

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 5]

Proof of Recycling

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), amends Chapter 5 (relating to duties and rights of licensees) and adds § 5.43 (relating to proof of recycling) to read as set forth in Annex A.

A. *Effective Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

B. *Additional Information*

Further information may be obtained by contacting Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel; or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001; ralblegal@pa.gov (e-mail is preferred).

C. *Statutory Authority*

These amendments are published under the statutory authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)).

D. *Purpose and Background*

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. *Summary of Changes*

Section 491(5) of the Liquor Code (47 P.S. § 4-491(5)) requires restaurant, hotel and club liquor licensees to break any package that contained liquor (“liquor packages”) within 24 hours after the liquor package has been emptied, with two exceptions: 1) the Board has determined the package to be decorative; or 2) the licensee participates in either a municipal or voluntary recycling program. If a licensee claims to participate in a recycling program, the Pennsylvania State Police, Bureau of Liquor Control Enforcement, which enforces the Liquor Code, may demand that the licensee provide “proof in writing.” Id. These amendments establish what constitutes “proof in writing.”

The amendments add § 5.43; subsection (a) is based on the text of section 491(5) of the Liquor Code and is included to provide a frame of reference for the regulation.

Subsection (b) requires a licensee to “deface, prior to recycling, the labels of all packages that are not broken. The labels must be defaced with a permanent marker or some other, similar, permanent defacement. . . .” The reason for this is to prevent the fraudulent reuse of liquor packaging, which is also the reason for requiring a licensee to break any packages that are not being recycled. Packaging that is not broken may be taken by someone, whether at curbside or at a recycling drop off location, who then refills the package and passes it off as genuine. Therefore, to thwart this type of fraud, licensees are required to deface the labels of liquor packaging that is being recycled.

Subsection (c) sets forth the documentation that licensees must keep as “proof in writing” of participation in a recycling program. Paragraph 1 requires a licensee to have, as a threshold element, written proof that the county recycles the type of liquor package, such as glass, that the licensee is recycling. This proof can be a pamphlet or printed pages from the recycling program’s web site or something similar.

Subsection (c), paragraph 2 pertains to licensees that have their recycling picked up at the curb. These licensees must retain a copy of the receipts, bills or invoices paid by the licensee when it pays for a municipal or private entity to pick up its recycling.

Subsection (c), paragraph 3 pertains to licensees that must take their recycling to a drop off location. There may or may not be a person staffing the drop off location; so, in consideration of that fact, the “proof in writing” documentation does not require corroboration from the township or municipality.

In the proposed rulemaking, the Board included, in subsection (c), paragraph 3, a form to record what has been taken to the recycling drop-off location and other details. At the suggestion of the Independent Regulatory Review Commission (IRRC), the Board eliminated this form from this final-form rulemaking. Instead, the information that was captured on the form has been streamlined and provided in list form, directing the licensee to maintain a statement containing the following information:

- Name and address of the licensee;
- Type of liquor packages recycled; and
- Details on each delivery of recycled liquor packages, including the date of delivery, time of delivery, who delivered the liquor packages, what was delivered, and the approximate weight or quantity of the recycled liquor packages.

In addition, this final-form rulemaking requires the statement to be verified by the licensee’s representative that the information provided is true and complete to the best of the representative’s knowledge and belief and that the licensee’s representative understands that the statements made are subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). This statement should be followed by the signature of the licensee’s representative and the date the signature was made.

Subsection (c), paragraph (3) also requires the licensee to keep a choice of two of the following items:

- The name, location and hours of operation of the recycling facility where licensee disposes recyclable liquor packages.
- A copy of the recycling registration or documentation required by a municipality.
- A municipal waste newsletter or circular.
- An e-mail, letter or memorandum from its municipality that explains what may be recycled and where recyclable liquor packages may be dropped off.
- Municipal recycling maps of drop-off locations for recyclable liquor packages.

- A municipal recycling collection schedule or calendar.
- Other printed or online materials provided by a municipality regarding municipal waste management.

The intent behind this requirement is to ensure that the licensee has made the effort to become informed as to how to recycle in the county. Although independent corroboration is preferred, in many rural areas, it is impossible to obtain.

Finally, subsection (d) requires the “proof in writing” to be kept for a period of 2 years, in conformance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

F. Paperwork Requirements

The amendments impose minimal paperwork requirements on those licensees who recycle packages that previously contained alcohol. Since the statute requires “proof in writing,” some paperwork is unavoidable. These amendments are intended to provide guidance as to what constitutes “proof in writing” of participation in a recycling program without creating an unreasonable burden for licensees.

G. Fiscal Impact

This regulatory change is not expected to have any measurable fiscal impact on the regulated community, State government or local governments.

H. Comments to the Proposed Rulemaking

Comments were received from the Pennsylvania Restaurant and Lodging Association, the Honorable John A. Lawrence, as well as IRRRC. Responses to the comments have been provided in a separate document.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 21, 2019, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRRC, and the House and Senate Committees were provided with copies of all comments received during the public comment period as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments received from IRRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 14, 2021, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRRC met on April 15, 2021, and approved the final-form rulemaking.

TIM HOLDEN,
Chairperson

(Editor’s Note: See 51 Pa.B. 2468 (May 1, 2021) for IRRRC’s approval order.)

Fiscal Note: Fiscal note 54-93 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter D. MAINTENANCE OF THE LICENSED PREMISES

§ 5.43. Proof of recycling.

(a) Under section 491(5) of the Liquor Code (47 P.S. § 4-491(5)), restaurant, hotel and club liquor licensees are required to break any package in which liquors were contained (“liquor packages”), except those decanter packages that the Board determines to be decorative, within 24 hours after the contents of the package have been removed, unless the licensee participates in either a municipal recycling program or a voluntary recycling program.

(b) If a licensee participates in a recycling program, the licensee must deface, prior to recycling, the labels of all packages that are not broken. The labels must be defaced with a permanent marker or some other, similar, permanent defacement that will discourage the theft of the bottles for unlawful re-use.

(c) The licensee shall provide proof in writing of participation in such a program upon demand of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police. This subsection establishes what constitutes “proof in writing.”

(1) The licensee must be able to provide written proof that the municipal or voluntary recycling program accepts the kind of liquor packages (such as glass) that the licensee recycles. This written proof may be a pamphlet or printed pages from the recycling program’s web site or something similar.

(2) If the licensee pays for a municipal or private entity to pick up its recycling, the licensee must retain a copy of the receipts, bills or invoices paid by the licensee to the municipal or private entity as “proof in writing.”

(3) If the licensee voluntarily participates in a recycling program by taking recyclable liquor packages to a drop off location, the licensee must maintain, for each calendar year, a statement containing the following information:

(i) Name and address of the licensee.

(ii) Type of liquor packages recycled.

(iii) Details on each delivery of recycled liquor packages, including the date of delivery, time of delivery, who delivered the recycled liquor packages, what was delivered, and the approximate weight or quantity of recycled liquor packages.

(iv) A verification by the licensee’s representative that the information provided is true and complete to the best of the representative’s knowledge and belief and that the licensee’s representative understands that the statements made are subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). This statement should be followed by the signature of the licensee’s representative and the date the signature was made.

(4) In addition to the statement required by subsection (c)(3), a licensee who takes recyclable liquor packages to a drop off location must also keep a copy of at least two of the following records from the municipality with oversight of the drop off location:

(i) The name, location and hours of operation of the recycling facility where licensee disposes recyclable liquor packages.

(ii) A copy of the recycling registration or documentation required by a municipality.

(iii) A municipal waste newsletter or circular.

(iv) An e-mail, letter or memorandum from its municipality that explains what may be recycled and where recyclable liquor packages may be dropped off.

(v) Municipal recycling maps of drop-off locations for recyclable material.

(vi) A municipal recycling collection schedule or calendar.

(vii) Other printed or online materials provided by a municipality regarding municipal waste management.

(d) These records shall be maintained as part of the licensee's operating records required to be kept for 2 years in accordance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

[Pa.B. Doc. No. 21-838. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 139] Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2021-2022 hunting/furtaking license year.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1328 (March 13, 2021).

1. Purpose and Authority

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission amended § 139.4 to provide updated seasons and bag limits for the 2021-2022 license year. The 2021-2022 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Sunday hunting dates are similar to those used in 2020-2021. However, expansions of Sunday opportunities were established on Sundays during the archery deer and firearms bear for additional species (except migratory game birds and wild turkey) that overlap with these dates. The expansions of Sunday opportunity are the only changes for small game and furbearer seasons.

With wild turkey population trends declining in many Wildlife Management Units (WMU), closure of the fall season in WMU 5A and reductions in season length for 14 other WMUs are adopted in accordance with Wild Turkey Management Plan guidelines to increase hen survival. For deer, a Statewide 14-day concurrent antlered and antlerless firearms season is adopted to simplify regulations and provide increased opportunity, especially for younger hunters. Also, the extended (post-Christmas) firearms season is adopted to be set at the WMU level (2B, 5C and 5D) rather than at the county level to simplify regulations, given that antlerless harvests are evenly distributed throughout these WMUs regardless of firearms restrictions.

Minor expansions of archery bear hunting opportunity are adopted in WMUs 2B, 5B, 5C and 5D. Other black bear season recommendations are similar to those in 2020. The antlerless designation was removed from the late elk season to provide the Commission the flexibility to issue antlered elk licenses for this season, if and when appropriate. Specific license allocation recommendations for all elk seasons will be provided in April.

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

2. Regulatory Requirements

This final-form rulemaking amends § 139.4 to provide updated seasons and bag limits for the 2021-2022 hunting/furtaking license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2021-2022 hunting/furtaking license year will be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 236 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Seasons: Out of a total of 196 comments received concerning this subtopic, 5 supported and 50 opposed a Saturday opener for regular firearms deer season, 7 supported hunting on the Sunday in the middle of the regular firearms deer season, 24 supported and 66 opposed concurrent antlered/antlerless seasons, 1 supported and 13 opposed concurrent antlered/antlerless seasons in the northern tier, 11 opposed concurrent antlered/antlerless seasons in specific WMUs, 1 supported and 1 opposed extending the regular firearms deer season, 2 supported extending archery season, 8 opposed the length of deer archery season, 3 supported a longer special firearms deer season, 1 supported extending early muzzleloader deer season and 2 supported extending flintlock muzzleloader season.

Turkey Seasons: Out of a total of 13 comments received concerning this subtopic, 6 supported and 1 opposed shortening fall turkey season, 2 supported the removal of fall turkey season, 1 supported reducing season length in WMU 4C, 1 supported reducing season length in WMU 4D and 2 opposed reducing season length in WMU 2G.

Bear Seasons: Out of a total of 9 comments received concerning this subtopic, 2 supported extending bear season during the entirety of archery deer season, 5 supported bear season running concurrent with regular firearms deer season and 2 supported shortening all bear seasons.

Small Game Seasons: A total of 4 comments received concerning this subtopic, 1 supported closing small game season at the end of January, 1 supported the early squirrel season, and 1 supported and 1 opposed the post-Christmas grouse season.

Furbearer Seasons: A total of 14 comments received concerning this subtopic, 2 supported extending raccoon, opossum and skunk trapping season to the end of March, 4 supported extending trapping season generally, 2 supported extending bobcat season, 2 supported extending fisher trapping season and 4 supported extending raccoon season.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The effective dates of this final-form rulemaking are July 1, 2021, to June 30, 2022.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

(c) This order shall be effective July 1, 2021, to June 30, 2022.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-465 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

**2021-2022 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Squirrel—(Combined species)¹ Eligible Junior Hunters only, with or without the required junior license</i>	Sept. 11		Sept. 25	6	18
<i>Squirrel—(Combined species)²</i>	Sept. 11 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	6	18
<i>Ruffed Grouse²</i>	Oct. 16 Sun. ³ , Nov. 14	and and	Nov. 13 Sun. ³ , Nov. 14	2	6

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<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and	Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24		
<i>Rabbit, Cottontail</i> ¹ <i>Eligible Junior Hunters only, with or without the required junior license</i>	Oct. 2		Oct. 16	4	12
<i>Rabbit, Cottontail</i> ²	Oct. 16 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	4	12
<i>Ring-necked Pheasant</i> —There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					
Central Susquehanna Wild Pheasant Recovery Area— <i>Male only</i> ¹	As authorized by the Executive Order				
<i>Ring-necked Pheasant—Male or Female</i> ¹ <i>Eligible Junior Hunters only, with or without the required junior license</i>	Oct. 9		Oct. 16	2	6
<i>Ring-necked Pheasant—Male or Female</i> ²	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	2	6
<i>Bobwhite Quail</i> ²	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	8	24
<i>Hare (Snowshoe Rabbits) or Varying Hare</i> ¹	Dec. 27		Jan. 1, 2022	1	3
<i>Woodchuck (Groundhog)</i> ²	July 1 Sun. ³ , Nov. 14	and	Nov. 13 Sun. ³ , Nov. 14	Unlimited	

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<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 15	and	Nov. 20		
	Sun. ³ , Nov. 21	and	Sun. ³ , Nov. 21		
	Nov. 22	and	Nov. 26		
	Dec. 13	and	June 30, 2022		

TURKEY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Turkey, Fall—Male or Female</i> ¹ WMU 2B (Shotgun, Bow and Arrow only)	Oct. 30	and	Nov. 19	1	1
WMU 1A, 1B, 4A, 4B, 4D and 4E WMUs 2A, 2F, 2G, 2H, 3A, 3B, 3C, 3D and 4C WMU 2C, 2D and 2E	Nov. 24 Oct. 30 Oct. 30	and	Nov. 26 Nov. 6 Nov. 13		
WMU 5B WMUs 5A, 5C and 5D	Oct. 30 Nov. 24 Nov. 2	and	Nov. 13 Nov. 26 Nov. 4		
	Closed to fall turkey hunting				
<i>Turkey, Spring</i> ¹ <i>Bearded Bird only,</i> <i>Eligible Junior Hunters only,</i> with the required junior license	Apr. 23, 2022		Apr. 23, 2022	1	1
<i>Turkey, Spring</i> ^{1,4} <i>Bearded Bird only</i>	April 30, 2022	and	May 14, 2022	1	2
	May 16, 2022		May 31, 2022	May be hunted 1/2 hour before sunrise to 12 noon May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

MIGRATORY GAME BIRDS

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

Exceptions:

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

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Crow</i> ³ (Hunting permitted on Friday, Saturday and Sunday only)	July 2		Apr. 10, 2022	Unlimited	
<i>Starling and English Sparrow</i> ³	No closed season except during the regular firearms deer seasons.			Unlimited	

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Squirrel—(Combined species)²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	6	18
<i>Quail²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	8	24
<i>Ruffed Grouse²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	2	6
<i>Cottontail Rabbits³</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	4	12
<i>Snowshoe or Varying Hare²</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	1	3
<i>Ring-necked Pheasant—Male² and Female (Combined)</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21	and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21	2	6

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 22	and	Nov. 26		
	Dec. 13	and	Mar. 31, 2022		

*Migratory Game Bird*¹—Seasons and bag limits shall be in accordance with Federal regulations.

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,5} With the required archery license WMUs 2B, 5C and 5D	Sept. 18 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 27	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Jan. 29, 2022	One antlered deer, and an antlerless deer with each required and antlerless license.
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,5} With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 2 Sun. ³ , Nov. 14 Nov. 15 Dec. 27	and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 19 Jan. 17, 2022	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only)</i> ¹ With the required muzzleloading license	Oct. 16		Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders, ⁶ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 21		Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Regular Firearms (Antlered and Antlerless)</i> ^{2,5} Statewide	Nov. 27 Sun. ³ , Nov. 28 Nov. 29	and and	Nov. 27 Sun. ³ , Nov. 28 Dec. 11	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,5} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 27		Jan. 17, 2022	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,5} With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 27		Jan. 29, 2022	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 2B, 5C and 5D	Dec. 27		Jan. 29, 2022	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> ¹ (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
<i>Bear, Archery</i> ^{2,7} WMUs 2B, 5C and 5D	Sept. 18 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22	and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26		1
<i>Bear, Archery</i> ^{2,7} WMU 5B	Oct. 2 Sun. ³ , Nov. 14 Nov. 15	and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 19		1
<i>Bear, Archery</i> ^{1,7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 16		Nov. 6		1
<i>Bear, Muzzleloader</i> ^{1,7} (Statewide)	Oct. 16		Oct. 23		1
<i>Bear, Special firearms</i> ⁷ Only Junior and Senior License Holders ⁶ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license (Statewide)	Oct. 21		Oct. 23		1
<i>Bear, Regular Firearms</i> ^{2,7} (Statewide)	Nov. 20 Sun. ³ , Nov. 21 Nov. 22	and and	Nov. 20 Sun. ³ , Nov. 21 Nov. 23		1
<i>Bear, Extended firearms</i> ^{2,7} WMUs 2B, 5B, 5C and 5D	Nov. 27 Sun. ³ , Nov. 28 Nov. 29	and and	Nov. 27 Sun. ³ , Nov. 28 Dec. 11		1
<i>Bear, Extended firearms</i> ^{2,7} WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 27 Sun. ³ , Nov. 28 Nov. 29	and and	Nov. 27 Sun. ³ , Nov. 28 Dec. 4		1

ELK

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
<i>Elk, Special Conservation Tag</i> ^{1,8} <i>and Special-License Tag</i> ^{1,8} (Antlered and Antlerless)	Sept. 1		Nov. 6		1
<i>Elk, Archery</i> ^{1,8}	Sept. 11		Sept. 25		1
<i>Elk, Regular</i> ⁸ (Antlered and Antlerless)	Nov. 1		Nov. 6		1
<i>Elk, Late</i> ^{1,8}	Jan. 1, 2022		Jan. 8, 2022		1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Mink and Muskrat</i>	Nov. 20		Jan. 9, 2022	Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Beaver</i> WMUs 1A and 1B (Combined) WMUs 2A, 2B and 3C (Combined) WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined) WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)	Dec. 18		Mar. 31, 2022	20 20 20 5	60 40 20 5
<i>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i>	Oct. 23		Feb. 20, 2022	Unlimited	
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 20, 2022	Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 18		Jan. 9, 2022	1	1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 18		Jan. 2, 2022	1	1
<i>River Otter, with required otter permit</i> WMUs 1A, 1B, 2F, 3C and 3D	Feb. 12, 2022		Feb. 19, 2022	1	1

FURTKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Coyote—(Outside of any big game season)³</i>	May be taken with a hunting license or a furtaker's license.			Unlimited	
<i>Coyote—(During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
<i>Opossum, Striped Skunk, Weasel²</i>	July 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Sun. ³ , Nov. 28 Nov. 29	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 27 Sun. ³ , Nov. 28 June 30, 2022	Unlimited	
<i>Fox³</i>	Oct. 23		Feb. 19, 2022	Unlimited	
<i>Raccoon²</i>	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Sun. ³ , Nov. 28 Nov. 29	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 27 Sun. ³ , Nov. 28 Feb. 19, 2022	Unlimited	
<i>Bobcat, with required bobcat permit¹</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 8, 2022		Feb. 2, 2022	1	1
<i>Porcupine²</i>	Oct. 9 Sun. ³ , Nov. 14	and	Nov. 13 Sun. ³ , Nov. 14	3	10

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
	Nov. 15	and	Nov. 20		
	Sun. ³ , Nov. 21	and	Sun. ³ , Nov. 21		
	Nov. 22	and	Jan. 29, 2022		

No open seasons on other wild birds or wild mammals.

¹ No hunting on Sunday authorized. See 34 Pa.C.S. § 2303.

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

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

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

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

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

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

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

[Pa.B. Doc. No. 21-839. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 139 and 143]

Seasons and Bag Limits; Elk Management Area and Hunt Zones; Hunting and Furtaker Licenses; Elk Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended §§ 143.203, 143.203a and 143.206 (relating to random drawing elk licenses; special elk conservation license auction; and validity of elk licenses) and added §§ 139.18 and 143.203b (relating to elk management area and hunt zones; and special-license fundraiser elk license) to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and, close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year, unless the zone is designated by the Commission as open to all elk license holders.

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 51 Pa.B. 1336 (March 13, 2021).

1. Purpose and Authority

The Commission observed that former regulations concerning elk licenses do not adequately describe the three available elk licenses and their authorized uses. Furthermore, the regulations did not define the extent and location of the elk management area or elk hunt zones. The Commission amends §§ 143.203, 143.203a and

143.206 and adds §§ 139.18 and 143.203b to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and lastly close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year, unless the zone is designated by the Commission as open to all elk license holders.

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 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 §§ 143.203, 143.203a and 143.206 and addition of §§ 139.18 and 143.203b are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 143.203, 143.203a and 143.206 and adds §§ 139.18 and 143.203b to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year, unless the zone is designated by the Commission as open to all elk license holders.

3. Persons Affected

Persons wishing to hunt elk within the Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 139 and 143, are amended by amending §§ 143.203, 143.203a and 143.206 and adding §§ 139.18 and 143.203b to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-69 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

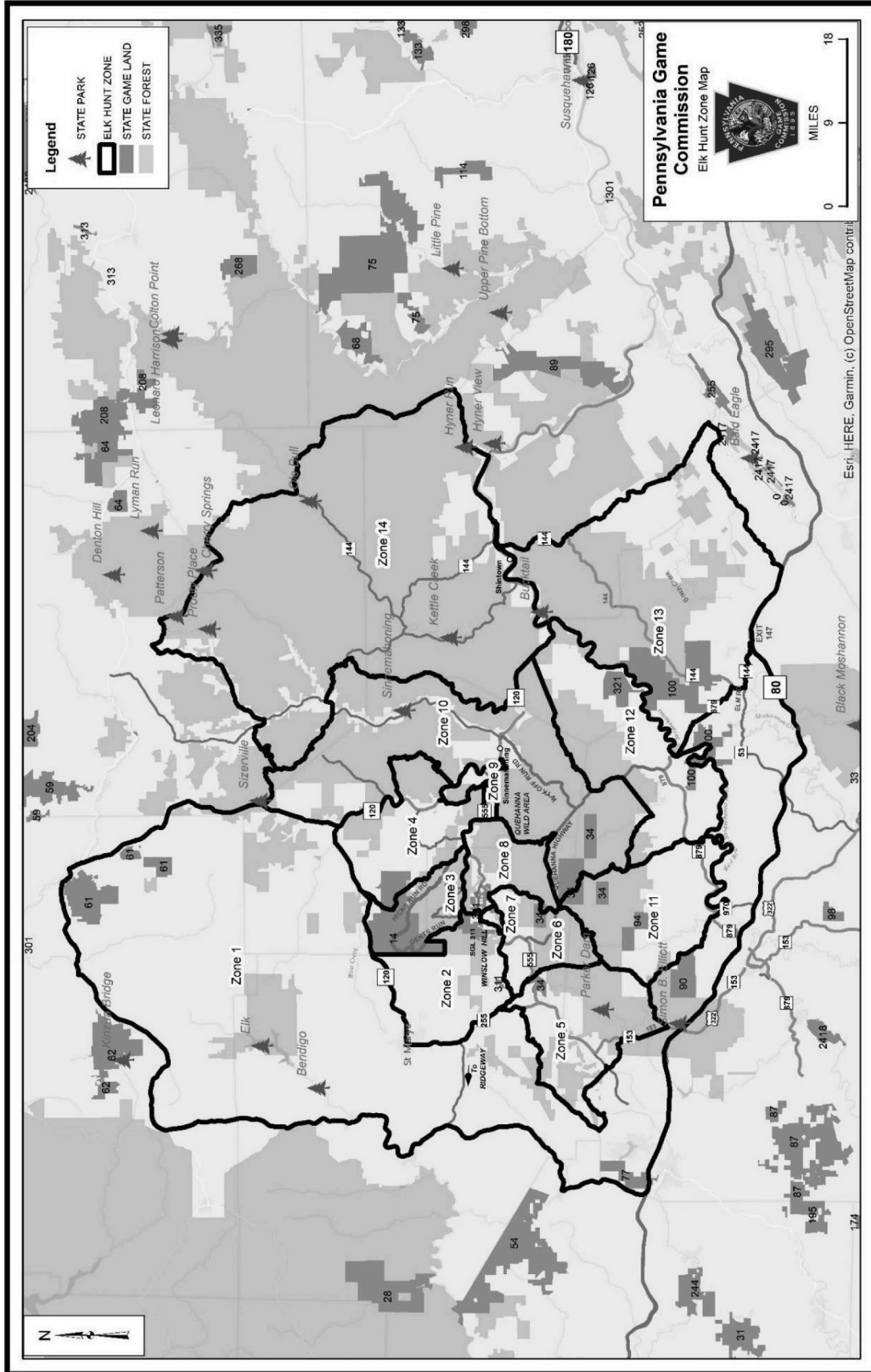
§ 139.18. Elk management area and hunt zones.

(a) The elk management area is broad geographical range used for management of the Commonwealth's elk population.

(b) Elk hunt zones are those individual and distinct areas within the elk management area in which elk may be hunted according to annual elk allocations.

(c) The division line between two or more hunt zones shall be the center of the highway, road, natural water course or other natural boundary.

(d) The outline map of the elk management area sets forth the elk hunt zones.



**CHAPTER 143. HUNTING AND
FURTAKEER LICENSES**

Subchapter K. ELK LICENSES

§ 143.203. Random drawing elk licenses.

(a) The Executive Director will set the date for the random drawing of applications for the issuance of random drawing elk licenses.

(b) Applications from current applicants who have applied in the 2003-2004 license year and subsequent years will be included in the random drawing until the applicant is successfully drawn and issued a license.

(c) Applicants issued a random drawing elk license entitling them to take an antlered elk are not permitted to apply for a random drawing elk license for 5 license years.

(d) Qualified applicants and alternates drawn for a random drawing elk license shall be required to obtain a regular hunting license and complete an orientation program as prescribed by the Director.

(e) Qualified applicants drawn for a random drawing elk license whose military obligation prevents them from hunting the current elk season shall be eligible to hunt in the next available elk season.

(f) The number of available random drawing elk licenses each year shall be limited to the allocations set by the Commission for each elk hunt zone. Any elk hunt zone that does not receive an allocation for a given hunting license year is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

§ 143.203a. Special elk conservation license auction.

(a) Each year the Commission may contract with an eligible wildlife conservation organization to conduct an auction sale of one special elk conservation license in accordance with section 2706.2(b) of the act (relating to elk hunting licenses).

(b) Upon conclusion of the auction, the wildlife conservation organization shall issue the winning bidder a license voucher which may be redeemed for a special elk conservation license under section 2712 of the act (relating to vouchers for licenses and permits).

(c) Except as authorized by § 143.206(c) (relating to validity of elk licenses), special conservation license auction elk licenses are limited to use within the elk hunt zones receiving allocation(s) for a given hunting license year under section § 143.203(f) (relating to random drawing elk licenses). Any elk hunt zone that does not receive an allocation for a given hunting license year under section § 143.203(f) is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

§ 143.203b. Special-license fundraiser elk license.

(a) Each year the Commission may contract with an eligible Pennsylvania-based nonprofit organization to conduct an auction or raffle sale of one special-license fundraiser elk license in accordance with section 2706.2(c) of the act (relating to elk hunting licenses).

(b) Upon conclusion of the auction or raffle, the Pennsylvania-based nonprofit organization shall issue the winning bidder a license voucher which may be redeemed for a special-license fundraiser elk license under section 2712 of the act (relating to vouchers for licenses and permits).

(c) Except as authorized by § 143.206(c) (relating to validity of elk licenses), special-license fundraiser elk license auction licenses are limited to use within the elk hunt zones receiving allocations for a given hunting license year under section § 143.203(f) (relating to random drawing elk licenses). Any elk hunt zone that does not receive an allocation for a given hunting license year under section § 143.203(f) is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

§ 143.206. Validity of elk licenses.

(a) *Elk hunt zones.* Except as provided in subsection (c), an elk license is valid for taking elk only in the elk hunt zones designated on the elk license, unless the zone is designated as open to all elk license holders by the Commission.

(b) *Elk gender.* Except as provided in subsection (c), an elk license is valid for taking only an antlerless, antlered or either sex elk as designated on the elk license.

(c) *Exception.* Any unfilled antlered or antlerless elk license for any designated elk hunt zones are additionally valid for taking either an antlered or antlerless elk anywhere within this Commonwealth outside of the elk management area during any extended elk season established in § 139.4 (relating to seasons and bag limits for the license year) that follows the regular elk season.

[Pa.B. Doc. No. 21-840. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 141.45 (relating to turkey seasons) to eliminate the use of rifles during the fall turkey 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 51 Pa.B. 1338 (March 13, 2021).

1. Purpose and Authority

Manually operated rifles, including both centerfire and rimfire, were formerly listed as permitted devices for use by hunters during the fall turkey seasons in all Wildlife Management Units (WMU) with an open fall turkey season excluding those portions found within the Special Regulations Areas designated in § 141.1 (relating to special regulations areas). Notwithstanding their previous permitted use, the Commission has observed that very few hunters hunt during the fall turkey season with a rifle. The 2020 general turkey hunter survey showed 14% of respondents primarily used rifles to hunt fall turkey, whereas 33% of the Statewide harvest was with a rifle, but this varied by WMU (19% in 1A to 52% in 3A). Most fall turkey hunters (70%) primarily used shotguns (53% of harvest), 9% used crossbows (10% of harvest), 8% used vertical bows (4% of harvest) and a few used muzzleload-

ers or handguns (<1% of harvest). Were it assumed that all rifle hunters in 2020 used a shotgun and had the same efficiency as other shotgun hunters, fall harvest could decrease Statewide by approximately 20%, but that figure would vary by WMU.

The Commission’s turkey management plan provides guidance to adjust fall season lengths by 1 week at a time to manage turkey population trends. For example, when populations are declining, the plan calls for fall season length to be reduced by 1 week. The Commission has observed evidence of declining turkey populations in 15 of 23 WMUs and has therefore adopted season length reductions in those areas. However, the Commission also pursued alternative methods of stabilizing fall turkey harvest numbers without focusing solely on further reductions in hunting opportunity as measured by season length. The Commission determined that the elimination of rifles during fall turkey season may aid in this goal. Based on the results from the 2020 Turkey Hunter Survey, the Commission observed that the elimination of rifles during the fall turkey season could reduce fall harvest by as much as 20%. Depending on the actual impact of removing rifles from fall turkey seasons, the Commission anticipates that recent fall turkey season length reductions could eventually be reversed and more hunting opportunities added. The Commission amends § 141.45 to eliminate the use of rifles during the fall turkey season.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 141.45 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 141.45 to eliminate the use of rifles during the fall turkey season.

3. *Persons Affected*

Persons wishing to hunt turkeys with a rifle during the fall turkey season will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 184 comments concerning this final-form rulemaking. Of this total, 23 supported and 161 opposed the rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.45 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-467 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 C. BIG GAME

§ 141.45. Turkey seasons.

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) (Reserved).

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun that propels single-projectile ammunition or multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.

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

(iv) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(v) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

* * * * *

[Pa.B. Doc. No. 21-841. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 141.4, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2021-2022 hunting/furtaking license year.

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1339 (March 13, 2021).

1. Purpose and Authority

The Commission amends § 141.4, Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2021-2022 hunting/furtaking license year.

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

2. Regulatory Requirements

This final-form rulemaking amends § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2021-2022 hunting/furtaking license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2021-2022 hunting/furtaking license year will be affected by this final-form rulemaking.

4. Comment and Response Summary

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

5. Cost and Paperwork Requirements

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

6. Effective Date

The effective dates of this final-form rulemaking are July 1, 2021, to June 30, 2022.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4, Appendix G to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-468 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

§ 141.4. Hunting hours.

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

* * * * *

Appendix G. HUNTING HOURS

HUNTING HOURS TABLE

FOR JUNE 27, 2021, THROUGH JULY 2, 2022

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 27—July 3	5:07	9:03
July 4—10	5:11	9:01
July 11—17	5:16	8:57
July 18—24	5:22	8:52
July 25—31	5:28	8:45
Aug. 1—7	5:35	8:37
Aug. 8—14	5:42	8:28
Aug. 15—21	5:48	8:18

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 22—28	5:55	8:08
Aug. 29—Sept. 4	6:02	7:57
Sept. 5—11	6:08	7:45
Sept. 12—18	6:15	7:34
Sept. 19—25	6:21	7:22
Sept. 26—Oct. 2	6:28	7:11
Oct. 3—9	6:35	7:00
Oct. 10—16	6:42	6:49
Oct. 17—23	6:50	6:39
Oct. 24—30	6:58	6:30
Oct. 31—Nov. 6	7:06	6:22
Nov. 7—13 **Ends	6:07	5:21
Nov. 14—20	6:22	5:11
Nov. 21—27	6:29	5:07
Nov. 28—Dec. 4	6:36	5:05
Dec. 5—11	6:42	5:05
Dec. 12—18	6:47	5:08
Dec. 19—25	6:51	5:08
Dec. 26—Jan. 1	6:52	5:14
Jan. 2—8	6:52	5:23
Jan. 9—15	6:50	5:24
Jan. 16—22	6:47	5:31
Jan. 23—29	6:46	5:39
Jan. 30—Feb. 5	6:41	5:48
Feb. 6—12	6:34	5:56
Feb. 13—19	6:26	6:04
Feb. 20—26	6:17	6:12
Feb. 27—March 5	6:07	6:20
March 6—12	5:56	6:28
March 13—19 *Begins	6:45	7:35
March 20—26	6:34	7:43
March 27—Apr. 2	6:23	7:50
April 3—9	6:11	7:57
April 10—16	6:00	8:04
April 17—23	5:50	8:11
April 24—30	5:40	8:24
May 1—7	5:31	8:25
May 8—14	5:23	8:32
May 15—21	5:15	8:39
May 22—28	5:10	8:45
May 29—June 4	5:05	8:51
June 5—11	5:01	8:56
June 12—18	5:02	9:00
June 19—25	5:03	9:02
June 26—July 2	5:06	9:03

*Daylight Saving Time Begins

**Ends

**MIGRATORY GAME BIRD
HUNTING HOURS TABLE
FOR JUNE 27, 2021, THROUGH JULY 2, 2022**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 27—July 3	5:07	8:33
July 4—10	5:11	8:31
July 11—17	5:16	8:27
July 18—24	5:22	8:22
July 25—31	5:28	8:15
Aug. 1—7	5:35	8:07
Aug. 8—14	5:42	7:58
Aug. 15—21	5:48	7:48
Aug. 22—28	5:55	7:38
Aug. 29—Sept. 4	6:02	7:27
Sept. 5—11	6:08	7:15
Sept. 12—18	6:15	7:04
Sept. 19—25	6:21	6:52
Sept. 26—Oct. 2	6:28	6:41
Oct. 3—9	6:35	6:30
Oct. 10—16	6:42	6:19
Oct. 17—23	6:50	6:09
Oct. 24—30	6:58	6:00
Oct. 31—Nov. 6	7:06	5:52
Nov. 7—13 **Ends	6:07	4:51
Nov. 14—20	6:22	4:41
Nov. 21—27	6:29	4:37
Nov. 28—Dec. 4	6:36	4:35
Dec. 5—11	6:42	4:35
Dec. 12—18	6:47	4:38
Dec. 19—25	6:51	4:38
Dec. 26—Jan. 1	6:52	4:44
Jan. 2—8	6:52	4:53
Jan. 9—15	6:50	4:54
Jan. 16—22	6:47	5:01
Jan. 23—29	6:46	5:09
Jan. 30—Feb. 5	6:41	5:18
Feb. 6—12	6:34	5:26
Feb. 13—19	6:26	5:34
Feb. 20—26	6:17	5:42
Feb. 27—March 5	6:07	5:50
March 6—12	5:56	5:58
March 13—19 *Begins	6:45	7:05
March 20—26	6:34	7:13
March 27—April 2	6:23	7:20
April 3—9	6:11	7:27
April 10—16	6:00	7:34
April 17—23	5:50	7:41
April 24—30	5:40	7:54
May 1—7	5:31	7:56

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 8—14	5:23	8:02
May 15—21	5:15	8:09
May 22—28	5:10	8:15
May 29—June 4	5:05	8:21
June 5—11	5:01	8:26
June 12—18	5:02	8:30
June 19—25	5:03	8:32
June 26—July 2	5:06	8:33

*Daylight Saving Time Begins

**Ends

[Pa.B. Doc. No. 21-842. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended §§ 143.45 and 143.52 (relating to completing and submitting applications; and procedure for unlimited antlerless licenses) to authorize unlimited over-the-counter sales of antlerless licenses in any open (unexhausted) Wildlife Management Unit (WMU) on the second Monday in September until these quotas are exhausted.

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 51 Pa.B. 1341 (March 13, 2021).

1. Purpose and Authority

The term 'personal limit' refers to the number of antlerless deer licenses a hunter may possess at any given time. Former rules differed between WMUs that were generally within and those that were outside areas defined as special regulation areas (WMUs 2B, 5C and 5D). Persons hunting outside of WMUs 2B, 5C and 5D were formerly restricted to acquiring a maximum personal limit of up to three antlerless licenses. In contrast, those persons hunting within WMUs 2B, 5C and 5D had no personal limit on the number of antlerless licenses they could acquire from WMUs with a remaining antlerless license allocation. The allowance of the 'unlimited' personal limit in WMUs 2B, 5C and 5D was originally intended to ensure that the quota of antlerless licenses set by the Commission for WMUs 2B, 5C and 5D was issued to the fullest extent possible in an effort to achieve deer management goals. The 'unlimited' personal limit does not permit a person to obtain antlerless licenses beyond a given WMU's annual allocation of antlerless licenses.

The Commission recently observed that, as of mid-November, there were still well over 16,000 antlerless deer licenses available in WMUs 2A and 4A. Persons hunting in these areas where significant numbers of antlerless deer licenses have remained unsold late into the deer hunting seasons have questioned whether the current personal limit continued to make sense. More to the point, these hunters have inquired whether it made more sense for the Commission to ensure that the quota of antlerless licenses allocated to the various WMUs across this Commonwealth are issued to the fullest extent possible to achieve the goals behind the original allocations in the same manner as in WMUs 2B, 5C and 5D. The Commission agreed with this approach. The Commission amended §§ 143.45 and 143.52 to authorize unlimited over-the-counter sales of antlerless licenses in any open (unexhausted) WMU on the second Monday in September until these quotas are exhausted.

These final-form amendments maintained the current conventional preseason application three-round structure for mailed antlerless deer license applications. This unchanged process will continue to ensure equitable and fair distribution of antlerless licenses for hunters in the WMUs of their choice, assuming quotas remain available within these WMUs at each round of distribution. However, these final-form amendments expand the availability of unlimited over-the-counter sales of antlerless licenses to all WMUs that have an available quota remaining on the second Monday in September, not just WMUs 2B, 5C and 5D.

For most hunters, this means that they would be authorized to purchase their fourth, fifth and sixth antlerless license over-the-counter starting on the second Monday in September as long as a quota remains available. For other hunters late to the antlerless license purchase process, a maximum of six antlerless licenses would be authorized for purchase over-the-counter starting on the second Monday in September, again assuming a quota remains available. One important facet to this new structure will be a restriction limiting all hunters to possessing no more than six active antlerless licenses at any given time. Purchase of a seventh or subsequent antlerless deer license will require a hunter exhaust and report online the harvest of one or more of their previously issued antlerless deer licenses before becoming eligible to purchase additional antlerless deer licenses. Over-the-counter sales of antlerless deer licenses will continue in this manner within each WMU until the quota assigned to each WMU is exhausted.

This new method maintains equitable and fair distribution of antlerless licenses, and importantly, also helps ensure that the quota of antlerless licenses set by the Commission for each WMU is issued to the fullest extent possible, thus supporting its deer management goals. This new process will simplify the antlerless deer license regulations by applying the same distribution rules to all WMUs across the board. The Commission also expects to see the collateral benefit of increased harvest reporting rates with this new process due to the harvest reporting requirements applied to the issuance of subsequent antlerless deer licenses. Lastly, the Commission sees the potential for antlerless deer license sales to stretch into regular firearms deer seasons for some WMUs, thus making some antlerless deer licenses available to hunters purchasing their hunting license later in the hunting season.

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. The amendments to §§ 143.45 and 143.52 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 143.45 and 143.52 to authorize unlimited over-the-counter sales of antlerless licenses in any open (unexhausted) WMU on the second Monday in September until these quotas are exhausted.

3. *Persons Affected*

Persons wishing to hunt or trap game and wildlife within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 42 comments concerning the proposed rulemaking. Of this total, 16 supported and 26 opposed this rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact 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), known 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.45 and 143.52 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-464 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.45. Completing and submitting applications.

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than by regular first class mail delivered through and by the United States Postal Service. Applications for unsold antlerless deer licenses shall be accepted by county treasurers over the counter and may immediately be processed if any licenses remain available in any wildlife management unit beginning on the second Monday in September.

* * * * *

§ 143.52. Procedure for unlimited antlerless licenses.

(a) Subject to the procedures and limitations of this section, applicants are eligible to make application to receive an unlimited number of antlerless licenses within each wildlife management unit that remains unexhausted beginning on the second Monday in September.

(b) Unexhausted antlerless licenses allocated to a wildlife management unit shall be made available to eligible applicants over the counter starting the second Monday in September, subject to the following limitations:

(1) An applicant is eligible to make application for an antlerless license under this section only when the Commission's PALS licensing system shows five or less active and unfulfilled antlerless licenses on their license profile.

(2) Once an applicant has been issued a sixth cumulative antlerless license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS.

(3) At no time is an applicant authorized to exceed six cumulative active and unfulfilled antlerless licenses in their PALS license profile.

(c) The authorizations of this section will terminate automatically for each wildlife management unit once its antlerless license allocation quota is exhausted.

[Pa.B. Doc. No. 21-843. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended §§ 143.1 and 143.11 (relating to definitions; and internet license sales) and added § 143.5a (relating to digital hunting and furtaking

licenses) to define and authorize the use of hunting and furtaking eLicenses and certain electronic permits.

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 51 Pa.B. 1343 (March 13, 2021).

1. Purpose and Authority

The Commission has historically issued its various hunting and furtaking license products to customers in physical form only on the familiar durable yellow stock. New features in the PALS (HuntFishPA) system are expected to go live for the 2021-2022 license year and will have the capacity to provide hunters and trappers with digital versions of its license and certain permit products by e-mail and through the PALS system. However, the licensing regulations needed to be amended to authorize and define their use. The Commission amends §§ 143.1 and 143.11 and adds § 143.5a to define and authorize the use of hunting and furtaking eLicenses. This authorization also extends to certain permits also sold through the PALS system, such as mentored permits, bobcat permits, range permits and the like.

An eLicense is generally defined as a digital (electronic) copy of a hunting or furtaking license or permit provided to customers in the form of a PDF document. An eLicense will be issued to the hunter or trapper at the time of purchase and will be authorized for use in the same manner and as an alternative to traditional physical license documents. When used, the eLicense will be stored and displayed by the customer on a mobile device such as a smartphone or tablet. The customer will also have the option of printing a copy of eLicense products on their own printer using appropriate paper stock.

Carcass harvest tags will continue to be provided to customers in physical form only on the familiar durable stock. No digital versions of these documents will be issued to customers or authorized for use. Customers that elect to purchase license products online will be provided with digital copies of their license products and thereafter mailed physical carcass harvest tags by first class mail. Customers that elect to purchase license products at an agent location will be issued physical carcass harvest tags at the time of purchase and will also have the opportunity to have digital licenses provided to them electronically when a valid e-mail address is provided. There will be no additional fee for customers to retrieve eLicense products from the Commission's PALS system. However, replacement license fees will still apply where replacement carcass harvest tags are requested or where the customer opts for a physical reprint of license products.

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. The amendments to §§ 143.1 and 143.11 and addition of § 143.5a are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 143.1 and 143.11 and adds § 143.5a to define and authorize the use of hunting and furtaking eLicenses and certain electronic permits.

3. Persons Affected

Persons wishing to hunt or trap game and wildlife within the Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 14 comments concerning this final-form rulemaking. Of this total, 12 supported and 2 opposed this rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

For further information regarding this final-form rulemaking, contact 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), known 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.1 and 143.11 and adds 143.5a to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-463 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION PART III. GAME COMMISSION CHAPTER 143. HUNTING AND FURTKAKER LICENSES Subchapter A. GENERAL

§ 143.1. Definitions.

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

Agent—A person appointed under Chapter 27, Subchapter B of the act (relating to agents) who is authorized to issue the licenses provided for in the act and this part.

Customer ID number—The unique customer identifier permanently assigned to each customer of the Commission's PALS.

License—A physical or digital document issued by the Commission authorizing the holder to hunt for, take, kill and possess certain types of game or wildlife during a specified period.

PALS—Pennsylvania Automated Licensing System—The Commission's computer-based automated licensing system that facilitates the purchase and creation of license products at the agent location.

§ 143.5a. Digital hunting and furtaking licenses.

This section applies only to persons that have elected to conduct hunting and furtaking license transactions by electronic means as determined from the context and surrounding circumstances of the acquisition and production of these digital license documents. Upon the Commission establishing a system to distribute and make available digital license documents, holders of these issued digital documents may produce them as required under the act or this part in digital or printed physical form in the same manner as physical printed licenses issued directly by the Commission or any of its agents, subject to the following:

(1) *Digital documents.* Digital license documents issued by the Commission and stored on a personal electronic device must be capable of immediate retrieval and clear display of the digital document to ensure the readability of all license information contained on the digital document, including any bar codes or QR codes. Failure to retrieve and produce this digital document or its physical alternative to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title shall constitute a violation under section 2711(a)(12) of the act (relating to unlawful acts concerning licenses).

(2) *Printed digital license documents.* Digital license documents issued by the Commission and subsequently reduced to physical form must be printed on paper or another substantially equivalent medium of such quality, color and contrast to clearly display and ensure the readability of all license information contained on the digital document, including any bar codes or QR codes. Failure to produce this printed digital document or its original physical alternative to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title shall constitute a violation under section 2711(a)(12) of the act.

(3) *Harvest tags.* The Commission will not issue any digital harvest tags with digital license documents. The Commission or any of its eligible issuing agents will issue harvest tags directly to the holder in physical form only. No further reproduction of these physical documents, digital or otherwise, is authorized to satisfy tagging or marking requirements under the act or this part, except as may be authorized by section 2710 of the act (relating to replacement of lost licenses). Section 2323(c) of the act (relating to tagging and reporting big game kills) regarding licenses issued without tags shall not be construed to apply to digitally issued license documents supplemented by the issuance of physical harvest tags.

(4) *Electronic Transaction Act.* The Electronic Transactions Act, (73 P.S. §§ 2260.101—2260.5101), as amended,

shall apply to any automated transaction conducted under this section. It is specifically intended that any license acquired and used in a digital format under the authorizations of this section is deemed to be electronically signed and certified by the holder of the document. Digital license documents issued by the Commission and subsequently reduced to physical form shall be signed and certified by the holder in the same manner as physical printed licenses issued directly by the Commission or any of its agents.

§ 143.11. Internet license sales.

For individuals who have previously acquired and possess a valid hunting license and opt to purchase an archery, muzzleloader, migratory game bird license online, the license holder shall either print the license, sign in the space provided and carry the printed license while afield or, in the alternative, carry a digital copy of the license while afield as authorized by § 143.5a (relating to digital hunting and furtaking licenses).

[Pa.B. Doc. No. 21-844. Filed for public inspection May 21, 2021, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2021, meeting amended § 147.673 (relating to eligibility and application for DMAP) to make July 1 the deadline for DMAP applications.

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 51 Pa.B. 1345 (March 13, 2021).

1. Purpose and Authority

Section 147.673 formerly provided an application deadline of May 1st. Reviews by external users and Commission staff identified a deadline of May 1st as too early. For many users of DMAP, the May 1st deadline does not allow adequate time to collect post-winter data, analyze the data and incorporate those results into DMAP applications. In addition, a later deadline allows more time for landowners to prepare and submit applications. The Commission amended § 147.673 to make July 1 the deadline for DMAP applications.

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 adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 147.673 to make July 1 the deadline for DMAP applications.

3. *Persons Affected*

Persons wishing to make application to participate in the DMAP program will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of two comments concerning this final-form rulemaking. Both comments supported this final-form rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact 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), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking; 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 the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.673 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-466 remains valid for the final adoption of the subject regulation.

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) Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies 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 July 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.

* * * * *

[Pa.B. Doc. No. 21-845. Filed for public inspection May 21, 2021, 9:00 a.m.]