

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaking Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2007, meeting, proposed to amend § 143.12 (relating to fee for replacement hunter education training certificate) to permit the Commission to waive hunter education course registration fees for its staff and volunteer instructors.

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

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

The proposed rulemaking was made public at the October 2, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 25, 2008.

1. Purpose and Authority

The Commission's hunter education program has grown in recent years to include not only the basic Hunter-Trapper Education curriculum for all first-time license buyers, but also a mandatory Remedial Hunter Education training program and a Cable Restraint Certification curriculum required for certain trapping activities. A voluntary advanced training program titled "Successful Bowhunting" was also developed to improve bowhunters knowledge, skills and abilities. Future curriculum expansion is envisioned with additional species-specific and discipline specific advanced training programs.

With this growth, many staff and volunteer instructors have benefited from these training programs, resulting in an improvement in their knowledge and skills. This regulation will formalize the ability for the agency to waive course registration fees associated with certain hunter education programs, thereby allowing staff and volunteer instructors to participate in these and future training programs without being charged a fee. This waiver would be further defined by formal, written hunter education policy and would be subject to review and approval by the Director. Therefore, the Commission is proposing to amend § 143.12 to permit the Commission to waive hunter education course registration fees for its staff and volunteer instructors.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of activities related to license issuing. 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 § 143.12 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 143.12 to permit the Commission to waive hunter education course registration fees for its staff and volunteer instructors.

3. Persons Affected

Staff and volunteer instructors of the Commission participating in any of the Commission's hunter education training courses may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking may result in a nominal increase in additional cost (income avoidance) and paperwork to the Commission in implementing this fee waiver authority, however, such an increase should be absorbed by the Commission's current budget staffing, or both.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-257. No fiscal impact; (8) recommends adoption. This proposed rulemaking permits the Game Commission to waive hunter education course registration fees for its staff and volunteer instructors.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter A. GENERAL

§ 143.12. [Fee for replacement hunter education training certificate] Hunter education training.

[A \$10 fee shall be remitted by any person requesting a replacement Hunter Education Training Certificate.]

(a) **Course registration fees.** Upon application for enrollment in each fee-based hunter education course, a student shall remit the associated, nonrefundable course registration fee in the form of cash, credit card, check or money order. Checks or money orders must be made payable to the "Pennsylvania Game Commission."

(b) **Training certificate.** The Commission will issue an appropriate certificate of training to each student who successfully completes an approved hunter education course. The Commission will issue a replacement hunter education training certificate to a person who provides sufficient affirmation or evidence of successful completion of that course of instruction. A \$10 fee shall be remitted by any person requesting a replacement hunter education training certificate.

(c) Waiver. The Director may waive any course registration fee required by this section when the waiver is determined to be consistent with the Commission's hunter education training program or the intent of the act.

[Pa.B. Doc. No. 07-2351. Filed for public inspection December 21, 2007, 9:00 a.m.]

[58 PA. CODE CH. 143]
Hunting and Furtaking Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2007, meeting, proposed to amend § 143.52 (relating to procedure for unlimited antlerless licenses) to change the over-the-counter sales date from the third Monday in September to the second Monday in September to permit county treasurers to begin accepting and processing antlerless deer applications prior to the opening day of the new archery season in Wildlife Management Units (WMUs) 2B, 5C and 5D.

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

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

The proposed rulemaking was made public at the October 2, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 25, 2008.

1. *Purpose and Authority*

Currently, § 143.52 permits county treasurers who issue antlerless deer licenses for WMUs 2B, 5C and 5D to begin accepting applications over-the-counter on the third Monday in September. This date fell on September 17, 2007, this year, which happened to be 2 days after the new opening date for archery deer season within those same WMUs. The relationship of these dates unintentionally precluded some hunters wishing to hunt antlerless deer in WMUs 2B, 5C and 5D from being able to purchase the necessary antlerless deer licenses over-the-counter at county treasurers' offices. In an effort to prevent this unintended result from occurring next year, the Commission is proposing to change the over-the-counter sales date from the third Monday in September to the second Monday in September to permit county treasurers to begin accepting and processing antlerless deer applications prior to the opening day of the new archery season in WMUs 2B, 5C and 5D.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. 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 amendment to § 143.52 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 143.52 to change the over-the-counter sales date from the third Monday in September to the second Monday in September to permit county treasurers to begin accepting and processing antlerless deer applications prior to the opening day of the new archery season in WMU's 2B, 5C and 5D.

3. *Persons Affected*

Certain county treasurers and persons wishing to hunt antlerless deer during the early days of the archery season in WMU's 2B, 5C and 5D may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

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

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-261. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

**CHAPTER 143. HUNTING AND FURTKAKER
LICENSES**

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.52. Procedure for unlimited antlerless licenses.

* * * * *

(c) Beginning on the [third] second Monday in September, county treasurers within the designated wildlife management units shall accept antlerless applications over the counter from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.

[Pa.B. Doc. No. 07-2352. Filed for public inspection December 21, 2007, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2007, meeting, proposed to amend § 141.20

(relating to protective material required) to eliminate the protective material requirement for the spring turkey season.

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

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

The proposed rulemaking was made public at the October 2, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 25, 2008.

1. Purpose and Authority

Various hunters and sporting organizations have requested the Commission to review or reconsider, or both, the current regulatory mandate that turkey hunters wear at least 100 square inches of solid fluorescent orange-colored material on the head while moving about or relocating during the spring turkey season. Safety of hunters afield is without a doubt one of the paramount concerns of the Commission, especially as it relates to hunters shooting other hunters in mistake for game. However, notwithstanding anecdotal indications that the protective material requirement does in fact prevent some accidents, the available statistical data relating to hunting related shooting incidents (HRSIs) during the spring turkey season is devoid of clear evidence that the protective material requirement has made any appreciable reduction in the occurrence of HRSIs since its inception. After thorough discussion and review, the Commission has determined that it is prepared to eliminate the protective material requirement for the spring turkey season, however, it will remain attentive to the effect the removal has on the occurrence of HRSIs. Therefore the Commission is proposing to amend § 141.20 to eliminate the protective material requirement for the spring turkey season. Despite this proposal, the Commission strongly recommends that hunters continue to wear fluorescent orange during the spring turkey season.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.20 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.20 to eliminate the protective material requirement for the spring turkey season.

3. Persons Affected

Persons wishing to hunt turkey during the spring turkey season within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

CARL G. ROE, Executive Director

Fiscal Note: 48-256. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.20. Protective material required.

* * * * *

(b) Permitted acts. It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for:

* * * * *

(x) Turkey during the spring turkey season.

* * * * *

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for:

(i) [Turkey during the spring turkey season.

(ii)] Turkey during the fall turkey season in Wildlife Management Units 1A, 1B, 2A, 2B, 5B, 5C and 5D.

[(iii)] (ii) * * *

[(iv)] (iii) * * *

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[Pa.B. Doc. No. 07-2353. Filed for public inspection December 21, 2007, 9:00 a.m.]

[58 PA. CODE CHS. 141 AND 147]

Hunting and Trapping and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2007, meeting, proposed to amend § 141.4 (relating to hunting hours) and create Chapter 147, Subchapter W (relating to snow goose conservation hunt permit) to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth.

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

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

The proposed rulemaking was made public at the October 2, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 25, 2008.

1. Purpose and Authority

In recent years, continental snow goose populations have experienced a rapid growth in their population. This dramatic increase in population size has in turn resulted in extensive, possibly irreversible, damage to arctic and subarctic breeding habitats of the continental snow goose, as well as other bird populations dependant on these habitats. The Federal government has proposed, by means of a Light Goose Management Final Environmental Impact Statement, to reduce and stabilize snow goose populations primarily by allowing additional hunting methods and days. The United States Fish and Wildlife Service intends to establish a conservation order that will authorize states, beginning in 2008, to use hunters to harvest snow geese during the period when all waterfowl seasons, excluding falconry, are closed inside or outside the migratory bird hunting season framework. Participating states are required to monitor and assess hunting activity and harvest conducted under this conservation order and annually report to the United States Fish and Wildlife Service each September. To this end, the Commission is proposing to amend § 141.4 and create Chapter 147, Subchapter W to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." 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 and creation of Chapter 147, Subchapter W were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.4 and create Subchapter W to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth.

3. Persons Affected

Persons wishing for additional opportunities to hunt snow geese within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking may result in a nominal increase in additional cost and paperwork to the Commission in implementing this new program, however, such an increase should be absorbed by the Commission's current budget or staffing, or both.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-260. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

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

* * * * *

(5) Migratory birds may only be hunted 1/2 hour before sunrise until sunset, except during the **snow goose conservation season and the September resident [Canada]** goose season, when [**Canada**] geese may be hunted 1/2 hour before sunrise until 1/2 hour after sunset.

CHAPTER 147. SPECIAL PERMITS

Subchapter W. SNOW GOOSE CONSERVATION HUNT PERMIT

Sec.
147.781. Purpose and scope.
147.782. Application.
147.783. Permit.
147.784. Violations.

§ 147.781. Purpose and scope.

The purpose of this subchapter is to provide for snow goose conservation hunt permits to be issued to licensed migratory bird hunters. This permit will authorize migratory bird hunters to harvest snow geese during a time specified by the Director when all waterfowl seasons are closed and require hunter activity and harvest reporting carried out under the permit.

§ 147.782. Application.

(a) A permit will only be issued to persons who possess a valid hunting license, a valid migratory game bird license and, if the applicant is 16 years of age or older, a valid Federal duck stamp.

(b) Applications for snow goose conservation hunt permits issued under this subchapter shall be made on the form and in a manner provided by the Commission.

(c) Applications must include the name and contact information of the permit applicant.

§ 147.783. Permit.

(a) A snow goose conservation hunt permit issued under this subchapter authorizes the permittee to harvest snow geese within this Commonwealth during a period of time when all waterfowl seasons are closed.

(b) The permittee is required to maintain records specifying hunting activity and harvest by day, time of day, and any other detail required by the Commission. An annual report of this hunting record shall be submitted in a manner specified by the Commission within 30 days of the last hunting day of the conservation hunt period.

(c) The permittee shall comply with the arms, ammunition, hunting hours and hunting regulations for migratory game birds adopted by the United States Secretary of the Interior as published in the *Federal Register* each year.

§ 147.784. Violations.

The Director may deny permit applications received from persons who failed to complete and submit harvest reports and survey information from the prior season.

[Pa.B. Doc. No. 07-2354. Filed for public inspection Decemer 21, 2007, 9:00 a.m.]

[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 2, 2007, meeting, proposed to add Chapter 147, Subchapter V (relating to agricultural damage depredation permit) to define and create the regulatory structure necessary to implement the new agricultural damage depredation permit program within this Commonwealth.

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

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

The proposed rulemaking was made public at the October 2, 2007, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 25, 2008.

1. Purpose and Authority

On July 3, 2007, Governor Rendell signed into law House Bill 881, which, in relevant part, amended section 2121 of the code (relating to killing game or wildlife to protect property) to permit the Commission to authorize other individuals to assist eligible landowners in the destruction of wildlife causing agricultural damage on their property. This bill became effective September 1, 2007, however, before the Commission can begin the issuance of any permits to authorize this activity, the Commission must define and create the regulatory structure to implement this new program. To that end the Commission is proposing to create Subchapter V to define and create the regulatory structure necessary to implement the new agricultural damage depredation permit program within this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” 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 creation of Subchapter V was proposed pursuant to this authority.

2. Regulatory Requirements

The proposed rulemaking will create Subchapter V to define and create the regulatory structure necessary to implement the new agricultural damage depredation permit program within this Commonwealth.

3. Persons Affected

Eligible landowners and persons wishing to assist eligible landowners with the destruction of wildlife causing agricultural damage on their property within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking may result in a nominal increase in additional cost and paperwork to the Commission in implementing this new program, however, such an increase should be absorbed by the Commission’s current budget or staffing, or both.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-259. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter V. AGRICULTURAL DAMAGE
DEPREDATION PERMIT

- Sec.
- 147.761. Purpose and scope.
- 147.762. Application.
- 147.763. Permit.
- 147.764. Subpermittee.
- 147.765. Violations.

§ 147.761. Purpose and scope.

The purpose of this subchapter is to provide for depredation permits to be issued to qualified agricultural landowners to authorize them to secure the assistance of subpermittees, not otherwise individually qualified by section 2121 of the act (relating to killing game or wildlife to protect property) themselves, to destroy game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the agricultural landowners.

§ 147.762. Application.

(a) Applications for depredation permits issued under this subchapter shall be made through the district wildlife conservation officer on the appropriate form provided by the Commission.

(b) Applications must identify the name and contact information of the permit applicant, the names and contact information of the subpermittees, the specific location of the subject property owned, leased or otherwise controlled by the applicant, the species of game or wildlife causing damage, the specific nature and extent of the damage caused by the game or wildlife and any additional information the Commission may require.

(c) Applications will only be accepted from persons meeting the following criteria:

(1) The permit applicant meets the definition of a qualified "person," as defined in section 2121(c) of the act (relating to killing game or wildlife to protect property).

(2) Except in Wildlife Management Units 5C and 5D, the permit applicant is currently enrolled in one of the Commission public access programs (Farm Game or Safety Zone) for a minimum of 2 years.

(3) The permit applicant possesses a valid agriculture deer control permit if the species sought to be destroyed is white-tailed deer.

(d) Applications shall be accompanied by a copy of the deed, lease or other legal document evidencing the permit applicant to be the owner, lessor or the person in control of the lands to be permitted, including the hunting rights thereon.

§ 147.763. Permit.

A depredation permit issued under this subchapter authorizes the permittee to enlist the aid of a limited number of subpermittees for the purpose of destroying game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the permittee.

(1) The maximum number of subpermittees listed may not exceed two per permit, unless the district wildlife conservation officer recommends an increase due to warranted circumstances.

(2) A depredation permit issued under this subchapter is valid at any hour, day or night, but only for the duration of the current permit year.

(3) An annual report shall be submitted on forms supplied by the Commission by July 31 of each permit year.

§ 147.764. Subpermittees.

A depredation permit issued under this subchapter authorizes a limited number of subpermittees, selected by the permittee, to act on behalf of the permittee by

destroying game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the permittee.

(1) *Qualifications.* A subpermittee shall be a resident of this Commonwealth, possess a valid resident hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) and have no prior record of violations of the act or related license revocations within the previous 10 years.

(2) *Eligibility.* A subpermittee may destroy game or wildlife upon lands owned, leased or otherwise controlled by the permittee only when the game or wildlife is either actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives, immediately following the destruction or when there is just cause for reasonable apprehension of additional imminent destruction.

(3) *Lawful devices and methods.* A subpermittee shall comply with the arms, ammunition and method restrictions located in section 2126 of the act (relating to unlawful activities) and § 141.19 (relating to killing game or wildlife to protect property). A permittee may further restrict or limit the usage of specific arms, ammunition or methods of destruction as deemed appropriate.

(4) *Reporting.* A subpermittee shall report all wildlife destroyed within 24 hours to the Commission in the manner required by section 2122 of the act (relating to report to commission officer).

(5) *Surrender of carcass.* The allowances of section 2124 of the act (relating to retention of edible carcass for food) do not extend to subpermittees. A subpermittee shall surrender the entire carcass, including the head and hide, of all game or wildlife destroyed under this subchapter to the Commission in the manner provided by sections 2123 and 2125 of the act (relating to safekeeping edible carcass pending disposition; and surrender of carcass to commission officer). A subpermittee who surrenders the entire carcass of any game or wildlife destroyed under this subchapter to a food bank or a butcher operating on behalf of a food bank, at the express direction of the district wildlife conservation officer, shall be deemed to have met the surrender requirement.

§ 147.765. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter, specifically including violations of the conditions of the permit or reporting requirements, upon written notice to the permittee.

[Pa.B. Doc. No. 07-2355. Filed for public inspection December 21, 2007, 9:00 a.m.]