

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
March 28, 2017**

Bryan Burhans

Bryan Burhans
Executive Director

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DRAFT

Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, March 28, 2017, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Brian H. Hoover, President
Timothy S. Layton, Vice President
James R. Daley, Secretary
David J. Putnam
Robert W. Schlemmer
Charlie E. Fox

Approval of Minutes of Commission Meeting held January 31, 2017.

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

A. Add 58 Pa. Code §§ 147.315 through 147.318.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend §§ 147.315 through 147.318 (relating to purpose; application; permit; and violations) to define and implement the Pheasant Hunting Permit Program within this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during any applicable pheasant hunting seasons.

Action:

DRAFT

EXHIBIT "A"

CHAPTER 147. SPECIAL PERMITS

Subchapter Q. PHEASANT PERMIT

§ 147.315. *Purpose.*

The purpose of this subchapter is to define and implement the Pheasant Hunting Program within this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during any applicable pheasant hunting seasons established in section 139.4 (relating to seasons and bag limits for the license year).

§ 147.316. *Application.*

(a) *Form and content.* Applications for pheasant hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the name, address, date of birth, Commission-issued Customer Identification Number of the applicant and any other information required by the Commission.

(b) *Eligibility.* Adult pheasant hunting permits applications are available for submission by applicants in possession of a valid resident or nonresident adult or senior hunting license or a valid mentored adult hunting permit. The fee for a pheasant hunting permit is \$25, plus any applicable transactional and issuing agent fees.

§ 147.317. *Permit.*

(a) A pheasant hunting permit is required for any adult to hunt or take pheasants by any means or manner or device, including the use of dogs, within this Commonwealth.

(b) A pheasant hunting permit must be signed and carried on person when hunting or taking pheasants within this Commonwealth.

(c) This section and subchapter shall not be construed to require a permit for individuals engaged in lawful pheasant hunting activities pursuant to a valid commercial or noncommercial regulated hunting grounds issued under section 2928 of the act (relating to regulated hunting grounds permits).

§ 147.318. *Violations.*

Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations). Furthermore, the Director may deny, revoke or suspend a permit for any violation of the requirements of this subchapter upon written notice to the permittee.

B. Amend 58 Pa. Code § 141.28.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 141.28 (relating to wild pheasant recovery areas) to reduce the size of the Central Susquehanna WPRA, open the Central Susquehanna WPRA to limited youth pheasant hunting opportunities authorized by executive order, eliminate all small game hunting restrictions within WPRAs and shorten the dog training restricted period within WPRAs.

Action:

DRAFT

EXHIBIT "A"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.28. Wild pheasant recovery areas.

(a) *Definition.* For the purpose of this section, the phrase "wild pheasant recovery area" (WPRA) includes and is limited to the following geographic locations.

* * * * *

(2) *Central Susquehanna WPRA.* Portions of WMU 4E in Northumberland, Montour and Columbia counties, bounded and described as follows: Beginning in the Southwestern extent of the WPRA at the intersection of Interstate 80 and Interstate 180, proceed north on Interstate 80 for approximately 7.2 miles to the intersection of Hughes Road The boundary follows Hughes Road east for .2 miles to Susquehanna Trail. Follow Susquehanna Trail south for .2 miles to Schmidt Road Follow Schmidt Road for 1.6 miles to Miller Road Follow Miller Road east for 1.1 miles to intersection of Hockey Hill Road Go right on Hockey Hill Road then left onto Pugmore Lane. Follow Pugmore Lane for .7 miles to Harrison Road The boundary follows Harrison Road south for .7 miles to Showers Road. Follow Showers Road for 1.2 miles east to intersection of Gearhart Road. Turn right on Gearhart Road and go south for .6 miles to the intersection of Hickory Road. The boundary follows Hickory Road east for .6 miles then left onto Mingle Road for .9 miles until rejoining Hickory Road for another .8 miles to the intersection of Muncy Exchange Road. The boundary follows Muncy Exchange Road south for 1.4 miles to bridge over the West Branch of Chillisquaque Creek near the intersection of State Highway 44. The boundary follows the West Branch of Chillisquaque Creek south for approximately 2.1 miles to the bridge on Arrowhead Road. The boundary follows Arrowhead Road west for .8 miles to the intersection of State Highway 54. Follow State Highway 54 south for 2.6 miles to the intersection of State Highway 254. Follow State Highway 254 east for 5.9 miles to the intersection of State Highway 44. Follow State Highway 44 south for 1.1 miles to the intersection of State Highway 642. Follow State Highway 642 southwest for 2.3 miles to the intersection of Billhime Road. Turn right onto Billhime Road and go 1.1 miles to the intersection of East Diehl Road. Turn left on East Diehl Road then right onto Camelton Hill Road. Follow Camelton Hill Road for 1 mile to the intersection of Blee Hill Road. The boundary follows Blee Hill Road northwestward for .6 miles to the intersection of Hillside Drive. Turn left onto Hillside Drive and follow west for 3.2 miles until State Highway 54. Cross State Highway 54 onto Steckermill Road and go .4 miles to the intersection of Keefer Mill Road. Turn right onto Keefer Mill Road and follow north for .8 miles to the intersection Mexico Road. Turn right on Mexico Road for .1 miles and then turn left onto Keefer Mill Road for .6 miles to the intersection of State Highway 254. The boundary follows State Highway 254 west for 5.5 miles to the intersection of Interstate 80. Follow Interstate 80 west for 3.4 miles to the intersection Interstate 180 and the point of origin.

* * * * *

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

(1) Release artificially propagated pheasants any time within any area designated as a wild pheasant recovery area.

(2) Train dogs in any manner from March 1 through July 31 within any area designated as a WPRA.

(3) Hunt pheasants within any area designated as a WPRA, except the Director may authorize limited youth pheasant hunting opportunities by Commission-issued access permit in the Central Susquehanna WPRA. During any year youth pheasant hunting opportunities are authorized in the Central Susquehanna WPRA, the Director will establish the number of hunting access permits to be issued, a manner of distribution for a limited number of access permits to be raffled off by an organization promoting pheasant recovery efforts within this Commonwealth, and designate the one or more pheasant hunt zones within the WPRA prior to the opening of the earliest established youth pheasant season. The Director or his designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of any remaining limited youth pheasant hunting access permits within the Central Susquehanna WPRA. Limited youth pheasant hunting access permits are not transferrable. A pheasant hunting access permit must be signed and carried on person when hunting or taking pheasants within the Central Susquehanna WPRA.

C. Amend 58 Pa. Code § 139.17.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 139.17 (relating to wildlife management units) to expand WMU 2E southward into WMU 2C to realign the southwest boundary line of 2E from Rt. 422 to Rt. 22.

Action:

DRAFT

ANNEX "A"

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.17. Wildlife management units.

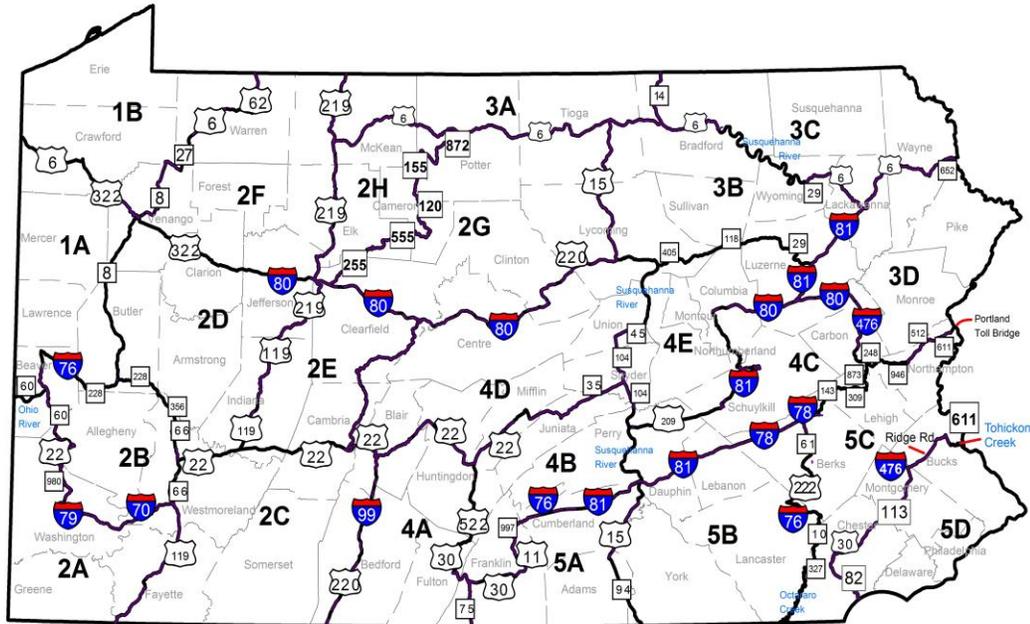
* * * * *

(b) The outline map of Pennsylvania sets forth wildlife management units.

(See map of Pennsylvania Wildlife Management Units)

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Wildlife Management Units



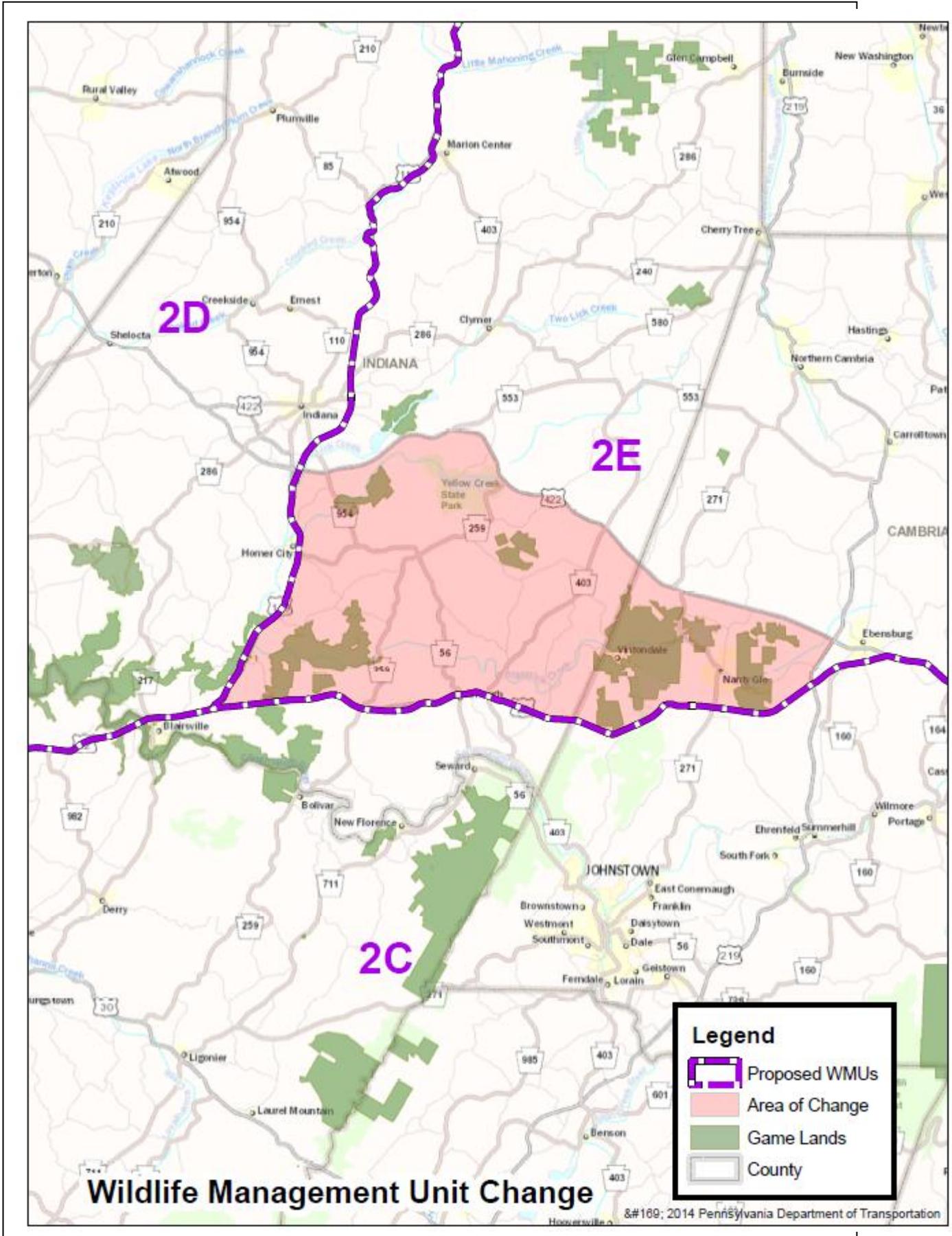
 Interstate Highway

 U.S. Traffic Route

 PA Traffic Route

New WMU 2C - From the West Virginia/PA state line, US Rt. 119 north to Toll Road Rt. 66 near New Stanton. Toll Road Rt. 66 north to US Rt. 22 near Delmont. US Rt. 22 east to I-99 near Hollidaysburg. I-99 south to US Rt. 220 near Bedford. US Rt. 220 south to the Maryland/PA state line

New WMU 2E - From near DuBois, I-80 east to PA Rt. 53 near Kylertown. PA Rt. 53 south to US Rt. 22 near Cresson. US Rt. 22 west to US Rt. 119 near Blairsville. US Rt. 119 north to US Rt. 219 near DuBois. US Rt. 219 north to I-80 near DuBois.



D. Amend 58 Pa. Code § 139.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2017-2018 hunting/trapping license year.

Action:

DRAFT

“EXHIBIT A”

(SEASONS AND BAG LIMITS TABLE)

**2017-2018 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Squirrel</i> – (Combined species) <i>Eligible Junior Hunters only</i> , with or without the required junior license	Sept. 30	Oct. 14	6	18
<i>Squirrel</i> – (Combined species)	Oct. 14 and Dec. 11 and Dec. 26	Nov. 25 Dec. 23 Feb. 28, 2018	6	18
<i>Ruffed Grouse</i>	Oct. 14 and Dec. 11	Nov. 25 Dec. 23	2	6
<i>Rabbit, Cottontail</i> – <i>Eligible Junior Hunters only</i> , with or without the required junior license	Sept. 30	Oct. 14	4	12
<i>Rabbit, Cottontail</i>	Oct. 14 and Dec. 11 and Dec. 26	Nov. 25 Dec. 23 Feb. 28, 2018	4	12
<i>Ring-necked Pheasant</i> – There is no open season for the taking of pheasants in the Somerset, Hegins-Gratz, or Franklin County wild pheasant recovery areas.				

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Ring-necked Pheasant</i> <i>Eligible Junior Hunters only</i> , with or without the required junior license WMUs 2A, 2C, 4C, 4E, 5A and 5B - <i>Male only</i> WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C, and 5D - <i>Male or female</i>	Oct. 7	Oct. 14	2	6
Central Susquehanna Wild Pheasant Recovery Area – <i>Male only</i>	As authorized by the Executive Order			
<i>Ring-necked Pheasant</i> WMUs 2A, 2C, 4C, 4E, 5A and 5B - <i>Male only</i> WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C, and 5D - <i>Male or female</i>	Oct. 21 and Dec. 11 and Dec. 26	Nov. 25 Dec. 23 Feb. 28, 2018	2	6
<i>Bobwhite Quail</i>	Oct. 21	Nov. 25	4	12
<i>Hare (Snowshoe Rabbits) or Varying Hare</i>	Dec. 26	Jan. 1, 2018	1	3
<i>Woodchuck (Groundhog)</i>	No closed season except during the regular firearms deer season(s). Hunting on Sundays is prohibited.		Unlimited	

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Turkey, Fall - Male or Female</i>			1	1
WMU 2B (Shotgun, Bow & Arrow only)	Oct. 28 and Nov. 23	Nov. 17 Nov. 25		
WMU 1B	Oct. 28	Nov. 4		
WMUs 1A, 2A, 4A and 4B	Oct. 28 and Nov. 23	Nov. 4 Nov. 25		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 28 and Nov. 23	Nov. 11 Nov. 25		
WMU 2C	Oct. 28 and Nov. 23	Nov. 17 Nov. 25		
WMU 5A	Nov. 2	Nov. 4		
WMU 5B	Oct. 31	Nov. 2		
WMUs 5C and 5D	Closed to fall turkey hunting			
<i>Turkey, Spring ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license</i>	Apr. 21, 2018	Apr. 21, 2018	1	1
<i>Turkey, Spring ¹ Bearded Bird only</i>	Apr. 28, 2018 and May 14, 2018	May 12, 2018 May 31, 2018	1	2
			May be hunted ½ hour before sunrise to 12 noon	
			May be hunted ½ hour before sunrise to ½ 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.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Crow</i> (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 8, 2018		Unlimited
<i>Starling and English Sparrow</i>	No closed season except during the regular firearms deer seasons.			Unlimited

FALCONRY

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Squirrel</i> – (Combined species)	Sept. 1	Mar. 31, 2018	6	18
<i>Quail</i>	Sept. 1	Mar. 31, 2018	4	12
<i>Ruffed Grouse</i>	Sept. 1	Mar. 31, 2018	2	6
<i>Cottontail Rabbits</i>	Sept. 1	Mar. 31, 2018	4	12
<i>Snowshoe or Varying Hare</i>	Sept. 1	Mar. 31, 2018	1	3
<i>Ring-necked Pheasant - Male and Female</i> - (Combined)	Sept. 1	Mar. 31, 2018	2	6

Migratory Game Bird - Seasons and bag limits shall be in accordance with Federal regulations.

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
Deer, Archery (Antlered & Antlerless) ² With the required archery license WMUs 2B, 5C and 5D	Sept. 16 and Dec. 26	Nov. 25 Jan. 27, 2018	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered & Antlerless) ² 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	Sept. 30 and Dec. 26	Nov. 11 Jan. 13, 2018	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, ³ 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 U.S. Coast Guard	Oct. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered & Antlerless) ² WMUs 2B, 5C and 5D	Nov. 27	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Nov. 27	Dec. 1	One antlered deer.
Deer, Regular firearms (Antlered & Antlerless) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 2	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² 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. 26	Jan. 13, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 27, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Season Species	First Day	Last Day	Limit
<i>Deer, Extended Regular firearms (Antlerless)</i> Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 27, 2018	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> (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

Species	First Day	Last Day	Season Limit
<i>Bear, Archery</i> ⁴ WMUs 2B, 5C and 5D	Sept. 16	Nov. 25	1
<i>Bear, Archery</i> ⁴ WMU 5B	Sept. 30	Nov. 11	1
<i>Bear, Archery</i> ⁴ WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 30	Nov. 4	1
<i>Bear, Muzzleloader</i> ⁴ WMUs 2B, 5B, 5C & 5D	Oct. 14	Oct. 21	1
<i>Bear, Special firearms</i> ⁴ Only Junior and Senior License Holders ³ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the United States Coast Guard, with required antlerless license WMUs 2B, 5B, 5C & 5D	Oct. 19	Oct. 21	1
<i>Bear, Regular Firearms</i> ⁴ (Statewide)	Nov. 18	Nov. 22	1
<i>Bear, Extended firearms</i> ⁴ WMUs 3B, 3C, and 3D	Nov. 27	Dec. 2	1
<i>Bear, Extended firearms</i> ⁴ WMUs 2B, 5B, 5C and 5D	Nov. 27	Dec. 9	1
<i>Bear, Extended firearms</i> ⁴ WMUs 1B, 2C, 3A, 4B, 4C, 4D and 4E	Nov. 29	Dec. 2	1

ELK

Species	First Day	Last Day	Season Limit
<i>Elk, Special Conservation Tag⁵ and Special-License Tag⁵ (Antlered and Antlerless)</i>	Sept. 1	Nov. 4	1
<i>Elk, Regular⁵ (Antlered and Antlerless)</i>	Oct. 30	Nov. 4	1
<i>Elk, Extended⁵ (Antlered and Antlerless)</i>	Nov. 6	Nov. 11	1

FURTAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Mink and Muskrat</i>	Nov. 18	Jan. 7, 2018	Unlimited	
<i>Beaver</i>	Dec. 26	Mar. 31, 2018		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
<i>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i>	Oct. 22	Feb. 18, 2018	Unlimited	
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 18, 2018	Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 16	Jan. 7, 2018	1	1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E	Dec. 16	Dec. 27	1	1
<i>River Otter, with required otter permit</i> WMUs 3C & 3D	Feb. 17, 2018	Feb. 24, 2018	1	1

FUR TAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Coyote - (Outside of any big game season)</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, Weasel</i>	No closed season.			
<i>Raccoon and Fox</i>	Oct. 21	Feb. 17, 2018	Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 13, 2018	Feb. 7, 2018	1	1
<i>Porcupine</i>	Sept. 1	March 31, 2018	3	10

No open seasons on other wild birds or wild mammals.

¹ 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 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ Includes residents 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).

⁴ Only one bear may be taken during the hunting license year with the required bear license.

⁵ Only one elk may be taken during the hunting license year with the required elk license.

E. Amend 58 Pa. Code § 147.673.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 147.673 (relating to eligibility and application for DMAP) to allow the Commission to accept DMAP applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction.

Action:

DRAFT

ANNEX “A”

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

§ 147.673. Eligibility and application for DMAP.

(a) *Eligibility.* Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies are eligible to make application for a DMAP.

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

* * * * *

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

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

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

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

(iv) Collective areas comprised of distinct, privately-owned and publically-owned lands managed by a local political subdivision or government agency applicant.

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

* * * * *

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code §§ 135.103 and 143.42.

Commentary: **COMMENTARY**

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

(1) Applications ~~[are available in, and shall be submitted from, the current edition of *Digest of Pennsylvania Hunting and Trapping Regulations* supplied with each hunting license]~~ shall be submitted on a form designated by the Commission.

* * * * *

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.42. Definitions.

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

Application—The original PALS form issued with a regular hunting license or the original or reasonable facsimile of the universal form ~~[contained in the “*Hunting and Trapping Digest*”]~~ provided by the Commission that is used in applying for an antlerless license or an unsold tag.

* * * * *

Action:

B. Amend 58 Pa. Code § 141.15.

Commentary:

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) amended Section 2308 of the act (relating to unlawful devices and methods) to eliminate the Commonwealth's historic prohibition against the use of air guns for hunting. On January 31, 2017, the Commission proposed to amend §§ 131.2, 141.22 and 141.67 to authorize the use of air guns for designated species of wildlife and hunting seasons. With the proposed approval of air gun use, the Commission has identified a need to highlight the applicability of Section 2503 of the act (relating to loaded firearms in vehicles), and this section's long standing prohibitions against loaded firearms in, on or against motor vehicles, to these new devices. The Commission is proposing to amend § 141.15 to clarify that any air gun with a pellet or bullet ammunition in either the chamber or magazine will be considered "loaded" for the purposes of Section 2503 of the act.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.15. Loaded firearms or devices in vehicles.

For the purpose of enforcing section 2503 of the act (relating to loaded firearms in vehicles), the term loaded firearm includes the following meanings:

- (1) Any centerfire or rimfire firearm that has a live shell or cartridge in either the chamber or magazine.
- (2) Any muzzleloading firearm that has a live charge of ammunition in its firing chamber and a primer, flash powder or a battery, whichever is applicable, properly positioned in the firing mechanism of the firearm rendering it capable of discharge.
- (3) Any crossbow that has been cocked and has a bolt affixed onto the string or positioned into the firing mechanism of the device.
- (4) Any air gun that has a pellet or bullet ammunition in either the chamber or magazine.

Action:

C. Remove 58 Pa. Code § 147.687.

Commentary:

On March 31, 2010, the Commission's 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired. The Commission's final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. On February 1, 2011, the Commission amended §§ 147.552 and 147.556 (relating to application; lawful devices and methods) to create a focused, limited authorization permitting the baiting of white-tailed deer in wildlife management units (WMU) 5C and 5D on approved properties enrolled in the "Red Tag" program. On April 8, 2014, the Commission amended § 141.1 and added §§ 147.681 through 147.687 to create and implement a deer attractant permit to authorize focused and limited baiting activities on private property in the southeast special regulations area. As per the text of § 147.687 (relating to sunset clause, the deer attractant permit program regulatory authorization is set to expire on June 30, 2017. The Commission is proposing to remove § 147.687 to establish the continued effectiveness of the deer attractant permit program.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

§ 147.687. ~~[Sunset Clause.]~~ **[Reserved].**

~~[Sections 147.681—147.686 and this section become effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes their legal effectiveness prior to this termination date.]~~

Action:

D. Amend 58 Pa. Code §§ 147.106a and 147.111b.

Commentary:

The United States Fish and Wildlife Service (USFWS) has the authority to grant states within the Atlantic Flyway the ability to permit certain qualified Falconers the opportunity to take passage Arctic Peregrine Falcons (*Falco peregrinus tundrius*) for falconry purposes. Various states within the Atlantic Flyway, including Pennsylvania, participate in the limited allowable take of passage Arctic Peregrine Falcons. The Commission expects the USFWS to issue a moderate increase to the Commonwealth's annual allocation of Arctic Peregrine Falcon take authorization. The Commission has determined that an increase in the take allowance justifies expansion of this program's eligibility class to include a greater range of eligible participants. The Commission is proposing to amend §§ 147.106b and 147.111b (relating to Nonresident falconers; and Arctic Peregrine Falcon limited take special permit) to authorize the limited take of Arctic Peregrine Falcons (*Falco peregrinus tundrius*) within this Commonwealth by general class and nonresident falconry permit holders.

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.106b. Nonresident falconers.

* * * * *

(11) Raptors taken under the authority of this permit may only be captured by devices authorized under § 147.105a(4) (relating to resident falconers).

§ 147.111b. Arctic Peregrine Falcon limited take special permit.

* * * * *

(c) *Eligibility.*

(1) Applications will only be accepted from persons who meet all of the following criteria: [~~possess a current and valid master class falconry permit issued under this subchapter and a Pennsylvania resident hunting license.~~]

(i) Applicants must possess a current and valid master or general class falconry permit issued under this subchapter.

(ii) Applicants must possess a current and valid Pennsylvania hunting license.

(iii) Applicants must be a resident of this Commonwealth or a nonresident whose home state allows the taking of Arctic Peregrine Falcons by residents of this Commonwealth.

(2) ~~[Applicants shall be a resident of this Commonwealth.~~

~~(3)] Applicants who were successfully drawn...~~

(d) Drawing.

* * * * *

(3) The Commission will randomly draw the names of eligible applicants up to and including the total allowable take. The number of permits issued will be based solely on the total allowable take each year. When the total allowable take number is reached, the drawing will be closed and additional permits will not be issued. Resident applications will be drawn first until either the annual allowable take quota or pool of available resident applications is exhausted. If any portion of the annual allowable take quota is available after resident applications are exhausted, then nonresident applications will be drawn until the annual allowable take quota is exhausted.

* * * * *

(e) Authorized activities.

(1) Arctic Peregrine Falcons (*Falco peregrinus tundrius*) may only be taken by persons ~~[in possession of a valid master class falconry permit, a resident Pennsylvania hunting license and an]~~ who have been issued a valid Arctic Peregrine Falcon limited take special permit and who continue to meet the eligibility criteria set forth in subsection (c)(1).

* * * * *

Action:

WILDLIFE PROTECTION

ADOPTED RULE MAKING

E. Amend to 58 Pa. Code § 141.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 141.4 (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 2017-2018 hunting/trapping license year.

Action:

DRAFT

CHAPTER 141. HUNTING AND TRAPPING

Appendix G. Hunting Hours

§ 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.

* * * * *

*(See Pennsylvania Meridian Map, Hunting Hours and
Migratory Game Bird Hunting Hours Tables)*

DRAFT

**HUNTING HOURS TABLE
FOR JULY 1, 2017 THROUGH JUNE 30, 2018**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
July 1	5:06	9:03	Dec. 31 – Jan. 6	6:52	5:16
July 2 – 8	5:10	9:01	Jan. 7 – 13	6:51	5:22
July 9 – 15	5:15	8:58	Jan. 14 – 20	6:51	5:29
July 16 – 22	5:20	8:53	Jan. 21 – 27	6:47	5:37
July 23 – 29	5:27	8:47	Jan. 28 – Feb. 3	6:42	5:45
July 30 – Aug. 5	5:33	8:39	Feb. 4 – 10	6:36	5:54
Aug. 6 – 12	5:40	8:31	Feb. 11 – 17	6:28	6:02
Aug. 13 – 19	5:46	8:21	Feb. 18 – 24	6:19	6:10
Aug. 20 – 26	5:53	8:07	Feb. 25 – Mar. 3	6:10	6:18
Aug. 27 – Sept. 2	6:00	8:00	Mar. 4 – 10	5:59	6:26
Sept. 3 – 9	6:06	7:49	Mar. 11 – 17 *Begins	6:48	7:33
Sept. 10 – 16	6:13	7:37	Mar. 18 – 24	6:37	7:41
Sept. 17 – 23	6:19	7:25	Mar. 25 – 31	6:24	7:49
Sept. 24 – 30	6:26	7:14	Apr. 1 – 7	6:15	7:55
Oct. 1 – 7	6:33	7:03	Apr. 8 – 14	6:04	8:02
Oct. 8 – 14	6:40	6:52	Apr. 15 – 21	5:53	8:09
Oct. 15 – 21	6:48	6:42	Apr. 22 – 28	5:43	8:16
Oct. 22 – 28	6:55	6:33	Apr. 29 – May 5	5:35	8:23
Oct. 29 – Nov. 4	7:03	6:25	May 6 – 12	5:25	8:30
Nov. 5 – 11 **Ends	6:11	5:18	May 13 – 19	5:17	8:37
Nov. 12 – 18	6:19	5:12	May 20 – 26	5:11	8:44
Nov. 19 – 25	6:27	5:08	May 27 – June 2	5:06	8:50
Nov. 26 – Dec. 2	6:35	5:05	June 3 – 9	5:03	8:55
Dec. 3 – 9	6:41	5:05	June 10 – 16	5:02	9:01
Dec. 10 – 16	6:45	5:06	June 17 – 23	5:03	9:02
Dec. 17 – 23	6:50	5:07	June 24 – 30	5:05	9:03
Dec. 24 – 30	6:52	5:11	*Daylight Saving Time Begins * -Ends**		

**MIGRATORY GAME BIRD HUNTING HOURS TABLE
2017-2018**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Aug. 27 – Sept. 2	6:00	7:30	Dec. 24 – 30	6:52	4:41
Sept. 3 – 9	6:06	7:19	Dec. 31 – Jan. 6	6:52	4:46
Sept. 10 – 16	6:13	7:07	Jan. 7 – 13	6:51	4:52
Sept. 17 – 23	6:19	6:55	Jan. 14 – 20	6:51	4:59
Sept. 24 – 30	6:26	6:43	Jan. 21 – 27	6:47	5:07
Oct. 1 – 7	6:33	6:34	Jan. 28 – Feb. 3	6:42	5:15
Oct. 8 – 14	6:40	6:22	Feb. 4 – 10	6:36	5:24
Oct. 15 – 21	6:48	6:12	Feb. 11 – 17	6:28	5:32
Oct. 22 – 28	6:55	6:03	Feb. 18 – 24	6:19	5:40
Oct. 29 – Nov. 4	7:03	5:55	Feb. 25 – Mar. 3	6:10	5:48
Nov. 5 – 11**Ends	6:11	4:48	Mar. 4 – 10	5:59	5:56
Nov. 12 – 18	6:19	4:42	Mar. 11 – 17 *Begins	6:48	7:03
Nov. 19 – 25	6:27	4:38	Mar. 18 – 24	6:37	7:11
Nov. 26 – Dec. 2	6:35	4:35	Mar. 25 – 31	6:24	7:19
Dec. 3 – 9	6:41	4:35	Apr. 1 – 7	6:15	7:25
Dec. 10 – 16	6:45	4:36	Apr. 8 – 14	6:04	7:32
Dec. 17 – 23	6:50	4:37	*Daylight Saving Time Begins * Ends **		

F. Amend 58 Pa. Code § 135.181.

Commentary: To effectively manage the wildlife habitat resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 135.181 (relating to rifle and handgun ranges) to address various substantive and housekeeping concerns within the State game lands firearms range usage requirements.

Action:

DRAFT

ANNEX "A"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter J. SHOOTING RANGES

§ 135.181. Rifle and handgun ranges.

(a) General provisions. In addition to § 135.2 (relating to unlawful actions) and except as provided in § 135.182 (relating to Ranges, State Game Lands No. 176), the following pertain to lands under Commission ownership, lease or jurisdiction, designated as rifle or handgun ranges:

(1) Rifle and handgun ranges are open from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset Sundays, unless otherwise posted; except the Sunday immediately preceding and any Sundays throughout the duration of the regular firearms deer season(s) and the regular firearms bear season(s), when the hours are 8 a.m. to sunset.

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. Applications for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range during any period reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range backboards when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. An individual using Commission owned ranges does so at his own risk and assumes all responsibility for injuries to a person or property caused by or to him.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or designee may close a range by posting signs to that effect. An individual or organized group may not use the range during any period when it is posted as closed.

(b) Prohibited acts. At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional

director or a designee, it is unlawful to:

(1) Discharge a firearm from any location on the range other than an established shooting station on the firing line.

(2) Discharge a firearm at any target other than a paper target placed on a permanent target backboard mounted by the Commission. Users are prohibited from intentionally shooting at or damaging the frames or stands constructed by the Commission to mount permanent target backboards.

(3) Discharge armor piercing, incendiary, explosive, tracer or multiple projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than ~~three~~ six rounds of single projectile ammunition.

(7) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(9) Operate, manipulate or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This is specifically intended to include loading a firearm, operating or manipulating a loaded firearm or discharging a firearm anywhere on the firing range while another person is downrange.

(10) Use a Commission range in violation of any other requirement of this section or posted signage.

(c) Range designation. The default designation for all Commission ranges, regardless of length or size, is as a rifle range. The Commission may designate any range as a handgun only range by posting appropriate signage.

G. Amend 58 Pa. Code §§ 147.552 and 147.553.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend §§ 147.552 and 147.553 (relating to application; permit) to replace the dawn to dusk terminology with a reference to legal hunting hours as set forth in § 141.4 and Appendix G and to eliminate the requirement that an applicant be enrolled in one of the Commission's public access programs for two years in order to be eligible for the Red Tag permit.

Action:

DRAFT

ANNEX “A”

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

§ 147.552. Application.

(a) Application for the deer control permit shall be made...

(b) Applications will only be accepted from persons who are currently enrolled in one of the Commission public access programs (Farm Game Project or Safety Zone—P.1-2-3).

(c) A copy of a deed or lease showing...

* * * * *

§ 147.553. Permit.

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September 28 each calendar year, excluding Sundays, during legal hunting hours as set forth in § 141.4 and Appendix G (relating to hunting hours; and hunting hours).

(2) *Exceptions.* The permit is not valid from...

* * * * *

H. Amend 58 Pa. Code §§ 131.2, 141.22, 141.43, 141.44, 141.45, 141.47 and 141.67.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend §§ 131.2, 141.22, 141.43, 141.44, 141.45, 141.47 and 141.67 (relating to definitions; small game seasons; deer; bear; turkey; elk; and furbearer seasons) to authorize the use of air guns and semi-automatic rifles for designated species of wildlife and hunting seasons and also expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

Action:

DRAFT

ANNEX “A”

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

Act— Title 34 of the *Pennsylvania Consolidated Statutes*...

Aggregate ammunition capacity—A firearm’s total cumulative ammunition capacity that includes the ammunition capacity of both the chamber and magazine.

Air gun—A firearm operated by air or gas cylinder by which a projectile can be discharged or propelled.

Antlered deer—

- (i) In Wildlife Management Units...

* * * * *

Meat or animal products—For the purpose of section 2361(a)(13) of the act...

Muzzleloading firearm—Any firearm designed and manufactured to be loaded with loose ammunition components (projectile(s) and propellant charge) from the muzzle or forward, open end of the firearm’s barrel. This term shall also include breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm. This term does not authorize any firearm that accepts cartridge ammunition.

Plugged shotgun—For the purpose of section 2308(a)(4) of the act...

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.22. Small game seasons.

(a) Permitted devices. It is lawful to hunt small game, except woodchucks, during any small game season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun. The firearm must be ~~[-23]~~ .22 caliber or less, that ~~[projects]~~ propels single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that ~~[projects]~~ propels multiple-projectile shotgun ammunition not 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 nontoxic shot). A centerfire shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that ~~[projects]~~ propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor must be lawfully possessed under a falconry permit pursuant to section 2925 of the act (relating to falconry permits).

(7) An air gun. The firearm must be between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) Prohibitions. While hunting small game during any small game season, except woodchucks, it ~~[is]~~ is unlawful to:

(1) Use or possess single-projectile ammunition larger than ~~[-23]~~ .22 caliber or multiple-projectile shotgun ammunition 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 nontoxic shot), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

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

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) ~~[Woodchucks (Groundhogs)]~~ Woodchuck (Groundhog) season.

(1) Permitted devices. It is lawful to hunt woodchucks during woodchuck season with the following devices:

(i) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not 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 nontoxic shot). A centerfire shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

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

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor must be lawfully possessed under a falconry permit pursuant to section 2925 of the act (relating to falconry permits).

(vii) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(2) Prohibitions. While hunting woodchucks during woodchuck season, it is unlawful to ~~[use or possess a device or ammunition not provided for in this section.]:~~

(i) Use or possess multiple-projectile shotgun ammunition 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 nontoxic shot), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

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

Subchapter C. BIG GAME

§ 141.43. Deer.

(a) Archery deer season.

(1) Permitted devices. It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) 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.

(ii) 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 deer during the archery deer season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(ii) 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) Flintlock muzzleloading deer season.

(1) Permitted devices. It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open or aperture sights and be a .44 caliber or larger

single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) Prohibitions. While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(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).

(c) Muzzleloading deer season.

(1) Permitted devices. It is lawful to hunt deer during the muzzleloading deer season with a muzzleloading firearm. ~~[The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design.]~~ The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) Prohibitions. While hunting deer during the muzzleloading deer season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) 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).

(d) Regular and special firearms deer seasons.

(1) Permitted devices. It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

(i) A manually operated or semiautomatic, centerfire ~~[firearm]~~ rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds. The allowance for semiautomatic rifles under this subparagraph shall become effective July 1, 2017 and expire on June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds. The allowance for semiautomatic shotguns under this subparagraph shall become effective July 1, 2017 and expire on June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(a)(1)(i). [~~iii~~] (iii) A bow and arrow as permitted under subsection

(a)(1)(ii). [~~iii~~] (iv) A crossbow and bolt as permitted under subsection

subsection (b)(1) or (c)(1). [~~iv~~] (v) A muzzleloading firearm as permitted under

(2) Prohibitions. While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) 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).

(e) Cooperating while hunting during any deer season. Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

(f) .22 caliber or less rimfire required for furbearers. When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

§ 141.44. Bear.

(a) Archery bear season.

(1) Permitted devices. It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) 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.

(ii) 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 bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) 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).

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) Muzzleloading bear season.

(1) Permitted devices. It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. ~~[The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design.]~~ The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) Prohibitions. While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) 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).

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) Regular and extended firearms bear seasons.

(1) Permitted devices. It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) A manually operated or semiautomatic, centerfire ~~[firearm]~~ rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds. The allowance for semiautomatic rifles under

this subparagraph shall become effective July 1, 2017 and expire on June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds. The allowance for semiautomatic shotguns under this subparagraph shall become effective July 1, 2017 and expire on June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(iii) A bow and arrow as permitted under subsection (a)(1)(i).

(a)(1)(ii). ~~(iii)~~ (iv) A crossbow and bolt as permitted under subsection

subsection (b)(1). ~~(iv)~~ (v) A muzzleloading firearm as permitted under

(2) Prohibitions. While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) 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).

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

§ 141.45. Turkey.

(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) ~~[A firearm.]~~ A manually operated or semiautomatic [centerfire, rimfire] rifle or manually operated handgun that propels single-projectile ammunition [or muzzleloading firearm using single projectile ammunition, except as otherwise prohibited in paragraph (2)(i)]. The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the rifle's total aggregate ammunition capacity exceed six rounds. The allowance for semiautomatic rifles under this subparagraph shall become effective July 1, 2017 and expire on June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) ~~[A shotgun.]~~ A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun ~~[using shot]~~ 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 nontoxic shot). A centerfire semiautomatic shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity 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.

~~[(iv)]~~ (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) Use or possess a ~~[manually operated centerfire, rimfire or muzzleloading]~~ firearm using single projectile ammunition in Wildlife Management Units 2B, 5B, 5C and 5D, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(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 (relating to nontoxic shot). A centerfire shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

- (ii) A bow and arrow as permitted under subsection (a)(1)(iii).
- (iii) A crossbow and bolt as permitted under subsection (a)(1)(iv).

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

(i) Use or possess a centerfire, rimfire or muzzleloading firearm ~~[using]~~ that propels single projectile ammunition, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess single projectile ammunition, except arrows or bolts, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

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

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

(v) 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).

§ 141.47. Elk.

(a) Permitted devices. It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated or semiautomatic, centerfire rifle or manually operated, centerfire handgun. The firearm must be a .27 caliber or larger firearm that propels single-projectile ammunition 130 grains or larger. The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the rifle's total aggregate ammunition capacity exceed six rounds. The allowance for semiautomatic rifles under this subparagraph shall become effective July 1, 2017 and expire on June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(2) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity shall not exceed five rounds nor shall the shotgun's total aggregate ammunition capacity exceed six rounds. The allowance for semiautomatic shotguns under this subparagraph shall become effective July 1, 2017 and expire on June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) 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 1 inch and may not exceed 3.25 inches in length.

(b) Prohibitions. While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

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

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick's Run no hunt zone, this being the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within .3 mile of Route 555.

Subchapter D. FURBEARERS

§ 141.67. Furbearer ~~[hunting]~~ seasons.

~~[It is unlawful to take furbearers using shot larger than #4 buckshot.]~~

(a) Permitted devices. It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than #4 buckshot. A centerfire shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

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

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) Prohibitions. While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

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

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

I. Amend 58 Pa. Code § 135.106.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 135.106 (relating to Pymatuning Wildlife Management Area) to establish new parameters for establishing and managing the PWMA controlled deer hunt.

Action:

DRAFT

ANNEX "A"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.106. Pymatuning Wildlife Management Area.

(a) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Pymatuning Wildlife Management Area:

(1) Entering, hunting or trapping on the controlled goose and duck areas is by permit only.

(2) Waterfowl hunting is permitted Monday, Wednesday, Friday and Saturday.

(3) Hunting shall conform to the legal hunting hours set forth in § 141.4 and Appendix G (relating to hunting hours; and hunting hours), except legal hunting hours for waterfowl hunting ends each open day at 12:30 p.m.

(b) The following apply to reservations for the controlled duck hunting area:

(1) Reservations will be made on each designated shooting day at the registration center. Hunting is limited to 85 hunters at one time on the two areas combined. Reservations will be issued on a first-come, first served basis if there are 85 hunters or less applying at the registration center and 1 1/2 hours prior to the opening hunting hour. If there are more than 85 applicants present, a drawing will be held to determine to whom the 85 permits are issued.

(2) Permits returned to the registration center prior to 10 a.m. may be released to another applicant.

(c) The following apply to the controlled duck hunting areas:

(1) Ducks, coots and mergansers are the only legal game; taking other wild birds or mammals is prohibited, except by permit issued by the Director or a designee.

(2) A hunter shall possess on his person the identification tag furnished by the Commission while on the areas. The identification tag is valid for entry upon the area indicated on the tag. Entry upon another area is prohibited. Identification tags shall be returned to the registration center at check-out time.

(d) Special deer hunts within the Pymatuning Wildlife Management Area.

(1) *Authority to establish special hunt.* The Director may authorize special deer hunts within the Pymatuning Wildlife Management Area by permit. The Director

shall establish the number of access permits to be issued and designate the one or more hunt zones within the controlled area prior to the opening of the earliest established deer season.

(2) *Permit authorization.* During any year the Director authorizes a special deer hunt within the Pymatuning Wildlife Management Area, permitted hunters are eligible to access the controlled area to hunt deer during any applicable antlered or antlerless deer season established in section 139.4 (relating to seasons and bag limits for the license year) using valid antlered and antlerless licenses and harvest tags issued to them. Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Executive Director may designate dates for deer hunting outside of established seasons and bag limits within the controlled area as authorized by section 139.3 (relating to authority to alter seasons and bag limits).

(3) *Applications.* Any individual possessing a valid hunting license for the current license year may submit a maximum of one application per year to participate in a special deer hunt within the Pymatuning Wildlife Management Area. Applications shall include the applicant's name, address, date of birth and Commission-issued Customer Identification Number and any other information required by the Commission. Applicants shall submit completed applications in the manner directed by the Director or his designee. Incomplete, illegible or duplicate applications will not be included in the drawing.

(4) *Drawing.* The Director or his designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of special deer hunt permits within the Pymatuning Wildlife Management Area. Special deer hunt access permits are not transferrable.

(5) *Hunting hours and duration of access limited.* Hunting during the special deer hunt shall conform to the legal hunting hours set forth in § 141.4 and Appendix G (relating to hunting hours; and hunting hours), except legal hunting hours for deer begins each open day at 12:30 p.m. Permittees may access the controlled area no sooner than the start of legal hours and all permittees must vacate the controlled area within one hour after the close of hunting hours. Entering or remaining in the controlled area after this period must be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(6) *Access to controlled area limited.* A permittee may enter and hunt deer only within the hunt zone or hunt zones designated by his permit. Entry into other hunt zones or areas outside of the hunt zones to pursue a wounded deer must be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(7) *Parking.* A permittee shall park only in assigned parking areas and shall display the provided parking placard on the dashboard of their vehicle in a manner that allows it to be read from the exterior of the vehicle.

(8) *Reporting.* Any permittee that successfully harvests a deer during the special deer hunt shall report the harvest to the Commission within 10 days of the kill by completing the report card supplied with the special deer hunt permit for reporting deer killed

and mail the report card to the Pymatuning Wildlife Management Area in Hartstown or by any other method designated by the Director.

(9) *Violations.* A person violating any requirement or restriction established within this section may be prosecuted under sections 721 (relating to control of property) or other applicable provision of the act and, upon conviction, be sentenced to pay the fine prescribed in the act. Furthermore, the Director may deny, revoke or suspend a permit for any violation of the requirements of this subchapter upon written notice to the permittee.

DRAFT

J. Add 58 Pa. Code § 137.35.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission (Commission) proposed at its January 31, 2017 meeting to amend § 137.35 (relating to chronic wasting disease restrictions) to give more permanent status and structure to the requirements and restrictions previously established and maintained by executive order during the past decade.

Action:

DRAFT

ANNEX “A”

CHAPTER 137. WILDLIFE

§ 137.35. Chronic Wasting Disease Restrictions.

(a) *Importation.*

(1) It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic State or Canadian Province into this Commonwealth.

(2) This subsection shall not be construed to limit the importation of non-high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic State or Canadian Province into this Commonwealth.

(b) *Exportation.*

(1) It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management Area established within this Commonwealth.

(2) This subsection shall not be construed to limit the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management Area established within this Commonwealth.

(3) This subsection shall not be construed to limit the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management Area established within this Commonwealth if such parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for the above described purposes will be made known through public announcement, website and other means reasonably intended to reach the widest audience.

(4) All cervids harvested, taken or killed within any Disease Management Area established within this Commonwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations pursuant to conditions set forth in a forthcoming notice. The submission process, if any, will be made known through public announcement, website and other means reasonably intended to reach the widest audience. The cost of such testing, sampling and analysis will be borne by the Commission.

(5) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management Area established within the Commonwealth of Pennsylvania.

(6) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management Area established within this Commonwealth.

(7) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management Area established within this Commonwealth. This prohibition shall not be construed to apply to normal or accepted agricultural, habitat management, oil and gas drilling, mining, forest management or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting such activity. Failure to discontinue such activity is a violation of this section.

(8) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management Area established within this Commonwealth.

(c) *Non-applicability.*

(1) Nothing in this section shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 23 (relating to the Domestic Animal Law) or the requirements of a lawful quarantine order issued by Pennsylvania Department of Agriculture.

(2) Nothing in this section shall be construed to limit the Commission's authority to establish or enforce additional importation, exportation, possession, transportation or testing requirements or restrictions on cervid parts or materials pursuant to the authority of § 137.34.

(d) *Authority to designate.* The Executive Director shall have the authority to designate and publish a list of current CWD-endemic States and Canadian Provinces and Disease Management Area(s) established within this Commonwealth. The Executive Director shall publish this list and any updates in the *Pennsylvania Bulletin*.

(e) *Definitions.* The following words and terms, when used in this section have the following meanings, unless the context clearly indicates otherwise:

Cervid—Any member of the family Cervidae (deer), specifically including, but not limited to, the following species: black-tailed deer, caribou, elk, fallow deer, moose, mule deer, red deer, sika deer, white-tailed deer, and any hybrids thereof.

Chronic Wasting Disease or CWD—The Transmissible Spongiform Encephalopathy of cervids.

CWD-endemic States or Canadian Provinces—Any States or Canadian Provinces where CWD has been detected in wild or captive cervid populations.

Disease Management Area—Any geographic area of the Commonwealth of Pennsylvania influenced by a positive case of chronic wasting disease and targeted by the Commission for chronic wasting disease management activities.

Feeding—The act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

High-risk parts or materials—Any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following: head (including brain, tonsils, eyes, and lymph nodes); spinal Cord / Backbone (vertebra); spleen; skull plate with attached antlers, if visible brain or spinal cord material is present; cape, if visible brain or spinal cord material is present; upper canine teeth, if root structure or other soft material is present; any object or article containing visible brain or spinal cord material; and brain-tanned hide.

Non-high-risk parts or materials—Any parts or materials, derived from cervids, which are not known to accumulate abnormal prions. This includes any of the following: meat, without the backbone; skull plate with attached antlers, if no visible brain or spinal cord material is present; tanned hide or rawhide with no visible brain or spinal cord material present; cape, if no visible brain or spinal cord material is present; upper canine teeth, if no root structure or other soft material is present; and taxidermy mounts, if no visible brain or spinal cord material is present.

(f) *Violations.* A person violating any requirement or restriction established within this section may be prosecuted under sections 2102 (relating to regulations) or 2307 (relating to unlawful taking or possession of game or wildlife) of the act and, upon conviction, be sentenced to pay the fine prescribed in the act.

K. Amend 58 Pa. Code § 135.41.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017 meeting to amend § 135.41 (relating to state game lands) to prohibit a person from operating or controlling a motor vehicle requiring registration on lands or waters designated as State game lands if the operator is not properly licensed under the Vehicle Code.

Action:

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ANNEX "A"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * * *

(c) Additional prohibitions. In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(24) Operate or control a motor vehicle requiring registration under 75 Pa.C.S. Chapter 13 (relating to registration of vehicles) while in violation of 75 Pa.C.S. Chapter 15 (relating to licensing of drivers).

DRAFT

L. Amend 58 Pa. Code § 135.41.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission (Commission) proposed at its January 31, 2017 meeting to amend § 135.41 (relating to state game lands) to prohibit a person from engaging in any dog training activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands.

Action:

DRAFT

ANNEX "A"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * * *

(c) Additional prohibitions. In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(24) Engage in any dog training on small game activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season set forth in § 139.4 (relating to seasons and bag limits for the license year). This subsection shall not be construed to limit dog training activities on any other public or private lands or waters not designated as State Game Lands.

M. Amend 58 Pa. Code § 139.6.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission (Commission) proposed at its January 31, 2017 meeting to amend § 139.6 (relating to field possession and transportation limits) to increase the daily possession limit following the second day of the season from double to triple the daily limit.

Action:

DRAFT

ANNEX “A”

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.6. Field possession and transportation limits.

(a) *Opening day of season.* It is unlawful for a person to possess or transport game or wildlife, in excess of the daily limit as set forth in § 139.4 (relating to seasons and bag limits for the license year).

(b) *Second day of season.* On the second day of the season, it is unlawful for a person to possess or transport game or wildlife, at or between the place where taken and his place of permanent residence, in excess of twice the daily limit, or the season limit, whichever applies, as set forth in § 139.4 (relating to seasons and bag limits for the license year).

(c) *Following the second day of season.* After second day of the season, it is unlawful for a person to possess or transport game or wildlife, at or between the place where taken and his place of permanent residence, in excess of triple the daily limit, or the season limit, whichever applies, as set forth in § 139.4 (relating to seasons and bag limits for the license year).

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BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. L-3708, State Game Land No. 307, Lackawanna County

Commentary: George and Ann Brojack are offering to donate 5+/- acres of land in Archbald Borough and Carbondale Township, Lackawanna County which is an indenture into State Game Land No. 307 (Exhibit RED 1). The habitat is a dry oak-heath forest. Acquiring the tract will straighten the existing boundary line and reduce future boundary line maintenance. Access is from existing State Game Land No. 307.

Action:

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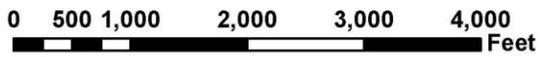
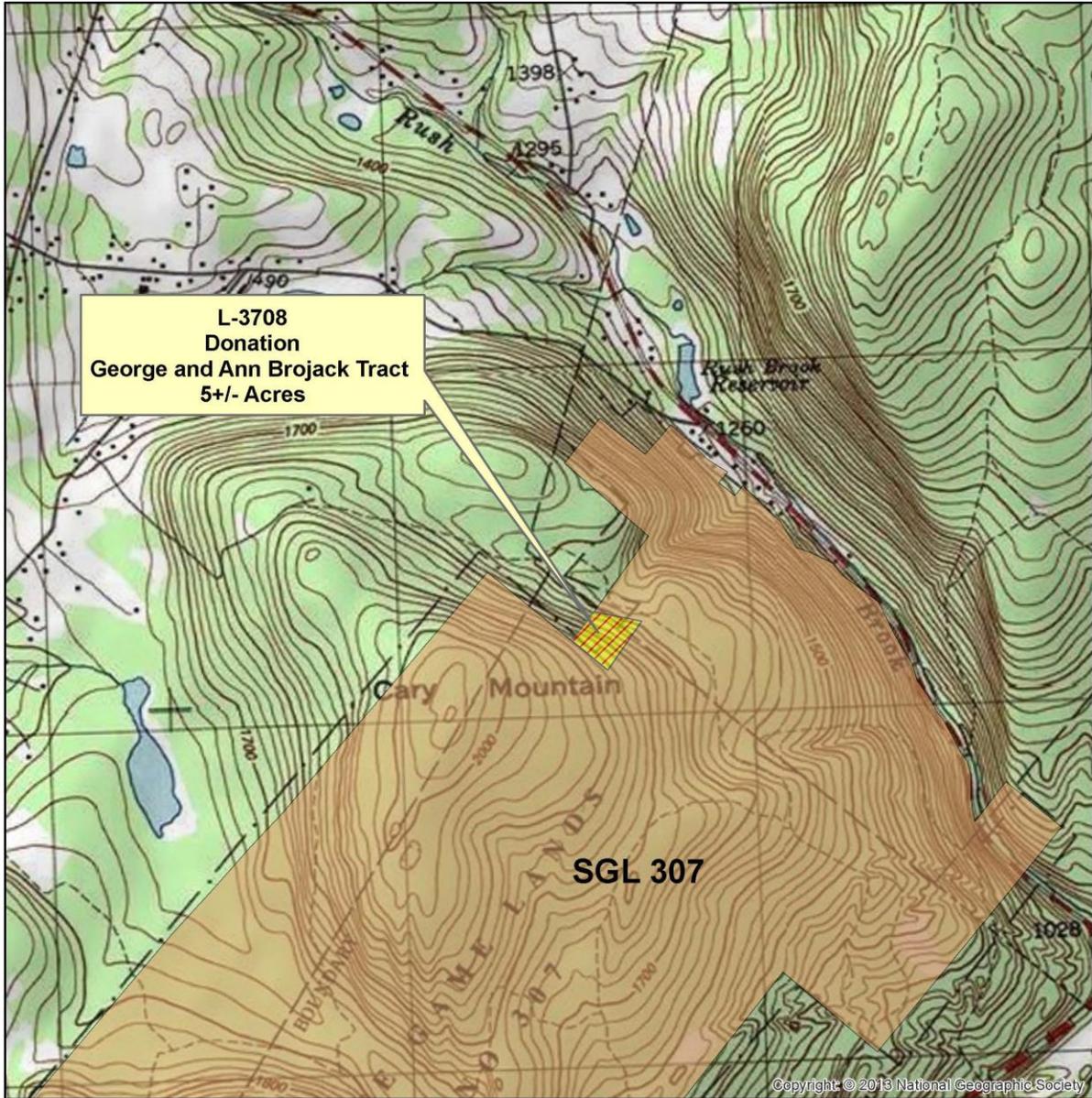


Exhibit Red 1
State Game Land No. 307
L-3708
Donation
George and Ann Brojack Tract
5+/- Acres

Archbald Borough & Carbondale Township
 Lackawanna County
 Northeast Region

B. Exchange

Contract No. L-3709, State Game Land No. 117, Washington County

Commentary: Smith Township is offering 3.5+/- acres of land located in Smith Township, Washington County adjacent to State Game Land No. 117 in exchange for a Right-of-Way (ROW) Agreement authorizing Smith Township to expand their existing 33-foot wide ROW for Harmon Creek Road (T-320) by a total of 0.14 acre within State Game Land No. 117, (Exhibit RED 2).

The ROW Agreement will allow the township to widen and stabilize the road, improve its curvature, and improve storm water conveyance under the road.

The 3.5+/- acres being offered is currently part of a larger tract owned by De Terra, LLC. This larger tract will be subdivided in order to facilitate conveyance of the 3.5+/- acres from De Terra to the Commission. The habitat is primarily a young hardwood forest, with a small reverting old field interspersed with conifers. Access will be from existing State Game Land No. 117.

Action:

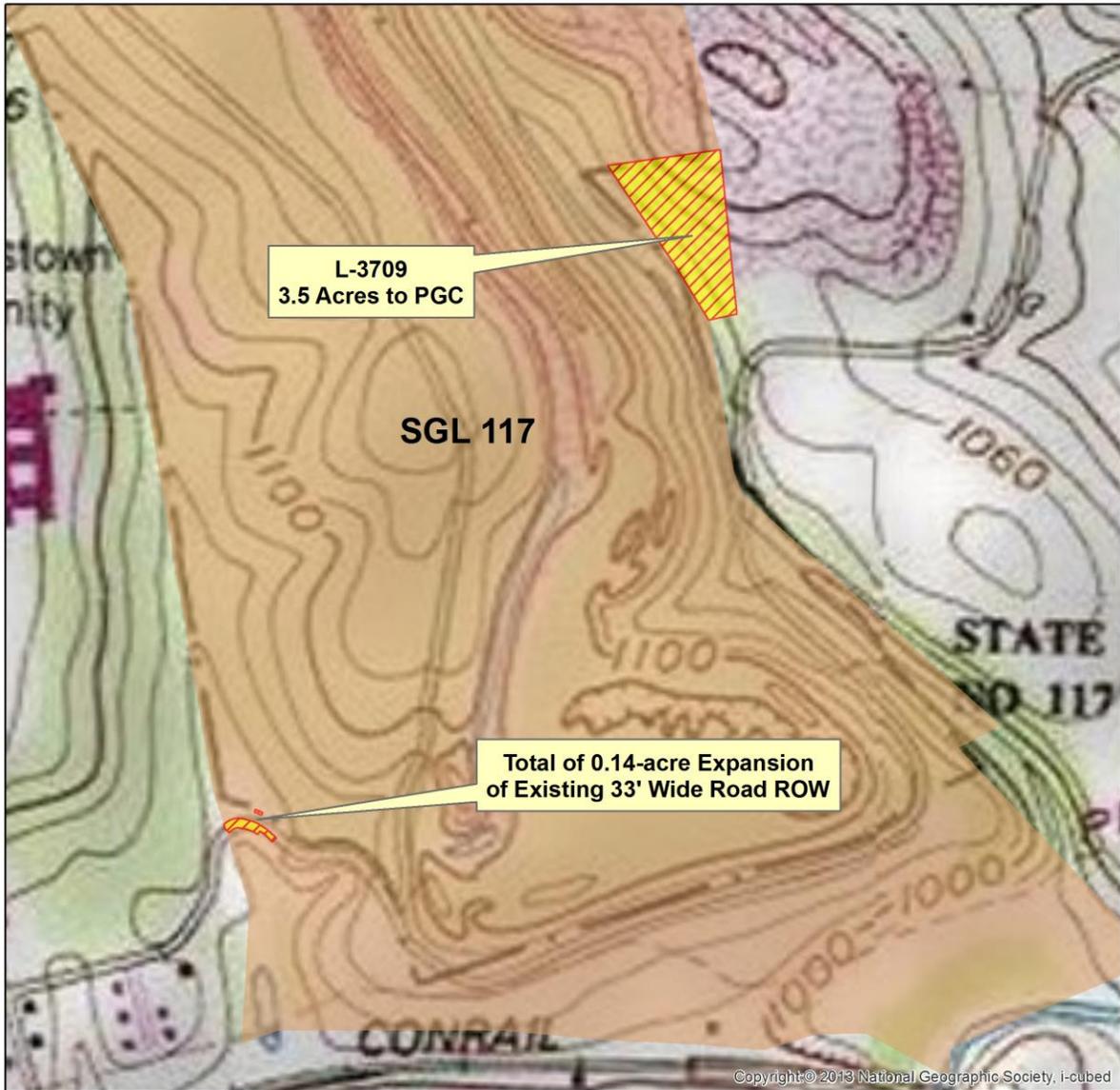
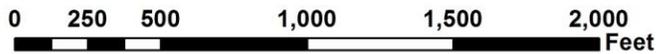


Exhibit RED 2

State Game Land No. 117

**L-3709
Smith Township
ROW Agreement/Land Exchange
De Terra, LLC to PGC 3.5 Acres**

**Smith Township
Washington County
Southwest Region**



Contract No. L-3710, State Game Land Nos. 34, and 100, Elk and Centre Counties

Commentary: New Line Networks, LLC (NLN) is offering a total of 798+/- acres of land comprised of two tracts located in Burnside Township, Centre County adjacent to State Game Land No. 100 (Exhibit RED 3) in exchange for a License for Right-of-Way (license) to NLN authorizing the construction, operation, maintenance and removal of a 435' self-supporting lattice tower and appurtenant equipment on State Game Land No. 34 in Benezette Township, Elk County. NLN has agreed to cause to convey this land to the Commission in addition to paying the Commission's standard habitat and surface damages, as well as paying an annual license fee beginning in 2019 that is in excess of the Commission's standard tower license fees, and includes a 3% annual inflation provision beginning in 2020 and continuing so long as the license remains active. NLN has also agreed to allow the Commission, or an agent designated by the Commission, to co-locate on the tower and within the fenced tower site should the Commission determine that the site will enhance our radio system or otherwise benefit the Commission.

The license will authorize a chain link fenced tower site of up to 0.52 acre in size containing an equipment cabinet, an emergency generator, a propane tank, a utility meter rack, and a solar panel array. In addition, 4,553+/- feet of underground electric service line will be authorized to serve the site, along with the use of 4,539+/- feet of existing Commission roads (Exhibit RED 4). Should the underground electric service line be installed, the solar panel array will be removed, and the tower site will be reduced to 0.34 acre in size.

The tracts offered by NLN include 748+/- acres known as the Meeker Tract, and 50+/- acres known as the Larson Tract. The Meeker Tract includes over a mile of frontage along the West Branch Susquehanna River, as well as frontage along Redlick Run, and both tracts encompass all or portions of unnamed tributaries to the West Branch Susquehanna River, Redlick Run and Laurel Run. The habitat is a mix of mature and regenerating oak forest, herbaceous openings and pine plantations from past mining and reclamation and/or conventional oil/gas well development, with a few reverting old fields. Access is available by way of an existing State Game Land road near Pine Glen (off of S.R. 0879), as well as three road right-of-ways northwest of Pine Glen that are also accessed via S.R. 0879. Both tracts will serve to increase the Commission's ability to manage habitat to benefit the growing elk herd in this area of Centre County, and will further increase access opportunities for sportsmen along the West Branch Susquehanna River.

Action:

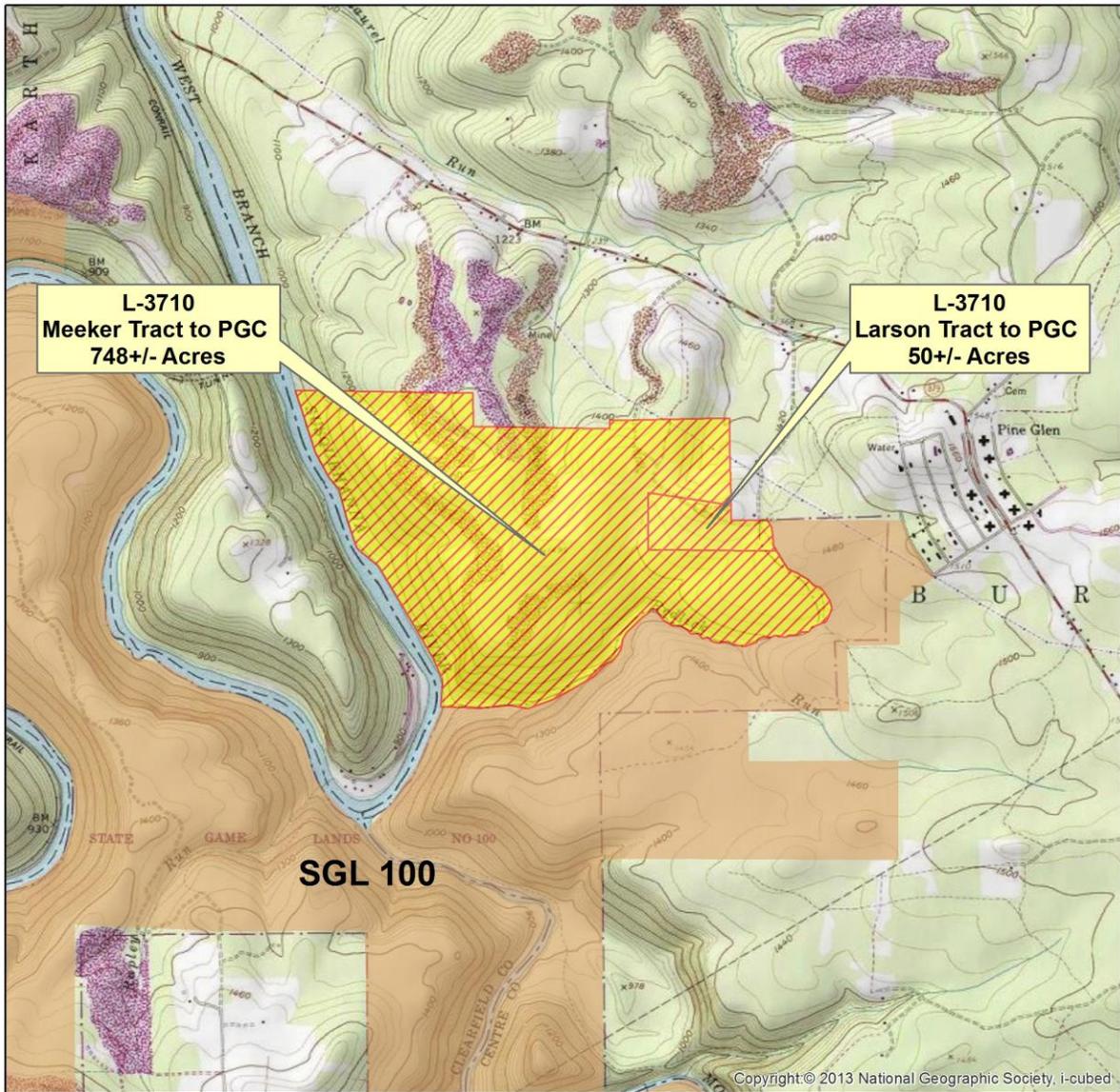
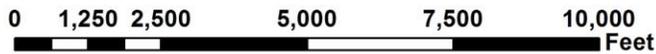


Exhibit RED 3

State Game Land No. 100

**L-3710
Meeker & Larson Tracts to PGC
Total of 798+/- Acres**



**Burnside Township
Centre County
Northcentral Region**

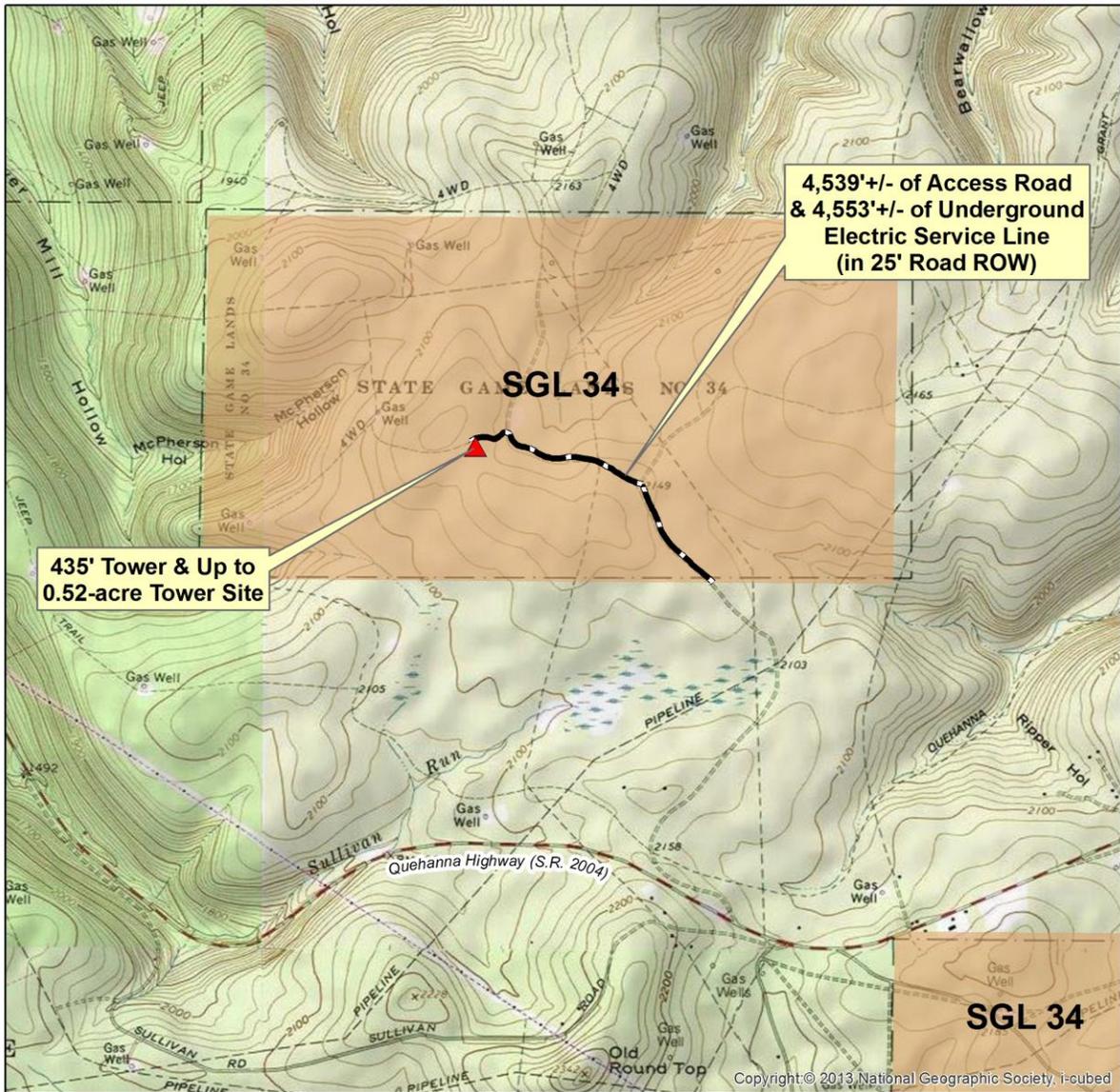
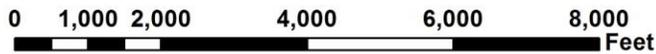


Exhibit RED 4

State Game Land No. 34

L-3710

**New Line Networks, LLC
ROW License/Land Exchange**



**Benezette Township
Elk County
Northcentral Region**

C. Legal Settlement

Beacheys Settlement Agreement

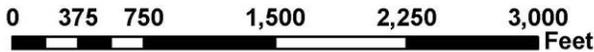
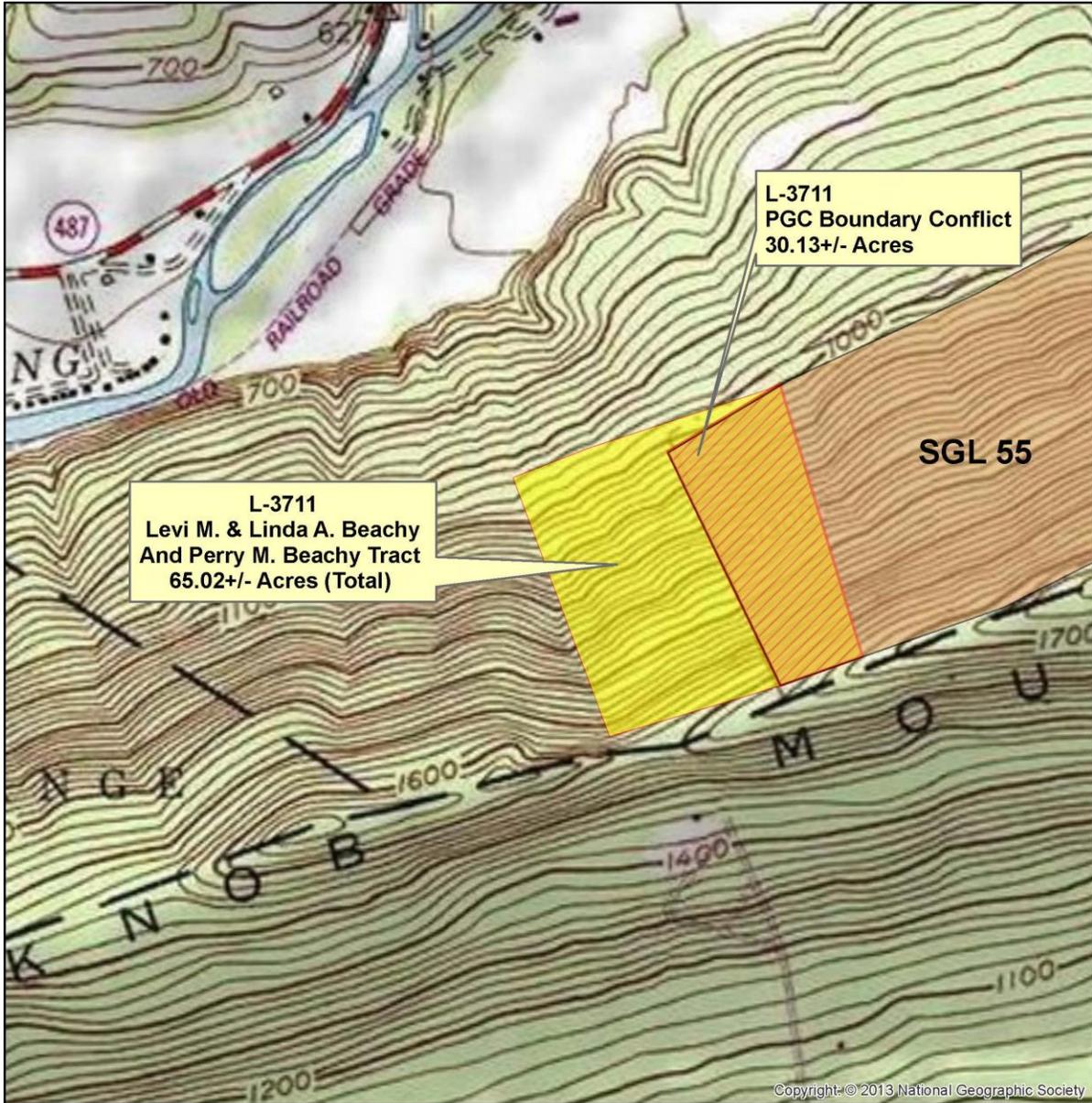
Contract No. L-3711, State Game Land No. 55, Columbia County

Commentary:

A survey has been conducted on property adjoining State Game Land No. 55 in Columbia County, which has revealed a disagreement with respect to the boundary line as maintained by the Commission. The Commission has investigated and determined there is a basis for an ongoing dispute which cannot be resolved by resort to survey information alone. In an attempt to avoid court costs and litigation, the Commission and the new owners of the adjoining tract, Levi M. and Linda A. Beachey, husband and wife, and Perry M. Beachey, a married person, entered into negotiations. As a result of the negotiations, Levi M. Beachey, Linda A. Beachey and Perry M. Beachey have agreed to transfer their interest in the whole of the parcel, which includes any interest in the disputed acreage, to the Commission in return for \$66,500. The settlement will both protect the integrity and add acreage to State Game Land No. 55.

Staff has reviewed this proposal, finds it advantageous for the Commission, and recommends the Commission approve the acquisition of the deed which will settle this dispute. A map outlining the proposed settlement is attached as Exhibit RED 5.

Action:



**Exhibit Red 5
State Game Land No. 55**

**L-3711
Levi M. & Linda A. Beachy
And Perry M. Beachy Tract
65.02+/- Acres (Total)
PGC Boundary Conflict
30.13+/- Acres**

**Fishing Creek Township
Columbia County
Northeast Region**

OTHER NEW BUSINESS

Elk Allocations

Antlerless Allocations

Next Working Group Meeting Date

Next Commission Meeting Dates
June 26-27, 2017

Executive Session, if necessary, will be held immediately following the close of the Commission Meeting.

Adjournment

DRAFT