

BUREAU OF WILDLIFE HABITAT MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code §§ 135.41 and create Chapter 147, Subchapter AA.

Commentary: At the Board of Commissioners meeting conducted on June 10, 2014, the Bureau of Wildlife Habitat Management was directed to study the feasibility of the Game Commission enacting a permit requirement for all game lands secondary users who are not currently in possession of a valid hunting or furtaking license. At the Commissioner's Working Group Meeting on August 11, 2014, a briefing and recommendation was presented by the Bureau of Wildlife Habitat Management to require the permit for those individuals that were utilizing designated trails on State Game Lands for the purpose of bicycling, horseback riding and snowmobiling. At the Commission Meeting on September 23, the proposed rulemaking was tabled to allow for additional input from Commission Staff. Based on those staff discussions and the public comments received and in order to manage the game lands for its intended uses, the following proposed rulemaking is being offered for Board consideration. This proposal allows the agency to disseminate information to the secondary users of game lands that do not purchase a hunting or furtaking license (and therefore do not receive the annual hunting and trapping digest) and to collect information from these individuals to further protect and enhance the primary purposes of hunting, trapping, and wildlife management on game lands.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

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(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:

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(5) [Ride] Hike on foot or ride a nonmotorized vehicle, conveyance or animal from the last Saturday in September until the third Saturday in January, and [before 1p.m.] from the second Saturday in April through [the last Saturday in May] Memorial Day inclusive, except on Sundays or while lawfully engaged in hunting, trapping or fishing.

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(23) Ride on designated bike trails, snowmobile trails or horse trails or hike on foot on any lands or waters designated as State game lands, unless the person is in possession of a valid hunting or furtaker license or a valid SGL permit signed by its holder. This provision shall not be construed to apply to:

(i) Persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaking license or a Commission-issued trail permit.

(ii) Persons using the Appalachian Trail, Laurel Highlands Trail, Horse-Shoe Trail, rails-to-trails or other trails on State game lands under current written agreement or other formal legal authorization permitting such use.

CHAPTER 147. SPECIAL PERMITS

Subchapter AA. STATE GAME LANDS TRAIL PERMIT

§ 147.1021. Purpose and scope.

This subchapter provides for trail permits to be issued to eligible persons to authorize their holders to ride on designated bike trails, snowmobile trails or horse trails or hike on foot on lands and waters designated as State game lands.

§ 147.1022. Eligibility and application.

(a) Trail permits will only be issued to persons 16 years of age or older who do not possess a valid Pennsylvania hunting or furtaker license.

(b) Applications for trail permits issued under this subchapter shall be made on a form provided by the Commission.

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

(d) There is no fee for a trail permit.

§ 147.1023. Trail permit.

(a) A trail permit issued under this subchapter authorizes the permittee to ride on designated bike trails, snowmobile trails or horse trails or hike on foot on lands and waters designated as State game lands.

(b) Permittees shall utilize designated bike trails, snowmobile trails or horse trails or hike on foot on lands and waters designated as State game lands in a manner consistent with applicable requirements, conditions and restrictions provided for in the act and §§ 135.2 and

135.41 (relating to unlawful actions and State game lands).

§ 147.687. Sunset clause.

The provisions of this subchapter shall become effective July 1, 2015 and shall expire and be rendered void on June 30, 2018, unless the Commission further authorizes their legal effectiveness prior to this termination date.