

# RULES AND REGULATIONS

## 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 January 27, 2024, meeting amends § 133.21 (relating to classification of birds) by adding the Black Rail (*Laterallus jamaicensis*) to the Commonwealth's list of threatened birds due to its Federally protected status and small, sporadic population in this Commonwealth.

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. 6868 (November 4, 2023).

#### 1. Purpose and Authority

Black Rails are the smallest rail species in North America and the most secretive in behavior and habitat. Although this species is considered uncommon in this Commonwealth, compelling evidence indicates territories have been established and nesting may have been attempted. In 2020, the United States Fish and Wildlife Service classified the Eastern Black Rail subspecies *Laterallus jamaicensis jamaicensis* as threatened under the Endangered Species Act of 1973 (16 U.S.C. §§ 1531—1544), indicating between 0 to 5 breeding pairs currently occur in this Commonwealth. The Commission amends § 133.21 to add the Black Rail (*Laterallus jamaicensis*) to the Commonwealth's list of threatened birds due to its Federally protected status and small, sporadic population in this Commonwealth.

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 were adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends § 133.21 to add the Black Rail to the Commonwealth's list of threatened birds.

#### 3. Persons Affected

Persons concerned with Black Rail (*Laterallus jamaicensis*) within this Commonwealth will be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

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

#### 5. Cost and Paperwork Requirements

This final-form rulemaking will 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 about 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.

(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 48-501 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*.
  - (i) King Rail (*Rallus elegans*)
  - (ii) Short-eared Owl (*Asio flammeus*)
  - (iii) Black Tern (*Chlidonias niger*)

- (iv) Least Bittern (*Ixobrychus exilis*)
- (v) Piping Plover (*Charadrius melodus*)
- (vi) Loggerhead Shrike (*Lanius ludovicianus*)
- (vii) American Bittern (*Botaurus lentiginosus*)
- (viii) Great Egret (*Ardea alba*)
- (ix) Yellow-crowned Night Heron (*Nyctanassa violacea*)
- (x) Common Tern (*Sterna hirundo*)
- (xi) Blackpoll Warbler (*Setophaga striata*)
- (xii) Black-crowned Night-Heron (*Nycticorax nycticorax*)
- (xiii) Dickcissel (*Spiza americana*)
- (xiv) Sedge Wren (*Cistothorus stellaris*)
- (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
- (xvi) Upland Sandpiper (*Batramia longicauda*)
- (xvii) Northern Goshawk (*Accipiter gentilis*)
- (2) *Threatened.*
- (i) Northern Harrier (*Circus hudsonius*)
- (ii) Long-eared Owl (*Asio otus*)
- (iii) [Reserved]
- (iv) Red Knot (*Calidris canutus rufa*)
- (v) Black Rail (*Laterallus jamaicensis*)

[Pa.B. Doc. No. 24-336. Filed for public inspection March 15, 2024, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

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

#### Lands and Buildings; General Provisions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 27, 2024, meeting amends § 135.2 (relating to unlawful actions) to prohibit any person from using or possessing a controlled substance or drug paraphernalia on Hunter Access Program (HAP) properties.

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. 7022 (November 11, 2023).

#### 1. Purpose and Authority

State Game Wardens (SGW) and Deputy State Game Wardens (DSGW) are encountering an increasing number of individuals who are in possession of controlled substances or drug paraphernalia on State game lands and HAP properties. The Commission amends § 135.2 to prohibit any person from using or possessing a controlled substance or drug paraphernalia on HAP properties. The text of sections 721(b) and 925(b)(9) of the code (relating to control of property; and jurisdiction and penalties) set the grading for this regulatory usage violation as a summary offense of the fifth degree carrying a potential fine or penalty of \$100—\$200.

State game lands are comprised of approximately 1.5 million acres of lands and waters located within this

Commonwealth that are owned by the Commission and predominantly used to create and maintain game and wildlife habitat and areas for the public to access hunting and furtaking opportunities. Conversely, HAP properties are comprised of approximately 1.7 million acres of lands and waters located within this Commonwealth that are privately owned, but where certain hunting and trapping rights have been conveyed to the Commission pursuant to written agreement under sections 709 and 729 of the code (relating to cooperative agreements relating to land; and public access projects).

The Commission controls authorized usage of State game lands and HAP properties pursuant to the authority of section 721(a) of the code. Section 721(a) states “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters.” The Commission has further promulgated regulations for State game lands only under § 135.41 (relating to State game lands). The Commission has also further promulgated regulations for both State game lands and HAP properties under § 135.2.

Section 135.41(c)(10) currently states that it is unlawful to “[u]se or possess any controlled substance or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-143).” However, as previously identified, this usage violation only applies to lands and waters designated as State game lands. Furthermore, there is no similar provision under § 135.2 that is applicable to HAP properties. The absence of a similar provision creates two limitations for the Commission.

The first limitation concerns the absence of a charging alternative to minor controlled substance or drug paraphernalia violations under The Controlled Substance, Drug, Device and Cosmetic Act that occur on HAP properties. For example, any SGW who identifies a person to be in possession of a controlled substance or drug paraphernalia on State game lands currently has the discretion to charge the more serious misdemeanor graded offense under The Controlled Substance, Drug, Device and Cosmetic Act or, in the alternative, the less serious summary graded usage offense under § 135.41(c)(10). Any SGW or prosecuting attorney similarly has this lesser charging alternative available for plea discussion in pending Controlled Substance, Drug, Device and Cosmetic Act cases that occurred on State game lands. The Commission has determined that a similarly structured progressive grading alternative structure would be a valuable tool in disposing of the multitude of different controlled substance and drug paraphernalia violations occurring on HAP properties.

The second limitation concerns the comparatively lesser authority of DSGW as compared to SGW. Any SGW who identifies a person to be in possession of a controlled substance or drug paraphernalia on HAP property currently has the authority to directly enforce The Controlled Substance, Drug, Device and Cosmetic Act pursuant to the authority of section 901(a)(17) of the code (relating to powers and duties of enforcement officers). Section 901(a) states “[a]ny officer whose duty it is to enforce this title or any officer investigating any alleged violation of this title shall have the power and duty to . . .” and 901(a)(17) states “. . . apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and

offenses) or any other offense classified as a misdemeanor or felony.” (Emphasis added.) Offenses under The Controlled Substance, Drug, Device and Cosmetic Act are graded as either misdemeanors or felonies; therefore, any SGW’s authority includes enforcement of the act. However, under the text of section 902 of the code (relating to deputy Game Commission officers), which explicitly bars the extension of section 901(a)(17) to a DSGW, these officers are not authorized to directly enforce The Controlled Substance, Drug, Device and Cosmetic Act.

Without an applicable regulation like § 135.41(c)(10) to address controlled substances and drug paraphernalia violations on HAP properties, DSGWs must request assistance from an SGW, a local police department or Pennsylvania State Police to address the violation outside of their direct authority. When these options are not available in a timely fashion, these violations will often go unaddressed. The amendment of § 135.2 creates a usage violation for persons found in possession of a controlled substance or drug paraphernalia that will be directly enforceable by both SGWs and DSGWs. This will consequently improve the efficiency of the enforcement operations of the Commission by reducing the necessity of alternate personnel to be called upon to attend to minor controlled substance and drug paraphernalia offenses occurring on HAP properties.

Section 721(a) of the code provides that “[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. . .for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.2 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 135.2 to prohibit any person from using or possessing a controlled substance or drug paraphernalia on HAP properties.

3. *Persons Affected*

Persons concerned with the possession of controlled substances or drug paraphernalia on HAP properties within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

This final-form rulemaking will 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 about 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 § 135.2 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 48-503 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter A. GENERAL PROVISIONS**

**§ 135.2. Unlawful actions.**

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

- (1) Camp or use campsites.
- (2) Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.
- (3) Travel on lands by means of vehicle or conveyance propelled by motorized power. This provision is not intended to restrict travel by certain devices used for persons with mobility disabilities as specifically authorized under Subchapter C (relating to State game lands).
- (4) Swim in a dam, pond, lake or stream.
- (5) Injure, destroy or cause damage to property—real, personal or mixed.
- (6) Remove or attempt to remove any manmade or natural object except wildlife and fish lawfully taken. Objects which may not be removed include animals, rocks, minerals, sand and historical or archaeological artifacts.
- (7) Participate in, become a part of, contribute to or engage in disorderly conduct as defined in 18 Pa.C.S. §§ 5503 and 5505 (relating to disorderly conduct; and public drunkenness).
- (8) Kindle, use or maintain an open fire.
- (9) Travel on roads open to vehicular travel with vehicle or conveyance propelled by motorized power which

is not licensed or authorized for operation on a public highway under 75 Pa.C.S. (relating to the Vehicle Code).

(10) Violate, fail or neglect to follow instructions posted on signs authorized by the Director.

(11) Travel by mechanical or motorized conveyance or ride animals on newly constructed, seeded or planted roads, or other areas, when posted against the travel.

(12) Possess, maintain, operate, occupy or travel by snowmobile or ATV in a manner not in accordance with the standards in 75 Pa.C.S. Chapter 77 (relating to Snowmobile and All-Terrain Vehicle Law).

(13) Construct, place, maintain, occupy, use, leave or abandon structures or other tangible property, except in the manner otherwise authorized and limited by § 135.41(c)(11) (relating to State game lands).

(14) Use or possess a controlled substance or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

[Pa.B. Doc. No. 24-337. Filed for public inspection March 15, 2024, 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 January 27, 2024, meeting amends § 141.18 (relating to permitted devices) to authorize electronic devices used to disturb water with the purpose of preventing ice formation.

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. 6869 (November 4, 2023).

#### 1. Purpose and Authority

The Commission recently conducted a formal review of the use of electronic devices intended to maintain open water, frequently referred to as “ice-eaters.” Ice-eaters can come in a variety of forms, such as fountains, propellers and bubblers, all with the intention of disturbing water to prevent ice formation or melt ice that has already formed. Waterfowl hunters use these devices in other jurisdictions where their use is lawful to maintain open water and entice waterfowl to remain in the area for hunting opportunities. When considering electronic devices, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase or public safety. The Commission’s review of these devices determined that their use would have insignificant negative impacts to the previously mentioned principles. Therefore, the Commission amends § 141.18 to authorize electronic devices used to disturb water with the purpose of preventing ice formation.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such

regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.18 are adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends § 141.18 to authorize electronic devices used to disturb water with the purpose of preventing ice formation.

#### 3. Persons Affected

Persons concerned with hunting where electronic devices used to disturb water for the purpose of preventing ice formation within this Commonwealth will be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

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

#### 5. Cost and Paperwork Requirements

This final-form rulemaking will 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 about 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 § 141.18 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 48-502 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.18. Permitted devices.**

Notwithstanding the prohibitions in § 141.6 (relating to illegal devices), the following devices may be used to hunt or take wildlife:

(1) Firearms that use an electronic impulse to initiate discharge of ammunition. This provision is not intended to authorize use of these devices when these firearms are otherwise prohibited devices for the applicable hunting or trapping season.

\* \* \* \* \*

(11) Electronic hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

(12) Electronic devices used to disturb water for the purpose of preventing ice formation.

[Pa.B. Doc. No. 24-338. Filed for public inspection March 15, 2024, 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 January 27, 2024, meeting amends § 141.67 (relating to furbearer seasons) to prohibit the hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

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

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

Notice of proposed rulemaking was published at 53 Pa.B. 6870 (November 4, 2023).

**1. Purpose and Authority**

Over the past several years, the Commission received an increasing number of complaints relating to hunters who are using dogs to hunt coyotes during the regular firearms deer and bear seasons. The Commission determined that the act of using dogs to hunt coyotes during the regular firearms deer and regular firearms bear seasons has resulted in both intentional and unintentional pushing, driving or killing of these big game species. The use of dogs to hunt big game is generally unlawful within this Commonwealth. Moreover, the Commission observed that the use of dogs to hunt coyotes during the regular firearms deer and regular firearms

bear seasons has frequently caused interference with hunters who were lawfully hunting deer or bear on properties where these activities coincided. The Commission amends § 141.67 to prohibit the hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.67 are adopted under this authority.

**2. Regulatory Requirements**

This final-form rulemaking amends § 141.67 to prohibit the hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

**3. Persons Affected**

Persons concerned with hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season within this Commonwealth will be affected by this final-form rulemaking.

**4. Comment and Response Summary**

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

**5. Cost and Paperwork Requirements**

This final-form rulemaking will 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 about 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.

(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 48-504 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.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. The centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that

propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(7) A leg-hold trap, except as prohibited under section 2361(a)(8) of the act (relating to unlawful acts concerning taking of furbearers).

(8) A body-gripping trap, except as prohibited under section 2361(a)(11) of the act.

(9) A cable restraint device authorized by § 141.66 (relating to cable restraints).

(10) A snare, except as prohibited under § 141.62(b) (relating to beaver and otter trapping).

(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:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Use any firearm, other than authorized in this paragraph, to dispatch legally trapped furbearers during the overlap with the regular or special firearms deer seasons:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(4) Hunt any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

[Pa.B. Doc. No. 24-339. Filed for public inspection March 15, 2024, 9:00 a.m.]