public inspection June 9, 2023, 9:00 a.m.]