

# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Deer Control; Eligibility and Application for Deer Management Assistance Program

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 30, 2015, meeting to amend § 147.673 (relating to eligibility and application for DMAP) to allow the Commission to assess Deer Management Assistance Program (DMAP) coupon allocations for political subdivision or government agency applicants at individual and distinct DMAP units to less than 15,000 acres each and also assess DMAP coupons to these applicants based upon current conditions relative to goals and objectives outlined in an approved management plan.

The proposed rulemaking will not have an 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 June 30, 2015, meeting of the Commission. Comments can be sent until September 25, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission is statutorily tasked with managing the Commonwealth's white-tailed deer herds on behalf of citizens in this Commonwealth. To accomplish this task, the Commission allocates antlerless deer licenses across this Commonwealth among the various wildlife management units to utilize hunter harvest as the primary management tool of white-tailed deer. These allocations are adjusted each year to allow the deer herd to grow, stabilize or decrease, and are based on the best available science and in consideration of the broad and disparate interests of various stakeholders in this Commonwealth. However, this system is primarily focused on addressing deer management at the landscape level.

In 2003, DMAP was first established to provide both public and private landowners with an additional tool for the management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land uses and other interests. DMAP was specifically designed as a strategic tool to deal with localized land issues not larger landscape problems. However, a growing voice of hunters have recently raised concerns that DMAP may be excessively impacting local white-tailed deer herds, especially on State-owned lands, as evidenced by a lack of deer sightings.

Regulatory changes allow the Commission to closely monitor and make necessary changes when alignment of local deer management goals using DMAP are not in alignment with the Commission's mandate to effectively manage the deer in a responsible and appropriate manner. The Commission is proposing to amend § 147.673 to allow the Commission to assess DMAP coupon allocations for political subdivision or government agency applicants at individual and distinct DMAP units to less than 15,000 acres each and also assess DMAP coupons to these applicants based upon current conditions relative to goals and objectives outlined in an approved management plan.

By limiting the extent of DMAP units on public lands to less than 15,000 acres each, political subdivision or government agency landowner applicants will be asked to narrow the focus of DMAP programs to areas in greater need of this tool in an effort to manage deer populations at a more distinct local level. Furthermore, political subdivision or government agency landowner applicants will be issued DMAP coupons in numbers that are consistent with current conditions relative to goals and objectives outlined in an approved management plan and without a guaranteed minimum allocation. The proposed amendments better allow the Commission to manage the white-tailed deer herd to best meet landowner needs, hunter desires and citizens' interests.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.673 are proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend § 147.673 to allow the Commission to assess DMAP coupon allocations for political subdivision or government agency applicants at individual and distinct DMAP units to less than 15,000 acres each and also assess DMAP coupons to these applicants based upon current conditions relative to goals and objectives outlined in an approved management plan.

#### 3. Persons Affected

Political subdivision or government agency applicants wishing to participate in the DMAP program will be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking may result in a minor increase in paperwork and cost for political subdivision or government agency DMAP applicants and the Commission due to the likelihood of a slight increase in the number of DMAP applications resulting from addition of the 15,000-acre cap for each permit application. However, the Commission determined that this increase will be nominal and addressed by current budget and staffing allocations.

#### 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-385. No fiscal impact; (8) recommends adoption.

Annex A  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter R. DEER CONTROL**  
**DEER MANAGEMENT ASSISTANCE PROGRAM**  
**PERMITS**

**§ 147.673. Eligibility and application for DMAP.**

(a) **Eligibility.** Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies [ shall apply for the DMAP on a form provided by the Commission ] are eligible to make application for a DMAP.

(1) Applications shall be submitted on a form provided by the Commission to a regional office by May 1 immediately preceding the first fall deer season and include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the contact person for the DMAP as well as other information required on the application.

[ (2) One DMAP harvest permit will be allocated for every 5 acres of land enrolled in the DMAP where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented. One DMAP harvest permit will be allocated for every 50 acres of land enrolled in the DMAP for all other lands. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(3) ] (2) Applications will not be accepted for the following areas without an approved management plan:

(i) Areas within 1 air mile of another DMAP area that is owned, leased or controlled by the same person, political subdivision or governmental agency.

(ii) Areas owned or leased by a Federal agency, State agency or municipal political subdivision.

(iii) Areas with less than 5 acres of cultivated crops, fruit trees or vegetables, or less than 50 acres of other lands.

(b) **Management plan criteria.** Management plans must include at least the following information:

(1) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.

(2) A description of the management area delineated on the map in paragraph (1) including the size in acres, cover types (forested or nonforested), principle land uses, huntable areas and safety zones.

(3) An explanation of the deer management goals and objectives for the area.

(4) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing the use of DMAP in the area. Area specific information shall be provided that supports the deer management goals and objectives.

**(c) Allocation of harvest permits.**

(1) **Private land and hunting clubs.** Owners or lessees of private land and hunting clubs will be

allocated one DMAP coupon for every 50 acres of land enrolled in DMAP. This allocation may be increased to one DMAP coupon for every 5 acres of land enrolled in the DMAP if an applicant can document sufficient proof of material destruction of cultivated crops, fruit trees or vegetables by deer. The Commission may issue additional DMAP coupons to applicants at its discretion if current conditions relative to goals and objectives outlined in an approved management plan support escalation.

(2) **Public land.** The Commission may issue DMAP coupons to political subdivision or government agency landowner applicants at its discretion based upon current conditions relative to goals and objectives outlined in an approved management plan. Allocations for political subdivision or government agency applicants will be assessed for individual and distinct DMAP units no greater than 15,000 acres each.

[ (c) ] (d) **Designation of location and boundaries.** Upon approval of the application, the location and boundaries of the area shall be designated in a manner approved by the Commission.

[ (d) Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to. ]

(e) **Availability of harvest permits through authorized issuing agents.** In DMAP areas designated by the Director, DMAP harvest permits may be made available directly through authorized issuing agents without coupons being issued.

[Pa.B. Doc. No. 15-1537. Filed for public inspection August 21, 2015, 9:00 a.m.]

[ 58 PA. CODE CHS. 143 AND 147 ]

**Hunting and Furtaker Licenses; Special Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 30, 2015, meeting to amend §§ 143.182, 143.185 and 147.804 (relating to definitions; the license; and general) to add cottontail rabbit and mourning dove to the list of species that mentored youth are eligible to hunt and also require that mentored youth obtain a Migratory Game Bird License prior to hunting mourning dove.

The proposed rulemaking will not have an 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 June 30, 2015, meeting of the Commission. Comments can be sent until September 25, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Since the successful implementation of the Mentored Youth Hunting Program in fall 2006, the Commission has been striving to improve upon the successes of this mentor-based program. Sporting organizations and other interested groups have continued to encourage the Com-

mission to expand mentored youth hunting opportunities in this Commonwealth to additional species, including the cottontail rabbit and mourning dove. Importantly, the mourning dove is defined as a migratory bird species and requires the acquisition of a Migratory Game Bird License to facilitate the Harvest Information Program (HIP). HIP is a National, cooperative state and Federal program designed to improve the information collected regarding the harvest of migratory game birds. The Commission is proposing to amend §§ 143.182, 143.185 and 147.804 to add cottontail rabbit and mourning dove to the list of species that mentored youth are eligible to hunt and also require that mentored youth obtain a Migratory Game Bird License prior to hunting mourning dove.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 143.182, 143.185 and 147.804 are proposed under this authority.

## 2. Regulatory Requirements

The proposed rulemaking will amend §§ 143.182, 143.185 and 147.804 to add cottontail rabbit and mourning dove to the list of species that mentored youth are eligible to hunt and also require that mentored youth obtain a Migratory Game Bird License prior to hunting mourning dove.

## 3. Persons Affected

Persons wishing to hunt cottontail rabbit and mourning dove under the Mentored Youth Hunting Program 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-387. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 143. HUNTING AND FURTAKE**  
**LICENSES**

### Subchapter J. MIGRATORY GAME BIRD LICENSE

#### § 143.182. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*HIP survey*—The Migratory Game Bird Harvest Information Program (HIP) survey that will be completed at the time the license is issued.

*Migratory Game Bird License*—The license authorizing the holder thereof to hunt for migratory game birds. The license is not valid unless used in conjunction with a regular resident [ or ] **hunting license**, nonresident hunting license or **mentored hunting permit**.

#### § 143.185. The license.

**A Migratory Game Bird License is required for a person engaged in the hunting or taking of migratory game birds, unless the person otherwise qualifies for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).** The Migratory Game Bird License shall be signed by the holder in the space provided and shall be carried at all times while hunting for migratory game birds. The holder shall produce the license upon demand of an officer authorized to enforce the act and this title.

## CHAPTER 147. SPECIAL PERMITS

### Subchapter X. MENTORED HUNTING PROGRAM PERMIT

#### § 147.804. General.

\* \* \* \* \*

#### (c) Species limitation.

(1) A mentored youth's hunting eligibility is restricted to the following species: **cottontail rabbit, mourning dove**, squirrel, woodchuck, coyote, deer and wild turkey. Except as provided in this paragraph, mentored youth hunting permits will be issued with an antlered deer harvest tag and a spring turkey harvest tag. Harvest tags will not be issued to mentored youth applicants who are under 7 years of age at the time of application.

\* \* \* \* \*

[Pa.B. Doc. No. 15-1538. Filed for public inspection August 21, 2015, 9:00 a.m.]

## [ 58 PA. CODE CH. 135 ]

### Lands and Buildings; Goose Hunting Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 30, 2015, meeting to amend § 135.104 (relating to restrictions on controlled goose hunting areas) to limit persons to harvesting one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area.

The proposed rulemaking will not have an 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 June 30, 2015, meeting of the Commission. Comments can be sent until September 25, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The controlled goose hunting program on the Middle Creek Wildlife Management Area provides opportunities for hunters to harvest Canada geese during the regular

goose hunting season. Each year a number of hunters are selected to hunt from blinds through a public drawing. Hunters may subsequently enter into a drawing on later days for unclaimed blinds where they may take additional geese, but remain within the 1 goose per day daily bag limit. Hunter success rates have been declining in the controlled goose hunting area due in part to declining resident goose populations, fewer migrant geese and higher harvest rates on geese in areas surrounding Middle Creek. In an effort to help increase hunter success rates and Canada goose populations on Middle Creek, the Commission is proposing to limit the take in the controlled goose hunting area to one Canada goose per person per season.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.104 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 135.104 to limit persons to harvesting one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area.

3. *Persons Affected*

Persons wishing to hunt Canada geese at the Middle Creek Wildlife Management Area controlled goose hunting area 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-383. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS**

**§ 135.104. Restrictions on controlled goose hunting areas.**

It is unlawful to:

\* \* \* \* \*

(9) Take more than one **Canada** goose per person **per day at a controlled goose hunting area. [Duck limits]** Season and daily limits on other waterfowl

shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

**(10) Take more than one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area.**

[Pa.B. Doc. No. 15-1539. Filed for public inspection August 21, 2015, 9:00 a.m.]

**[ 58 PA. CODE CH. 131 ]**

**Preliminary Provisions; Replacement Costs for Wildlife Killed**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 30, 2015, meeting to amend § 131.8 (relating to replacement costs for wildlife killed) to increase replacement costs for bald and golden eagles from \$200 to \$2,500.

The proposed rulemaking will not have an 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 June 30, 2015, meeting of the Commission. Comments can be sent until September 25, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

In accordance with goals established in the Pennsylvania Bald Eagle Management Plan, 2010-2019, the Commission determined that the bald eagle (*Haliaeetus leucocephalus*) achieved a population level and geographical distribution that no longer met the definition of a threatened species. As a result, on March 15, 2014, the bald eagle was officially removed from the Commonwealth’s threatened species list. Notwithstanding the bald eagle’s delisting, its populations and the populations of its smaller cousin, the golden eagle (*Aquila chrysaetos*), necessitate further protection from unlawful takings in the form of increased replacement costs.

Section 925(i) of the code (relating to jurisdiction and penalties) specifically states that “[i]n addition to the fines and costs imposed for violations pursuant to subsection (b), the costs incurred by the commission for the replacement of the species involved in the violation shall be assessed by the magisterial district judge in such amount as is fixed by regulation of the commission.” The Commission is proposing to amend § 131.8 to increase replacement costs for bald and golden eagles from \$200 to \$2,500.

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 § 131.8 are proposed under this authority.

## 2. Regulatory Requirements

The proposed rulemaking will amend § 131.8 to increase replacement costs for bald and golden eagles from \$200 to \$2,500.

## 3. Persons Affected

Persons who unlawfully take or kill bald or golden eagles within the 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 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-386. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 131. PRELIMINARY PROVISIONS

#### § 131.8. Replacement costs for wildlife killed.

Under section 925(i) of the act (relating to [ **finest and penalties for violations** ] **jurisdiction and penalties**), in addition to any fines and costs imposed for violations of the act and this title, any person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(1) *General class* [ : ].

(i) Each threatened or endangered bird or mammal, \$5,000.

[ (ii) Each elk, \$1,500.

(iii) Each bear, \$1,500.

(iv) Each deer, \$800.

(v) Each bobcat, \$500.

(vi) Each otter, \$500.

(vii) Each turkey, \$300.

(viii) Each beaver, \$300.

(ix) Any other wildlife, \$200. ]

(ii) Each bald eagle or golden eagle, \$2,500.

(iii) Each elk or black bear, \$1,500.

(iv) Each white-tailed deer, \$800.

(v) Each bobcat or otter, \$500.

(vi) Each wild turkey or beaver, \$300.

(vii) Any other wildlife, \$200.

(2) *Trophy class* [ : ].

(i) Each elk with a Boone and Crockett green score of 200 points or more, \$5,000.

(ii) Each **white-tailed** deer with a Boone and Crockett green score of 115 [ **point** ] **points** or more, \$5,000.

(iii) Each black bear with a field dressed weight of 350 pounds or more, \$5,000.

[Pa.B. Doc. No. 15-1540. Filed for public inspection August 21, 2015, 9:00 a.m.]

### [ 58 PA. CODE CH. 133 ]

#### Wildlife Classification; Mammals

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 30, 2015, meeting to amend § 133.41 (relating to classification of mammals) to remove the Delmarva Fox Squirrel from the State endangered species list and also update the common name of the Eastern woodrat to the Allegheny woodrat.

The proposed rulemaking will not have an 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 June 30, 2015, meeting of the Commission. Comments can be sent until September 25, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission is proposing to amend § 133.41 to reflect the current status of populations of mammals in this Commonwealth and to update scientific nomenclature. The first amendment pertains to the Delmarva Fox Squirrel (*Scuirus niger niger*). This is one of three subspecies of fox squirrel listed in this Commonwealth. The species was considered present historically in only a very limited portion of southeastern Pennsylvania, and a reintroduction attempted in 1989 occurred with no documented survival past 1 year. Suitable habitat for the species within its historic range is nonexistent, and no documented individuals have been recorded in the 25 years since the reintroduction effort was undertaken. The Mammal Technical Committee, a scientific advisory committee of the Pennsylvania Biological Survey, voted to consider it as State extirpated, and to remove it from the list of State endangered mammals. Across the species core range in coastal portions of Delaware, Maryland and Virginia, it is considered stable and proposed to be removed from Federal list of endangered species. The second proposed amendment updates the common name of the Eastern woodrat to the Allegheny woodrat. Based upon genetic and morphological evidence, the Eastern woodrat has been split into two species—the Eastern woodrat and the Allegheny woodrat. The Allegheny woodrat (*Neotoma magister*) inhabits this Commonwealth and is currently listed as threatened.

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 2167(a) of the code (relating to endangered or threatened species) states that “[t]he

commission may, by regulation, add or remove any wild bird or wild animal native to this Commonwealth to or from the Pennsylvania native list of endangered or threatened species.” The amendments to § 133.41 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 133.41 to remove the Delmarva Fox Squirrel from the State endangered species list and also update the common name of the Eastern woodrat to the Allegheny woodrat.

3. *Persons Affected*

Persons interacting with the Delmarva Fox Squirrel or Allegheny woodrat within this Commonwealth 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 Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-384. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 133. WILDLIFE CLASSIFICATION**

**Subchapter C. MAMMALS**

**§ 133.41. Classification of mammals.**

The following mammals are classified:

(1) *Endangered.*

(i) Indiana Bat (*Myotis sodalis*)

(ii) Least Shrew (*Cryptotis parva*)

**[ (iii) Delmarva Fox Squirrel (*Sciurus niger cineris*)**

**(iv) ] (iii) Northern flying squirrel (*Glaucomys sabrinus macrotis*)**

(2) *Threatened.*

(i) Small-footed Myotis (*Myotis leibii*)

(ii) **[ Eastern ] Allegheny** woodrat (*Neotoma magister*)

(iii) West Virginia Water Shrew (*Sorex palustris punctulatus*)

[Pa.B. Doc. No. 15-1541. Filed for public inspection August 21, 2015, 9:00 a.m.]