

# RULES AND REGULATIONS

## 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 July 9, 2022, meeting amends § 141.4 and Appendix G (relating to hunting hours) to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year and also to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons.

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 52 Pa.B. 3103 (May 28, 2022).

#### 1. *Purpose and Authority*

The Commission amends § 141.4 and Appendix G to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year. As an additional matter for consideration, members of the falconry hunting community have recently approached the Commission to request an expansion of various falconry hunting seasons to include the 2-week period comprising the regular firearms deer season. As a general rule, § 141.4 establishes legal hunting hours within this Commonwealth from 1/2 hour before sunrise to 1/2 hour after sunset. However, this section also provides four exceptions to this general rule, including a closure under paragraph (1) of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons. Six exceptions to this hour closure for this overlap period are listed for hunting game birds on regulated hunting grounds, migratory waterfowl, coyotes, feral swine, wild boar and bear. The Commission has reviewed the expansion request submitted by the falconry hunting community and determined that it will not significantly impact other hunting activities occurring during the regular firearms deer seasons. The Commission therefore also amends § 141.4 to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons.

It is important to highlight that the deletion of this text will not only remove the impediment to falconry hunting during the overlap with the regular firearms deer seasons but will also simplify and streamline this section as a whole. Furthermore, removing the text associated with the closure to open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons also eliminates the need to redundantly identify and list the six exceptions (seven if falconry were added) to the hour closure for the overlap

period. The Commission has determined current season and bag limit regulations found in § 139.4 (relating to seasons and bag limits for the license year) sufficiently control the allowance of the hunting of these species during the period of overlap with the regular firearms deer seasons thus eliminating the need for further reauthorization in § 141.4. It is also important to highlight that the hours expansion for falconers during the overlap with the regular firearms deer seasons will not substantively have its intended effect until the Commission expands the falconry hunting seasons during this overlap period in § 139.4. The remainder of the changes to § 141.4 are nonsubstantive housekeeping edits to improve the organization and clarity of the text.

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

#### 2. *Regulatory Requirements*

This final-form rulemaking amends § 141.4 and Appendix G to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year and also to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons.

#### 3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2022-2023 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*

This final-form rulemaking will be effective July 1, 2022, to June 30, 2023.

#### 7. *Contact Person*

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

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4 and 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 be effective July 1, 2022, to June 30, 2023.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-480 remains valid for the final adoption of the subject regulations.

**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 in this section, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

(1) [Reserved].

(2) *Furbearer seasons.* Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be hunted any hour, day or night.

(3) *Spring turkey season.* Turkey may be hunted 1/2 hour before sunrise to 12 noon from the opening day of the spring gobbler season through the third Saturday and for the remainder of the season from 1/2 hour before sunrise to 1/2 hour after sunset.

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

**Appendix G. HUNTING HOURS**

*(Editor's Note:* As part of this final-form rulemaking, the Commission replaces the tables which appear in Appendix G, 58 Pa. Code pages 141-37—141-41, serial pages (404733)—(404737), with the following tables.)

<b>HUNTING HOURS TABLE FOR JULY 1, 2022, THROUGH JUNE 30, 2023</b>					
<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—July 2	5:06	9:03	Jan. 1—7	6:52	5:16
July 3—9	5:10	9:01	Jan. 8—14	6:52	5:22
July 10—16	5:15	8:58	Jan. 15—21	6:51	5:30
July 17—23	5:21	8:53	Jan. 22—28	6:47	5:38
July 24—30	5:27	8:46	Jan. 29—Feb. 4	6:42	5:46
July 31—Aug. 6	5:34	8:39	Feb. 5—11	6:35	5:54
Aug. 7—13	5:40	8:30	Feb. 12—18	6:27	6:03
Aug. 14—20	5:47	8:20	Feb. 19—25	6:18	6:11
Aug. 21—27	5:54	8:10	Feb. 26—March 4	6:09	6:19
Aug. 28—Sept. 3	6:00	7:59	March 5—11	5:58	6:27
Sept. 4—10	6:07	7:47	March 12—18 *Begins	6:47	7:34
Sept. 11—17	6:14	7:36	March 19—25	6:36	7:41
Sept. 18—24	6:20	7:24	March 26—Apr. 1	6:25	7:49
Sept. 25—Oct. 1	6:27	7:13	April 2—8	6:13	7:56
Oct. 2—8	6:34	7:02	April 9—15	6:02	8:03
Oct. 9—15	6:41	6:51	April 16—22	5:52	8:10
Oct. 16—22	6:49	6:41	April 23—29	5:42	8:23
Oct. 23—29	6:56	6:32	April 30—May 6	5:32	8:24
Oct. 30—Nov. 5	7:04	6:24	May 7—13	5:24	8:31
Nov. 6—12 **Ends	6:12	5:17	May 14—20	5:17	8:38

## RULES AND REGULATIONS

<b>HUNTING HOURS TABLE FOR JULY 1, 2022, THROUGH JUNE 30, 2023</b>					
<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Nov. 13—19	6:20	5:11	May 21—27	5:11	8:44
Nov. 20—26	6:28	5:08	May 28—June 3	5:06	8:50
Nov. 27—Dec. 3	6:35	5:06	June 4—10	5:03	8:55
Dec. 4—10	6:41	5:05	June 11—17	5:01	8:59
Dec. 11—17	6:46	5:06	June 18—24	5:03	9:02
Dec. 18—24	6:50	5:07	June 25—June 30	5:06	9:03
Dec. 25—31	6:52	5:11	Daylight Saving Time: Begins* Ends**		

<b>MIGRATORY GAME BIRD HUNTING HOURS TABLE FOR JULY 1, 2022, THROUGH JUNE 30, 2023</b>					
<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—July 2	5:06	8:33	Jan. 1—7	6:52	4:46
July 3—9	5:10	8:31	Jan. 8—14	6:52	4:52
July 10—16	5:15	8:28	Jan. 15—21	6:51	5:00
July 17—23	5:21	8:23	Jan. 22—28	6:47	5:08
July 24—30	5:27	8:16	Jan. 29—Feb. 4	6:42	5:16
July 31—Aug. 6	5:34	8:09	Feb. 5—11	6:35	5:24
Aug. 7—13	5:40	8:00	Feb. 12—18	6:27	5:33
Aug. 14—20	5:47	7:50	Feb. 19—25	6:18	5:41
Aug. 21—27	5:54	7:40	Feb. 26—March 4	6:09	5:49
Aug. 28—Sept. 3	6:00	7:29	March 5—11	5:58	5:57
Sept. 4—10	6:07	7:17	March 12—18 *Begins	6:47	7:04
Sept. 11—17	6:14	7:06	March 19—25	6:36	7:11
Sept. 18—24	6:20	6:54	March 26—Apr. 1	6:25	7:19
Sept. 25—Oct. 1	6:27	6:43	April 2—8	6:13	7:26
Oct. 2—8	6:34	6:32	April 9—15	6:02	7:33
Oct. 9—15	6:41	6:21	April 16—22	5:52	7:40
Oct. 16—22	6:49	6:11	April 23—29	5:42	7:53
Oct. 23—29	6:56	6:02	April 30—May 6	5:32	7:54
Oct. 30—Nov. 5	7:04	5:54	May 7—13	5:24	8:01
Nov. 6—12 **Ends	6:12	4:47	May 14—20	5:17	8:08
Nov. 13—19	6:20	4:38	May 21—27	5:11	8:14
Nov. 20—26	6:28	4:36	May 28—June 3	5:06	8:20
Nov. 27—Dec. 3	6:35	4:35	June 4—10	5:03	8:25
Dec. 4—10	6:41	4:36	June 11—17	5:01	8:29
Dec. 11—17	6:46	4:37	June 18—24	5:03	8:32
Dec. 18—24	6:50	4:37	June 25—June 30	5:06	8:33
Dec. 25—31	6:52	4:41	Daylight Saving Time: Begins* Ends**		

[Pa.B. Doc. No. 22-1285. Filed for public inspection August 26, 2022, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

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

**Hunting and Trapping; Small Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its July 9, 2022, meeting adds § 141.30 (relating to wild bobwhite quail recovery area) to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Township, Franklin County.

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 52 Pa.B. 3105 (May 28, 2022).

*1. Purpose and Authority*

The Commission adds § 141.30 to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Township, Franklin County. To maximize the likelihood of successful reintroduction, it is important to avoid any harvest mortality on the reintroduced population, as well as potential negative genetic effects from interbreeding with captive-reared bobwhites. Implementation of a wild bobwhite quail recovery area will provide important protections and facilitate dispersal and expansion of the reintroduced bobwhite quail population. The boundary of the recovery area was developed using major roads surrounding the Letterkenny Army Depot that are easily identified with a minimum distance of 7.4 kilometers (km) beyond the Letterkenny Army Depot boundary. Based on average spring dispersal of quail, the 7.4 km distance should provide an adequate buffer to protect almost all dispersing quail from harvest and minimize the possibility of interbreeding with captive-raised quail originating from beyond the restoration area boundary. The wild bobwhite quail recovery area surrounding the Letterkenny Army Depot will cover 177.65 square miles.

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 addition of § 141.30 is adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking adds § 141.30 to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Township, Franklin County.

*3. Persons Affected*

Persons who are interested in hunting bobwhite quail or releasing artificially propagated bobwhite quail in the area surrounding the Letterkenny Army Depot in Greene Township, Franklin County will be affected by this final-form rulemaking.

*4. Comment and Response Summary*

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

*5. Cost and Paperwork Requirements*

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

*6. Effective Date*

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

*7. Contact Person*

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

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by adding § 141.30 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-477 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 B. SMALL GAME**

**§ 141.30. Bobwhite quail recovery area.**

(a) *Definition.* For the purpose of this section, the phrase “bobwhite quail recovery area” includes and is limited to portions of Wildlife Management Units 4B and 5A in Franklin County, bounded and described as follows. Beginning in the southwestern extent of the bobwhite quail recovery area at the intersection of Route 30 (Lincoln Highway) and PA-75 (Path Valley Road), proceed east on Route 30 for approximately 15.3 miles to the intersection of Interstate 81. The boundary follows Interstate 81 north for 8.5 miles to exit 24 and continues left

on PA-696 (Old Scotland Road). Follow Old Scotland Road north for 2 miles then continue along PA-696 which becomes South Fayette Street. Follow South Fayette Street for 0.5 miles to West King Street. Follow left on West King Street, then right onto Spring Street, bear right onto Roxbury Road. Follow Roxbury Road for 9 miles to PA-641 (meets at Newburg Road, which becomes Forge Hill Road, Timmons Road, then Spring Run Road). The boundary follows PA-641 northwest for 7.5 miles then taking a left turn on Stone Bridge Road. At the end of Stone Bridge Road take a left onto PA-75 (Path Valley Road) and follow PA-75 for 17 miles to the intersection of Route 30 and the point of origin.

(b) *Prohibitions.* It is unlawful to:

(1) Release artificially propagated quail any time within any area designated as a bobwhite quail recovery area.

(2) Hunt quail within any area designated as a bobwhite quail recovery area.

[Pa.B. Doc. No. 22-1286. Filed for public inspection August 26, 2022, 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 July 9, 2022, meeting amends § 141.45 (relating to turkey seasons) to eliminate the use of shotguns and muzzleloaders that propel single-projectile ammunition during the fall turkey seasons.

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 52 Pa.B. 3101 (May 28, 2022).

#### 1. *Purpose and Authority*

The Commission's final-form rulemaking, published at 51 Pa.B. 2940 (May 22, 2021), to remove rifles as lawful implements during fall turkey seasons became effective. Despite this change shotguns and muzzleloaders that propel single-projectile ammunition currently remain listed as permitted devices for use by hunters during fall turkey seasons in all Wildlife Management Units (WMU) with an open fall turkey season excluding those portions found within areas designated as special regulations areas (WMUs 2B, 5B, 5C and 5D). The Commission has observed that very few hunters hunt during the fall turkey seasons with a shotgun or muzzleloader using single projectile ammunition. After the changes were made to this section in 2021, the Commission remains focused on identifying alternative methods of stabilizing fall turkey harvest numbers without focusing solely on further reductions in hunting opportunity as measured by season length. The Commission has determined that the elimination of shotguns and muzzleloaders that propel single-projectile ammunition during fall turkey seasons may aid in this goal. The Commission amends § 141.45

to eliminate the use of shotguns and muzzleloaders that propel single-projectile ammunition during the fall turkey seasons.

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 shotguns and muzzleloaders that propel single-projectile ammunition during the fall turkey seasons.

#### 3. *Persons Affected*

Persons interested in hunting turkey within this Commonwealth during the fall turkey seasons will be affected by this final-form rulemaking.

#### 4. *Comment and Response Summary*

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

#### 5. *Cost and Paperwork Requirements*

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

#### 6. *Effective Date*

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

#### 7. *Contact Person*

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

#### *Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Commission, acting under authorizing statute, orders that:

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

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

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-479 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 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) [Reserved].

(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.

(2) *Prohibitions.* While hunting turkey during the fall turkey season, it is unlawful to:

(i) [Reserved].

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(b) *Spring turkey season.*

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

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot 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. A

centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(ii) A bow and arrow as permitted under subsection (a)(1)(iv).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(v).

\* \* \* \* \*

[Pa.B. Doc. No. 22-1287. Filed for public inspection August 26, 2022, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

**[ 58 PA. CODE CH. 147 ]**

**Special Permits; Wildlife Rehabilitation**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its July 9, 2022, meeting amends § 147.305 (relating to wildlife capture and transportation permits) to require a permit holder to submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

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

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

Notice of proposed rulemaking was published at 52 Pa.B. 3108 (May 28, 2022).

*1. Purpose and Authority*

A wildlife capture and transportation permit holder is required to have a wildlife rehabilitator as a sponsor when submitting his or her initial application. However, after the permit application is submitted and approved, the permit holder no longer needs to maintain an affiliation or sponsorship with any particular wildlife rehabilitator. In fact, a wildlife capture and transportation permit holder can pick up wildlife any place at any time and transport the wildlife to the closest properly permitted wildlife rehabilitator. The Commission has observed instances where some of these wildlife capture and transportation permit holders are using this permit to pick up injured wildlife and then holding it and acting as an actual rehabilitator without the required permit.

The Commission has historically provided little oversight to wildlife capture and transportation permit holders after a permit was issued. The Commission received no data on how active permit holders were, the volume of wildlife handled, the locations wildlife is transported to, the species of wildlife captured and transported, the location rehabilitated wildlife is transported to or any other disposition of wildlife. Section 2907 of the code (relating to reports) generally authorizes the Commission to require reports as may be needed for its operations. The Commission amends § 147.305 to require that a permit holder submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to

and the disposition of deceased wildlife. The Wildlife Rehabilitation and Education Council supports this amendment.

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 § 147.305 are adopted under this authority.

#### 2. *Regulatory Requirements*

This final-form rulemaking amends § 147.305 to require that a permit holder submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

#### 3. *Persons Affected*

Persons holding a wildlife capture and transportation permit 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 publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. *Contact Person*

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

#### *Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.305 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-481 remains valid for the final adoption of the subject regulation.

### Annex A

## TITLE 58. RECREATION

### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

##### Subchapter P. WILDLIFE REHABILITATION

#### § 147.305. Wildlife capture and transportation permits.

(a) Issuance of wildlife capture and transportation permits will be limited to the number authorized by the permit class of the sponsoring wildlife rehabilitator.

(b) Qualifications are as follows:

(1) The applicant shall be sponsored by a wildlife rehabilitation permittee.

(2) The applicant shall successfully pass a Council-approved wildlife capture and transport written examination with a minimum score of 80%.

(3) The applicant, upon completion of testing, shall obtain a certificate from the Council-approved written examination. This certificate, along with a permit application shall be mailed to the district wildlife conservation officer to receive a permit.

(c) Permit conditions are as follows:

(1) A permittee may capture and transport injured or displaced wildlife when necessary.

(2) Wildlife shall be immediately transported to the sponsoring permittee or to the nearest properly permitted wildlife rehabilitator.

(3) Wildlife may not be captured or transported by a permittee outside of the area serviced by a sponsoring permittee except when advance permission from the wildlife rehabilitator has been obtained.

(d) *Monthly reports.* A permittee shall submit a monthly report to the district wildlife conservation officer documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

[Pa.B. Doc. No. 22-1288. Filed for public inspection August 26, 2022, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 147 ]

#### Special Permits; Deer Control; Deer Management Assistance Program Permits

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

its July 9, 2022, meeting amends § 147.672 (relating to definitions) to expand the application of the term “private land” to lands where the hunting rights have been leased and where a fee has been charged for hunting.

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 52 Pa.B. 3106 (May 28, 2022).

1. *Purpose and Authority*

The Commission amends § 147.672 to expand the application of the term “private land” to lands where the hunting rights have been leased and where a fee has been charged for hunting. This amendment will effectively expand the meaning of the term, “private land” to include lands otherwise previously ineligible for participation in the Deer Management Assistance Program (DMAP). The Commission has determined that the quantity of land where the hunting rights have been leased and where a fee has been charged for hunting is approximately 5% as reported by hunters. By excluding DMAP on leased land, the only tool the Commission is giving these landowners or lessees to address deer population concerns and their land use goals are Wild Management Unit (WMU)-based, allocations which may not be enough. DMAP provides an additional means for landowners to manage deer to meet their land-use goals outside of the WMU-based antlerless allocations. Fundamentally, there is no difference between DMAP on leased land and DMAP on private land with no public access. Both can restrict hunting access and both need the proper tools to meet their goals. Historic restrictions of DMAP permits for certain lands to encourage public access did not lead to significantly more public access or prevention of leased lands. Leased lands still exist and are part of the landscape of this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.672 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 147.672 to expand the application of the term “private land” to lands where the hunting rights have been leased and where a fee has been charged for hunting.

3. *Persons Affected*

Private landowners who participate in the DMAP program will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.672 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-478 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**

**§ 147.672. Definitions.**

\* \* \* \* \*

*Hunting club*—A corporation or legal cooperative which owns its enrolled acres in fee title, was established prior to January 1, 2000, and has provided its club charter and list of current members to the Commission.

*Private land*—Land not defined as public land.

*Public land*—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

[Pa.B. Doc. No. 22-1289. Filed for public inspection August 26, 2022, 9:00 a.m.]



## Title 58—RECREATION

### GAME COMMISSION [ 58 PA. CODE CH. 147 ]

#### Special Permits; Nuisance Wildlife Control Operator

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its July 9, 2022, meeting amends §§ 147.726 and 147.728 (relating to operation; and unlawful acts) to authorize nuisance wildlife control operators to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

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 52 Pa.B. 3107 (May 28, 2022).

##### 1. Purpose and Authority

Each year, the Commission receives thousands of calls from the public concerning the presence of white-tailed deer carcasses along roadways and on private property. The Commission will often assign and task its wardens to collect and properly dispose of these carcasses as their schedules and work duties may permit. Suffice it to say, the task is often not accomplished in accordance with the expectations of the public from time to time. This is true despite the efforts of the Commission and the Department of Transportation to contract collection and disposal efforts out to qualified vendors across this Commonwealth.

Former regulations prohibited a person, licensed or otherwise, from picking up white-tailed deer carcasses from roadways and private property, except as may be authorized by a consumption permit. These restrictions limit the public and Commission's ability to utilize existing resources to collect and properly dispose of these white-tailed deer carcasses. The Commission amends §§ 147.726 and 147.728 to authorize nuisance wildlife control operators to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

These changes will provide residents of this Commonwealth an additional resource to address their concerns with the removal of white-tailed deer found dead along roadways and on private property. Furthermore, nuisance wildlife control operators are already currently regulated through the Commission, therefore these changes are simply an expansion of the existing authority of nuisance wildlife control operators, not the creation of a new permitted class. Lastly, nuisance wildlife control operators are not obligated to engage in white-tailed deer collection and disposal, but rather can elect to expand their business services to include these activities at their discretion.

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 §§ 147.726 and 147.728 are adopted under this authority.

##### 2. Regulatory Requirements

This final-form rulemaking amends §§ 147.726 and 147.728 to authorize nuisance wildlife control operators to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

##### 3. Persons Affected

Persons holding a nuisance wildlife control operator permit within this Commonwealth will be affected by this final-form rulemaking.

##### 4. Comment and Response Summary

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

##### 5. Cost and Paperwork Requirements

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

##### 6. Effective Date

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

##### 7. Contact Person

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

##### Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

##### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.726 and 147.728 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-482 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

§ 147.726. Operation.

\* \* \* \* \*

(h) Carcasses shall be disposed of by incineration or in an approved landfill in a manner consistent with the solid waste laws of the Commonwealth. The taking of any white-tailed deer shall be reported within 24 hours and turned over to the district wildlife conservation officer, unless alternative arrangements are accepted by the district wildlife conservation officer.

(i) Nuisance wildlife control operators are authorized to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

§ 147.728. Unlawful acts.

It is unlawful to:

(1) Except as otherwise provided in § 147.726 (relating to operation), control any white-tailed deer, black bear, elk, wild turkey, beaver, fisher, otter or bobcat without prior approval of the District Wildlife Conservation Officer.

\* \* \* \* \*

[Pa.B. Doc. No. 22-1290. Filed for public inspection August 26, 2022, 9:00 a.m.]