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# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 143 ]

#### Hunting and Furtaker Licenses; Antlerless Deer Licenses

[51 Pa.B. 2944]

[Saturday, May 22, 2021]

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

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

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

Notice of proposed rulemaking was published at 51 Pa.B. 1341 (March 13, 2021).

#### 1. *Purpose and Authority*

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

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

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

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

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

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

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to §§ 143.45 and 143.52 are adopted under this authority.

## *2. Regulatory Requirements*

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

## *3. Persons Affected*

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

## *4. Comment and Response Summary*

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

## *5. Cost and Paperwork Requirements*

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

#### 6. *Effective Date*

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

#### 7. *Contact Person*

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

#### *Findings*

The Commission finds that:

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

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

#### *Order*

The Commission, acting under the authorizing statute, orders that:

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

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

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

BRYAN J. BURHANS,  
Executive Director

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

### **Annex A**

#### **TITLE 58. RECREATION**

#### **PART III. GAME COMMISSION**

#### **CHAPTER 143. HUNTING AND FURTAKEE LICENSES**

#### **Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.45. Completing and submitting applications.**

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

\* \* \* \* \*

**§ 143.52. Procedure for unlimited antlerless licenses.**

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

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

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

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

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

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

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

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