

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

AGENDA

WASHINGTON, PENNSYLVANIA  
October 24, 2008



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Carl G. Roe  
Executive Director

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Commonwealth of Pennsylvania  
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Friday, October 24, 2008, at the Holiday Inn Washington-Meadow Lands, 340 Race Track Road, Washington, Pennsylvania 15301 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Invocation

Roll Call of Commissioners

Roxane S. Palone, President  
Gregory J. Isabella, Vice President  
James J. Delaney, Jr., Secretary  
Russell E. Schleiden  
Thomas E. Boop  
H. Daniel Hill  
David W. Schreffler  
Ronald A. Weaner

Approval of Minutes of Meeting held June 24, 2008

## BUREAU OF WILDLIFE MANAGEMENT

### A. State Wildlife Grants Program.

Commentary: Congress appropriated funds under the State Wildlife Grants Program (SWG) directly and exclusively to state wildlife agencies for "wildlife species of the greatest conservation concern."

Pennsylvania is eligible to receive these funds for fish and wildlife projects under the SWG program. We are recommending approval of the six projects listed in EXHIBIT "A."

Projects listed in EXHIBIT "A" will not require any net reduction in the Game Fund, since all are cooperator projects. The Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the organizations and investigators of these projects, and pay SWG-eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using SWG funds. The Game Commission will receive up to 3 percent of all SWG funds to administer the program.

Recommendation: The Executive Director and staff recommend approval of the slate of State Wildlife Grant projects listed in EXHIBIT "A."

Action:

## EXHIBIT "A"

### STATE WILDLIFE GRANT PROJECTS

#### **EASTERN WOODRAT (*NEOTOMA MAGISTER*) MANAGEMENT WORKSHOPS**

Classroom and on-site instruction (at four 2-day regional workshops), will provide 90 or more resource managers with a foundation for the adaptive management of insular, surface rock communities, emphasizing the delineation of *N. magister* habitat sites and the avoidance, reversal or mitigation of factors potentially contributing to the decline of this species and ultimately federal listing as a threatened species. Concurrently, a workshop steering committee will form the nucleus of a *N. magister* recovery team (Jerry Hassinger - \$30,000).

#### **STATE GAMELANDS #214 (PYMATUNING) WETLAND RESTORATION**

This work will restore and enhance 113 acres of emergent and scrub-shrub wetlands for WAP species of high concern (Kurt Dyroff, Ducks Unlimited - \$63,000).

#### **TESTING SOLUTIONS TO BAT FATALITIES BY WIND TURBINES: PROACTIVE RESPONSE TO THREATS**

This is the first time a wind power facility is participating in a program designed to test deterrence and curtailment options to reduce the threat of wind turbines to bats. This work will ensure substantial and measurable progress in understanding patterns of activity and fatalities and implementing deterrence and curtailment options to reduce fatalities (Ed Arnett, Bat Conservation International - \$45,000).

#### **FORT INDIANTOWN GAP NGTC GRASSLAND HABITAT**

Improve high quality native warm-season grassland habitat by implementing an ecosystem based restoration plan to benefit 19 WAP priority species. Rehabilitating former grasslands and expanding current grasslands at FIG will have a tremendous impact on the cohesiveness and connectivity of this segmented habitat (Todd Bacastow, Pennsylvania State University - \$41,549).

#### **PINEY TRACT IMPORTANT BIRD AREA GRASSLANDS MANAGEMENT**

This project will improve habitat at the Piney Tract IBA, a site of global significance to several grassland-obligate bird species of conservation concern. Invasive trees and shrubs will be removed and bird populations will be monitored in response to the removals. The results will help inform additional restoration efforts on similar habitats (Sarah Sargent, National Audubon Society - \$30,000).

#### **ANALYSIS OF BREEDING BIRD ATLAS DATA IN PREPARATION FOR PUBLICATION**

This effort will compile and analyze data resulting from 5 years of the successful 2<sup>nd</sup> PA Breeding Bird Atlas that resulted in an average of over 68 birds in nearly all 5,937 blocks. The result is a new comprehensive assessment of all breeding birds, summary of broad distribution and abundance patterns, and thousands of point-specific locations for priority species. The resulting report will focus on new conservation guidance and tools for conservation and management of breeding birds and new evaluation of habitat associations. (Bob Mulvihill, Carnegie Museum of Natural Science at a cost of \$120,000).

## **BUREAU OF WILDLIFE MANAGEMENT**

### **ADOPTED RULE MAKING**

B. Adoption of proposed amendments to §§147.322, 147.324 and 147.325.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 24, 2008 meeting, proposed the following changes:

Amend §§147.322, 147.324 and 147.325 (relating to application for deer control permit; privileges authorized under the permit; and special conditions of permit) to expand the list of authorized applicants to also include homeowners associations and nonprofit land-holding organizations.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of these amendments to 58 Pa. Code as shown on EXHIBIT "B."

Action:

EXHIBIT "B"

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

POLITICAL SUBDIVISIONS, HOMEOWNERS ASSOCIATIONS AND  
NONPROFIT LAND-HOLDING ORGANIZATIONS

§147.322. Application for deer control permit.

(a) An application for a deer control permit shall be completed in conjunction with the Commission and submitted by an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization in the form required by the Director and contain the information requested by the Director.

(b) An application for a deer control permit must contain the following information:

(1) A complete map showing the boundaries of the area being considered and indicating the land use within the area, cover types, hunt areas, damage areas, deer concentration areas, all safety zones and proposed control areas within the proposed boundaries.

(2) A deer management plan shall be submitted with each application which provides deer management goals and requesting the number of animals to be removed.

\* \* \* \* \*

(c) Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized by the Director. Private land within the proposed boundaries may be closed to public hunting at the landowner's discretion. However, if closed, deer control activities may not occur thereon.

§147.324. Privileges authorized under the permit.

Deer shall be taken:

(1) Regardless of age or sex.

(2) From February 1 to September 30, unless otherwise authorized by the Director and listed on the permit.

(3) At any hour, day or night, and with or without an artificial light.

(4) With any lawful firearm for big game as described in section 2322(a) of the act (relating to prohibited devices and methods) or other device authorized by the Director and listed on the permit.

(5) Only in areas designated by the political subdivision, homeowners association or nonprofit land-holding organization.

§147.325. Special conditions of permit.

\* \* \* \* \*

(b) Permits shall list the applicant's name, who shall be an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization responsible for the activities conducted under this permit and list all subpermittees.

\* \* \* \* \*

(d) Unless otherwise exempted by this title, a permittee or subpermittee who engages in the taking of deer shall first apply for and receive a nuisance wildlife control operator permit as provided in Chapter 147, Subchapter T (relating to nuisance wildlife control operator).

## **BUREAU OF WILDLIFE PROTECTION**

### **ADOPTED RULE MAKING**

A. Adoption of proposed amendments to §143.243.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 24, 2008 meeting, proposed the following change:

Amend §143.243 (relating to general) to expand the list of species that mentored youth are eligible to pursue to include coyotes.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "A."

Action:

## EXHIBIT "A"

### CHAPTER 143. HUNTING AND FURTAKER LICENSES

#### Subchapter M. MENTORED YOUTH HUNTING PROGRAM LICENSE EXEMPTION

§143.243. General.

\* \* \* \* \*

(b) A mentored youth's hunting ability is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey. A mentored youth's hunting eligibility is further limited to:

(i) Spring gobbler season only for turkey.

(ii) Antlered deer only during any applicable deer seasons. However, mentored youth hunters shall be eligible for the same antler restrictions that apply to junior license holders as provided in §131.2 (relating to definitions).

\* \* \* \* \*

B. Adoption of proposed amendments to §§147.301—147.307 and 147.309.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 24, 2008 meeting, proposed the following change:

Amend §§147.301—147.307 and 147.309 (relating to wildlife rehabilitation) to update and expand wildlife rehabilitation standards.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "B."

Action:

## EXHIBIT "B"

### CHAPTER 147. SPECIAL PERMITS

#### Subchapter P. WILDLIFE REHABILITATION

##### §147.301. Definitions.

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

\* \* \* \* \*

Rabies vector species (RVS) – All raccoons, skunks, foxes, bats, coyotes, groundhogs and any other species designated by the director.

\* \* \* \* \*

##### §147.302. General.

\* \* \* \* \*

(f) Nonreleasable wildlife, which visibly appears to be in good condition, may be held by authority of an educational use of rehabilitation wildlife permit or transferred to a zoological park or garden which is open to the public or to the holder of a wildlife menagerie permit. Raptors may additionally be transferred to holders of falconry or raptor propagation permits. A wildlife transfer permit, available from the Bureau of Wildlife Protection, shall be obtained for each specimen prior to any transaction.

(g) Nonreleasable wildlife may be held, with the approval of the Bureau of Wildlife Protection, for cross-fostering purposes.

\* \* \* \* \*

(i) Wildlife may be transferred to or from properly permitted facilities outside of this Commonwealth only upon issuance of a wildlife importation or exportation permit by the Bureau of Wildlife Protection.

\* \* \* \* \*

(l) A wildlife rehabilitation facility and its records shall be available for inspection by an officer of the Commission at any reasonable hour. These officers may remove wildlife from the custody of the permittee if it is deemed necessary for the welfare of the wildlife. During an inspection, members of the Council may accompany these officers to act in an advisory capacity.

(1) Caging. All cages used for the rehabilitation of wildlife shall be of such adequate size, design and strength to provide for the good health, comfort and secure containment of the animal.

(2) Sanitation. All wildlife held pursuant to this subchapter shall be kept in a sanitary manner consistent with the standards set forth in section 147.283 (relating to sanitation).

(3) Rabies vector species (RVS) shall be housed in a manner to prevent escape of the animal and exposure to people, pets, livestock and any other captive or free-ranging wildlife. Exterior caging shall be locked and improved by double fencing or solid wall barrier of such adequate design and strength to ensure proper containment and exclusion of animals. RVS shall not be removed from their containment except for their treatment, destruction, release or maintenance of the facility.

\* \* \* \* \*

(p) All permitted wildlife rehabilitation facilities shall be active and open to receive wildlife from the public and the Commission, unless such facilities have either exceeded their capacity or otherwise provided the Commission with reasonable justification for inactivity or closure. Any inactive or closure period deemed unreasonable may result in suspension, denial or recall of permit privileges.

(q) As of January 1, 2009, no new wildlife rehabilitator shall possess a menagerie, propagation, exotic wildlife possession or exotic wildlife dealer permit.

§147.303. Permit applications.

\* \* \* \* \*

(b) Each application shall include the following:

\* \* \* \* \*

(7) The permit class. (Novice or general - wildlife rehabilitation only).

(8) A letter from a sponsoring wildlife rehabilitator. The letter shall include the name, address and permit number of the sponsoring wildlife rehabilitator. (Capture and transportation and novice wildlife rehabilitation permits only).

(9) A letter from a sponsoring veterinarian. The letter shall include the name and address of the veterinarian who will be assisting and advising the applicant (required for wildlife rehabilitation permit only).

(10) Any wildlife rehabilitator whose permit lapses for 2 or more years shall make application as a new applicant.

(11) Any wildlife rehabilitator whose permit was recalled shall be ineligible for reapplication for a minimum period of 2 years and shall be required to retest.

§147.304. Wildlife rehabilitation permits.

(a) Wildlife rehabilitation permits. Wildlife rehabilitation permits will be limited as follows:

\* \* \* \* \*

(3) Exceptions will be recommended by the Council and approved by the Bureau of Wildlife Protection.

(b) Novice class wildlife rehabilitation permits.

(1) Qualifications.

(i) All new applicants shall successfully pass a supervised examination with a minimum score of 80%.

(ii) The applicant shall appear for and successfully pass an oral examination/interview which shall be conducted by members of the Council and the Bureau of Wildlife Protection. The applicant shall submit photographs or videotape with commentary of their facility for review.

(2) Permit conditions.

\* \* \* \* \*

(iii) Educational use of rehabilitation wildlife permits will not be issued to novice wildlife rehabilitators unless specifically recommended by the Council and approved by the Bureau of Wildlife Protection.

\* \* \* \* \*

(v) A novice wildlife rehabilitator may appoint no more than five responsible individuals to assist in providing food and housing for wildlife being rehabilitated. It is the permittee's responsibility to notify the Bureau of Wildlife Protection in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(vi) A novice wildlife rehabilitator shall only renew their permit for 1 permit year at a time.

(vii) A novice wildlife rehabilitator may only remain as a novice for a period not to exceed 2 years. After the second year is reached the permit shall be voided and all game or wildlife held under that permit shall be removed and relocated to another permitted facility, unless the novice has applied for an upgrade or otherwise directed by the Director.

(viii) A novice wildlife rehabilitator shall have outside conditioning or pre-release cages established before an upgrade to a general class will be approved.

(ix) A novice wildlife rehabilitator request for upgrade to the class of general shall be reviewed and considered during the month of April only.

(c) General class wildlife rehabilitation permits.

(1) Qualifications.

(i) The applicant shall have actively rehabilitated wildlife for a minimum of 2 years as a novice wildlife rehabilitator or equivalent experience approved by the Council and the Bureau of Wildlife Protection.

(ii) The applicant shall appear for and successfully pass an oral examination/interview conducted by members of the Council and the Bureau of Wildlife Protection. The applicant shall also submit photographs or videotape with commentary of their facility for review.

(2) Permit conditions.

\* \* \* \* \*

(ii) A permittee may accept endangered, threatened or rabies vector species for rehabilitation following proper additional certification under §147.306 (relating to endangered, threatened or rabies vector species certification).

\* \* \* \* \*

(iv) A general class wildlife rehabilitator may appoint no more than ten responsible individuals to assist in providing food and housing for wildlife being rehabilitated, with the exception of endangered or threatened species. It shall be the permittee's responsibility to notify the Bureau of Wildlife Protection in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(v) Additional capture and transportation permittees and assistants may be listed, only with the advance approval of the Council and the Bureau of Wildlife Protection. A request shall be in writing with justification for an increase.

§147.305. Wildlife capture and transportation permits.

\* \* \* \* \*

(b) Qualifications are as follows:

\* \* \* \* \*

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

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

\* \* \* \* \*

§147.306. Endangered, threatened or rabies vector species certification.

(a) A written request for the endangered, threatened or rabies vector species certification examination shall be made to the Bureau of Wildlife Protection.

\* \* \* \* \*

(c) Attend a certification workshop or seminar as established by council and the Bureau of Wildlife Protection.

(d) Rabies vector species certified permittees must operate their facilities in accordance with the guidelines in the rabies vector species protocol established by the Council, the Commission and the Department of Health.

§147.307. Areas of service.

(a) The area serviced by wildlife rehabilitators will be restricted to the county or portion of a county in which facilities are established unless otherwise approved by the Bureau of Wildlife Protection.

(b) Capture and transportation permittees will be restricted to the area serviced by their sponsoring permittee unless otherwise approved by the Bureau of Wildlife Protection.

§147.309. Educational use of rehabilitation wildlife permits.

\* \* \* \* \*

(b) Permit applications shall be made in writing to the Bureau of Wildlife Protection and shall include the following:

\* \* \* \* \*

(c) Permit applications will be approved by the Council and the Bureau of Wildlife Protection.

(d) Permit conditions are as follows:

\* \* \* \* \*

(2) Not more than ten specimens of wildlife which are determined to be nonreleasable may be used by the permittee for educational exhibits or programs held away from the established rehabilitation facility, unless further restricted by State or Federal permits.

\* \* \* \* \*

(4) Rabies vector species (RVS) may not be used for educational programs or exhibits.

(e) Records shall be maintained by the permittee and shall include the date, location and listing of wildlife used for each exhibit or program conducted. These records shall be retained for 2 years and be available for inspection by the wildlife conservation officer or other officers of the Commission at any reasonable hour. A copy of these records shall be made available to the Bureau of Wildlife Protection upon request.

(f) Educational use of rehabilitation wildlife permit holders may apply for salvage permits.

(g) Failure to comply with one or more conditions of the permit will be reason for suspension, denial or recall of the permit.

C. Adoption of proposed amendments to §§147.721—147.726, 147.728 and 147.729.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 24, 2008 meeting, proposed the following change:

Amend §§147.721—147.726, 147.728 and 147.729 (relating to commercial wildlife pest control) by changing the name of the permit, and to update and expand nuisance wildlife control operator standards.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "C."

Action:

EXHIBIT "C"

CHAPTER 147. SPECIAL PERMITS

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

Sec.

\* \* \* \* \*

T. NUISANCE WILDLIFE CONTROL OPERATOR.....147.721  
\* \* \* \* \*

§147.721. General.

A nuisance wildlife control operator permit is required for any resident or nonresident person to take, harass, transport, release or dispatch designated wildlife for another person or to solicit or offer his services to another to take, harass, transport or dispatch designated wildlife that is creating a nuisance, causing damage to property or is a risk to human health or safety. This permit authorizes the agent to control designated wildlife for another at any time of the year.

§147.722. Definitions.

In addition to the definitions contained in the act and §131.2 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Agent - A holder of a valid Nuisance Wildlife Control Operator Permit or a legitimate employee.

\* \* \* \* \*

§147.723. Application.

(a) An application for examination shall be submitted on a form supplied by the Commission. A non-refundable fee of \$25 for each test shall be submitted with the application for new agents only. An additional \$50 shall be submitted for each permit if the examination is passed.

\* \* \* \* \*

(c) Conviction of a violation of the act within 5 years of the date of application shall preclude the issuance of a permit.

(d) Any agent whose permit lapses for 2 or more years shall apply as a new applicant.

§147.724. Nuisance wildlife control operator examination.

\* \* \* \* \*

§147.724a. Nuisance deer control examination.

(a) New agents shall be required to obtain a minimum score of 80% on a supervised written examination approved by the Director.

(b) The examination must include the following subject matter:

- (1) Biology, life history and habits of white-tailed deer.
- (2) Control methods, care and handling and euthanasia.
- (3) Laws and regulations.
- (4) Diseases and parasites.
- (5) Public relations.

§147.725. Records and reports.

\* \* \* \* \*

(d) Nonresidents shall submit their report forms directly to the Bureau of Wildlife Protection.

§147.726. Operation.

(a) Approved methods and devices are as follows:

(1) Foot hold traps, body gripping traps, box traps, clover traps, cage traps, nets and snares.

\* \* \* \* \*

(4) Dogs used to harass nuisance geese. The authorization to harass geese with dogs is prohibited at any time when goslings are present at the site and during the period from June 16 to July 20, when the majority of adult birds are flightless.

\* \* \* \* \*

(g) Nuisance wildlife captured alive shall within 24 hours be dispatched in a humane manner or released in an area open to hunting or trapping. Nontarget animals may be released at the site of capture, with the following exceptions:

(1) Except as provided in paragraph (2), rabies vector species (RVS), as defined in §147.301 (relating to definitions) shall be euthanized in a humane manner rather than released.

(2) An agent may not, without special written permission from the director, destroy or euthanize five or more bats at any one location.

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

§147.728. Unlawful acts.

It is unlawful to:

\* \* \* \* \*

(6) Conduct roundups or gather large numbers of resident Canada geese for removal from an area without prior approval from the Bureau of Wildlife Protection. Prior to authorization of a roundup, an applicant shall have conducted at least 2 consecutive years of nonlethal harassment techniques.

(7) Violate other provisions of this subchapter.

§147.729. Exemptions.

(a) A nuisance wildlife control operator permit shall not be required for municipal, State or Federal employees conducting animal control activities if the following conditions are met:

(1) The municipal, State or Federal employee has agreed, in writing, to conduct animal control in accordance with this subchapter. However, permit testing and permit possession requirements do not apply.

(2) Written request for exemption shall be made to the district wildlife conservation officer on letterhead from the municipal, State or Federal entity. The request must state that the employee is a legitimate employee of the entity, is employed as an animal control officer and that the entity has accepted responsibility for the employee's training and supervision as it relates to this subchapter.

(3) This exemption is valid only if an animal control officer is acting within his scope of duty.

## **PROPOSED RULE MAKING**

D. Amend 58 Pa. Code §§141.41, 141.43, 141.44, 141.45 and 141.47.

Commentary: In recent years, the Commission has been moving towards a comprehensive restructuring of the regulations attending the Game and Wildlife Code. The goals of the restructuring of the regulations are primarily focused on simplifying and making the language more understandable to its users. To this end, the Commission has begun rewriting and restructuring the regulatory structures relating to the big game seasons. As time progresses, the Commission intends to carry the theme set forth in these changes to other chapters of the regulations to establish clear correlations between related seasonal information. As part of this comprehensive effort, the Commission desires to address clarification in the usage of crossbows during the various big game archery seasons. The Commission recognizes that over the past decade there has been a growing debate concerning the full inclusion of the use of crossbows during the various big game archery seasons. The Commission has identified that there are scores of hunters on both sides of the issue and that each side staunchly supports their respective point of view. In an effort to promote consistency and clarity in the regulations pertaining to the big game seasons as well as expand opportunity and increase participation in big game hunting within this Commonwealth, the Commission is proposing to amend §§141.41, 141.43, 141.44, 141.45 and 141.47. Some notable substantive changes include the full inclusion of crossbows during the various big game archery seasons as well as the prohibition of the usage of crossbows during the various muzzleloader deer seasons without an archery license.

## **CHAPTER 141. HUNTING AND TRAPPING**

### **Subchapter C. BIG GAME**

§141.41. General.

I(a) Permitted acts. It is lawful to take:

(1) Bear or elk with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(2) Deer during any firearms season for deer with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(3) Deer with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds in Wildlife Management Units 2B, 5C and 5D.

(b) It is unlawful to:

(1) Hunt for big game birds or animals with arrows or crossbow bolts other than those tipped with broadheads of a cutting edge design.

(2) Hunt for deer or bear through the use of a muzzleloading long gun that is not .44 caliber or larger or a muzzleloading handgun that is not .50 caliber or larger.

(3) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(4) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of kill.

(5) Within 10 days of the kill, fail to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission at Harrisburg or by any other method designated by the Director.

(6) Receive a DMAP permit without reporting in the manner prescribed on the permit.

It is unlawful to:

(a) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(b) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of kill.

(c) Within 10 days of the kill, fail to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission at Harrisburg or by any other method designated by the Director.

(d) Receive a DMAP permit without reporting in the manner prescribed on the permit.

§141.43. Deer.

~~I(a) Archery season. It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:~~

~~(1) Possess a firearm, except during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons, when a person may use and possess both a bow and arrow or crossbow and a muzzleloading firearm only if that person is in possession of both a valid archery license and a valid muzzleloader license and meets the greater protective material requirements for the muzzleloader season, if applicable.~~

~~(2) Take a deer with a device not provided for in the act or this title.~~

~~(3) Except in Wildlife Management Units 2B, 5C and 5D, hunt or take deer with a crossbow without a valid disabled persons crossbow permit.~~

~~(b) Flintlock muzzleloading season. Firearms lawful for use are original muzzleloading single barrel firearms manufactured prior to 1800, or similar reproductions of original muzzleloading single barrel firearms which:~~

~~(1) Are .44 caliber or larger long guns or .50 caliber or larger handguns.~~

~~(2) Propels single projectile ammunition.~~

~~(c) Ignition. Flintlock mechanisms shall consist of a hammer containing a naturally occurring stone which is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder.~~

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

~~(1) Use manmade materials attached to the hammer or frizzen to create sparks.~~

~~(2) Use telescopic sights.~~

~~(3) Use or possess single projectile ammunition other than specified in subsection (b)(2) and in section 2322(a)(4) of the act (relating to prohibited devices and methods).~~

~~(4) Unless otherwise provided in this chapter, hunt, take or attempt to take deer through the use of a device not specifically described in subsection (b) or (c).~~

~~(e) Muzzleloading season. Firearms lawful for use are muzzleloading single-barrel firearms which:~~

~~(1) Are .44 caliber or larger long guns or .50 caliber or larger handguns.~~

(2) Propел single projectile ammunition.

(f) Prohibitions. While hunting deer during muzzleloading season it is unlawful to:

(1) Use or possess single projectile ammunition other than specified in subsection (e)(2) and in section 2322(a)(4) of the act.

(2) Hunt, take or attempt to take deer through the use of a device not specifically described in subsection (e).

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

(h) .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.]

(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 shall have a peak draw weight not less than 35 pounds. An arrow shall be equipped with a broadhead that has an outside diameter or width not less than 7/8 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

(ii) A crossbow and bolt. A crossbow shall have a peak draw weight of not less than 125 pounds. A bolt shall be equipped with a broadhead that has an outside diameter or width not less than 7/8 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

(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 pursuant to the authorizations of section 2525 of the act (relating to possession of a 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 a device not provided for in the act or in this paragraph.

(b) Flintlock muzzleloading deer season.

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

(i) A flintlock muzzleloading firearm. The firearm shall be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism shall 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 shall have open 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).

(iv) Use a device not provided for in the act or in this paragraph.

(c) Muzzleloading deer season.

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

(i) A muzzleloading firearm. The firearm's ignition mechanism shall consist of a percussion cap, primer or flintlock fired design. The firearm shall 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 (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this paragraph.

(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, centerfire firearm.

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

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

(iv) A muzzleloading firearm as permitted under subsections (b)(1)(i) or (c)(1)(i).

(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 (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this paragraph.

(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 §141.43 (relating to deer) 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.

[It is unlawful to:

- (1) ~~Disturb, wound or kill a bear in a den.~~
- (2) ~~Assist, conspire or use a device to locate a bear to which a transmitter has been attached.]~~

(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 shall have a peak draw weight not less than 35 pounds. An arrow shall be equipped with a broadhead that has an outside diameter or width not less than 7/8 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

(ii) A crossbow and bolt. A crossbow shall have a peak draw weight of not less than 125 pounds. A bolt shall be equipped with a broadhead that has an outside diameter or width not less than 7/8 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

(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 a firearm for protection of self or others).

(ii) Use a device not provided for in the act or in this paragraph.

(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) 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, centerfire firearm.

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

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

(iv) A muzzleloading firearm. The firearm's ignition mechanism shall consist of a percussion cap, primer or flintlock fired design. The firearm shall 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 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 by section 2322 (a)(4) of the act (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this paragraph.

(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) While hunting wild turkey it is unlawful to:

(1) Possess or use a live turkey as a decoy.

(2) Use drives or electronic callers.

(3) Use shot larger than # 4 lead, # 4 Bismuth/tin or # 2 steel.

(4) Use or possess rifles or single projectile ammunition, except arrows, in Wildlife Management Units 1A, 1B, 2A, 2B, 5B, 5C and 5D.

(5) Use anything other than rimfire, centerfire or muzzleloading rifles and handguns or shotguns, bows or crossbows.

(b) While hunting turkey during the spring gobbler season it is:

(1) Lawful to use bows, crossbows and shotguns with shot no larger than # 4 lead, # 4 Bismuth/tin and # 2 steel and mouth or hand operated callers.

(2) Unlawful to use or possess rifles or single projectile ammunition, except arrows.

(3) Unlawful to hunt spring gobbler by a method other than calling.]

(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) Except as otherwise prohibited in subsection (a)(2)(i), a manually operated centerfire, rimfire or muzzleloading firearm using single projectile ammunition.

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 4 Bismuth/tin or # 2 steel.

(iii) A bow and arrow. A bow shall have a peak draw weight not less than 35 pounds. An arrow shall be equipped with a broadhead that has an outside diameter or width not less than 7/8 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

(iv) A crossbow and bolt. A crossbow shall have a peak draw weight of not less than 125 pounds. A bolt shall be equipped with a broadhead that has an outside diameter or width not less than 7/8 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

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

(i) Use a manually operated centerfire, rimfire or muzzleloading firearm using single projectile ammunition in wildlife management units 1A, 1B, 2A, 2B, 5B, 5C and 5D.

(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 a device not provided for in the act or in this paragraph.

(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, # 4 Bismuth/tin or # 2 steel.

(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 a centerfire, rimfire or muzzleloading firearm using single projectile ammunition.

(ii) Use or possess single projectile ammunition, except arrows or bolts.

(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 a device not provided for in the act or in this paragraph.

§141.47. Elk.

[It is unlawful while hunting elk to:

(1) Use any centerfire firearm less than .27 caliber or that propels a single projectile less than 130 grains.

(2) Use any muzzleloading firearms less than .50 caliber or that propels a single projectile less than 210 grains.

(3) Use any shotgun less than 12 gauge.

(4) Use any bow with a draw weight less than 45 pounds.

(5) Use any arrow that is not equipped with a broadhead that has an outside diameter or width of at least 1 inch with no less than 2 fixed, steel cutting edges and each cutting edge must be in the same plane throughout the length of the cutting surface.

(6) Use any crossbow with a draw weight less than 125 pounds or more than 200 pounds.

(7) After lawfully killing an elk, fail to mark the kill sight under Commission instructions provided at the orientation.

(8) Act or conspire to act as a guide for any person without first securing a permit from the Commission and attending an orientation program sponsored by the Commission.

(9) Act or conspire to act as a client for any guide who has not secured a permit from the Commission and attended an orientation program sponsored by the Commission.

(10) Drive or herd elk.

(11) Hunt within 150 yards from the center line of Route 555, from the intersection of Routes 255 and 555, to the intersection of Huston Hill Road and Route 555.

(12) 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.]

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

(1) A manually operated, centerfire rifle or handgun. The firearm shall be a .27 caliber or larger firearm that propels single-projectile ammunition 130 grains or larger.

(2) A manually operated, centerfire shotgun. The firearm shall be a 12 gauge or larger firearm.

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

(4) A bow and arrow. A bow shall have a peak draw weight not less than 45 pounds. An arrow shall be equipped with a broadhead that has an outside diameter or width not less than 1 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

(5) A crossbow and bolt. A crossbow shall have a peak draw weight of not less than 125 pounds. A bolt shall be equipped with a broadhead that has an outside diameter or width not less than 1 inch with no less than 2 fixed cutting edges located on the same plane throughout the cutting surface.

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

(1) 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).

(2) Use a device not provided for in the act or in this paragraph.

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

(4) Act or conspire to act as a guide for any person without first securing a permit from the Commission and attending an orientation program sponsored by the Commission.

(5) Act or conspire to act as a client for any guide who has not secured a permit from the Commission and attended an orientation program sponsored by the Commission.

(6) Drive or herd elk.

(7) Hunt within 150 yards from the center line of Route 555, from the intersection of Routes 255 and 555, to the intersection of Huston Hill Road and Route 555.

(8) 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.

Recommendation: The Executive Director and staff recommend the Commission approve these changes.

Action:

E. Amend 58 Pa. Code §147.783.

Commentary: In recent years, continental snow goose populations have experienced a rapid growth in their numbers. This dramatic increase in population size has in turn resulted in extensive, possibly irreversible, damage to arctic and sub-arctic breeding habitats of the continental snow goose, as well as other bird populations dependant on these habitats. In January 2008, the Commission, working in conjunction with the federal government, created Subchapter W (relating to snow goose conservation hunt permit) in Chapter 147 (relating to special permits) to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth. However, since the adoption of this rulemaking, the Commission has continued to receive extensive public input from the various sources including the Susquehanna River Waterfowlers Association, hunters and guides on ways to improve the program. In particular, these sources have strongly encouraged the permitted use of electronic calls during the snow goose conservation hunt, a proven method that is effective in increasing harvest rates. In light of the Commission's continued recognition of the need to dramatically increase the harvest of snow geese in Pennsylvania to assist in the reduction of the overall continental populations, the Commission is proposing to amend §147.783 (relating to permit) to authorize the limited use of electronic calls for all hunting and taking activities conducted pursuant to a snow goose conservation hunt permit.

## CHAPTER 147. SPECIAL PERMITS

### Subchapter W. SNOW GOOSE CONSERVATION HUNT PERMIT

§147.783. Permit.

\* \* \* \* \*

(c) [Except as provided for in § 141.4 (relating to hunting hours), the permittee shall comply with all applicable state and federal regulations relating to the hunting and taking of snow geese during regular seasons as adopted by the United States Secretary of the Interior as published in the *Federal Register* each year] Except as otherwise provided in this subchapter, all state and federal requirements and limitations relating to the hunting and taking of snow geese during regular open seasons shall apply to any activities conducted pursuant to the authorizations of a snow goose conservation hunt permit. The following specific exceptions shall apply:

(1) Hunting hours. All hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit shall be conducted in accordance with the adjusted hunting hours authorized for the snow goose conservation season provided in §141.4 (relating to hunting hours).

(2) Electronic calling. Notwithstanding the general prohibition against the use of electronic calls found in section 2308 of the act (relating to unlawful devices and

methods), the limited use of electronic calls shall be authorized for all hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit.

\* \* \* \* \*

Recommendation: The Executive Director and staff recommend the Commission approve this change.

Action:

F. Hunting License Revocations - Convictions - Proposed recommendations to revoke the hunting and furtaking privileges of the individuals convicted of violating the Game and Wildlife Code.

Commentary: The Commission, under authority of the Game and Wildlife Code, may revoke any hunting license and furtaker's license and deny any person the right to secure a license or to hunt and furtake anywhere in the Commonwealth, with or without a license, if said licensee or person has been convicted, or signed an acknowledgment of violating any provision of the Game and Wildlife Code. The Commission may revoke such licenses for a period of not to exceed three (3) years for the first offense; for a second or subsequent offense, for such period of time as the Commission shall determine.

1. Persons denied the right to hunt or furtake in the Commonwealth, through this action, are notified by Certified Mail that the revocation will commence July 1, 2009, and continue for such period of time as set forth following the individual's name. The symbol "RA" means the revocation was added to an existing revocation.
2. In accordance with the Administrative Agency Law of April 28, 1978, P.L. 202, No. 53 5, 2 PA CSA 502 et seq., the person placed on revocation has the opportunity for an Administrative Hearing concerning the hunting license revocation. If an Administrative Hearing is requested, a petition for review must be filed at the Commission Headquarters within thirty (30) days from the date of notice. Unless deemed in the best interest of the Commission by the Director or a designee, hearings shall be conducted at the central office. Hearings will be conducted in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code 31.1 et seq. The hearing itself will be conducted in accordance with Chapter 35 of the Rules and Chapter 145 of the Pa. Code.

Recommendation: The Executive Director and the Wildlife Protection Director recommend that the Commission revoke the hunting and furtaking license privileges of the persons named by the BUREAU OF WILDLIFE PROTECTION. Such revocation shall become effective July 1, 2009, and shall continue for such period of time and under the conditions set forth following each individual's name.

Action:

## BUREAU OF WILDLIFE HABITAT MANAGEMENT

### REAL ESTATE

#### A. Donations

##### 1. Option No. 3539

State Game Land No. 302, Greene County

Commentary: 125 +/- acres of land in Richland Township, Greene County, adjoining to State Game Land No. 302 (Exhibit RED 1). This is a donation from Consol Pennsylvania Coal Company LLC, Pittsburgh. The parcel consists of 60 acres of mixed hardwoods, 35 acres of shrub lands and reverting old fields and 30 acres of agricultural land; of which 20 acres are tillable. There is a small stream originating from ground water and springs on the property which flows into the Enlow Fork of Wheeling Creek. Indiana bats, a federal and state listed endangered species, are present on or near the property. There is no surface mining taking place on the tract, but there is a 10-foot square fenced vent shaft and a 2-acre vent shaft adjacent to the tract, which will need to be subdivided prior to the donation. The entire property is currently being long-wall mined and will be subject to planned subsidence. No evidence was seen of acid mine drainage.

##### 2. Option No. 3540

State Game Land No. 187, Luzerne County

Commentary: 1 +/- acre of land in Dennison Township, Luzerne County, located approximately 2.3 miles from State Game Land No. 187. (Exhibit RED 2.) This is a donation from Patricia A. Davis of Greenville, South Carolina. This detached parcel is predominately forested with northern hardwoods and eastern hemlock.

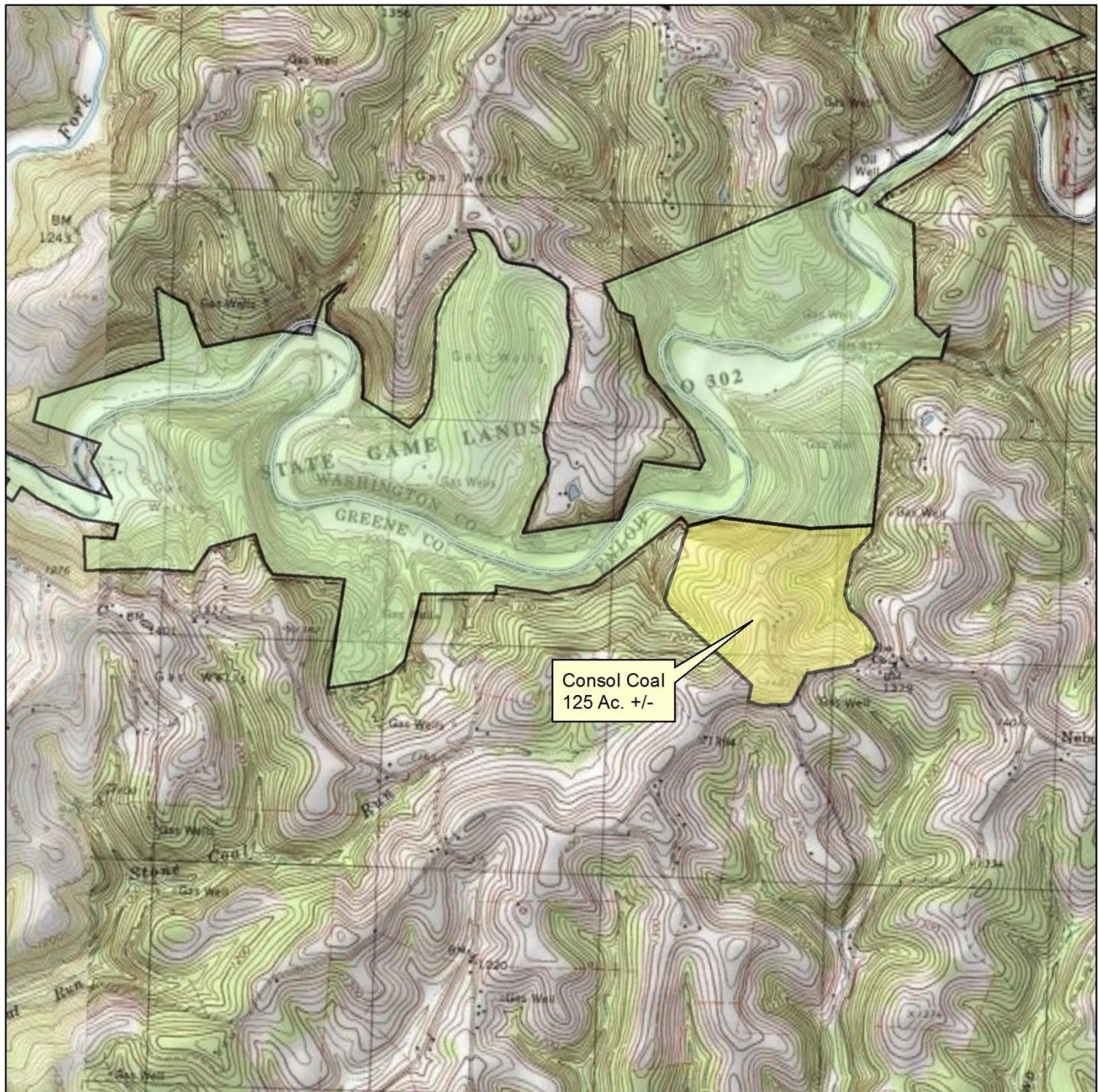
##### 3. Option No. 3541

State Game Land No. 156, Lebanon County

Commentary: 1.99 +/- acres of land in Cornwall Borough, Lebanon County, being adjacent to State Game Lands No. 156. (Exhibit RED 3). This is a donation from Catherine M. Fitzgibbons, Cornwall. The forested parcel is approximately 4,268 feet long by 20 feet wide and is located adjacent to an existing electric transmission line right-of-way located on State Game Land No. 156. Oak, hickory, black gum and sassafras make up the overstory with arrowwood, witchazel, maple-leaf viburnum and blackberry in the understory.

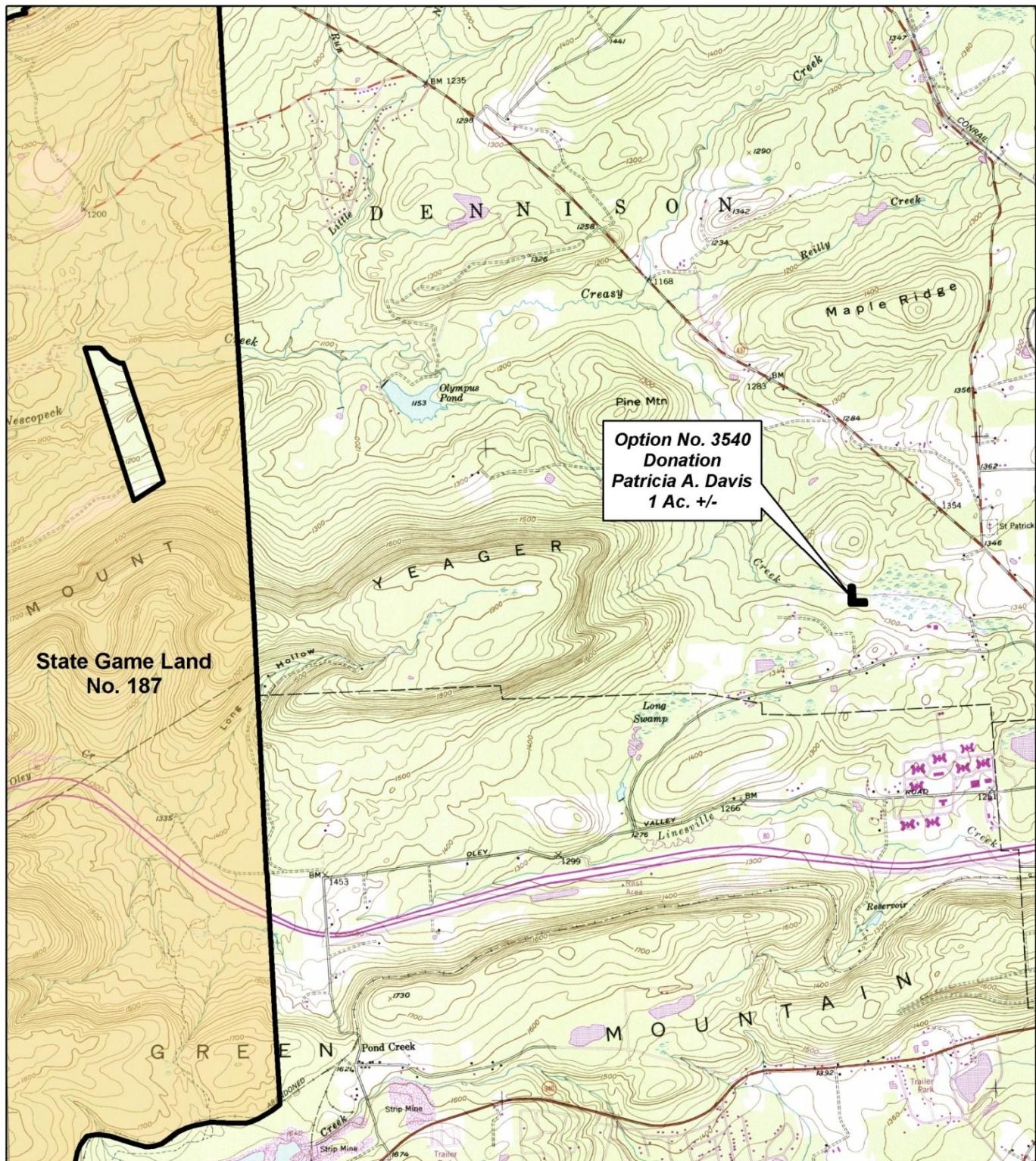
Recommendation: The Executive Director and Staff recommends that the donations listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the acquisition of these tracts.

Action:



1,000 0 1,000 2,000 3,000 Feet

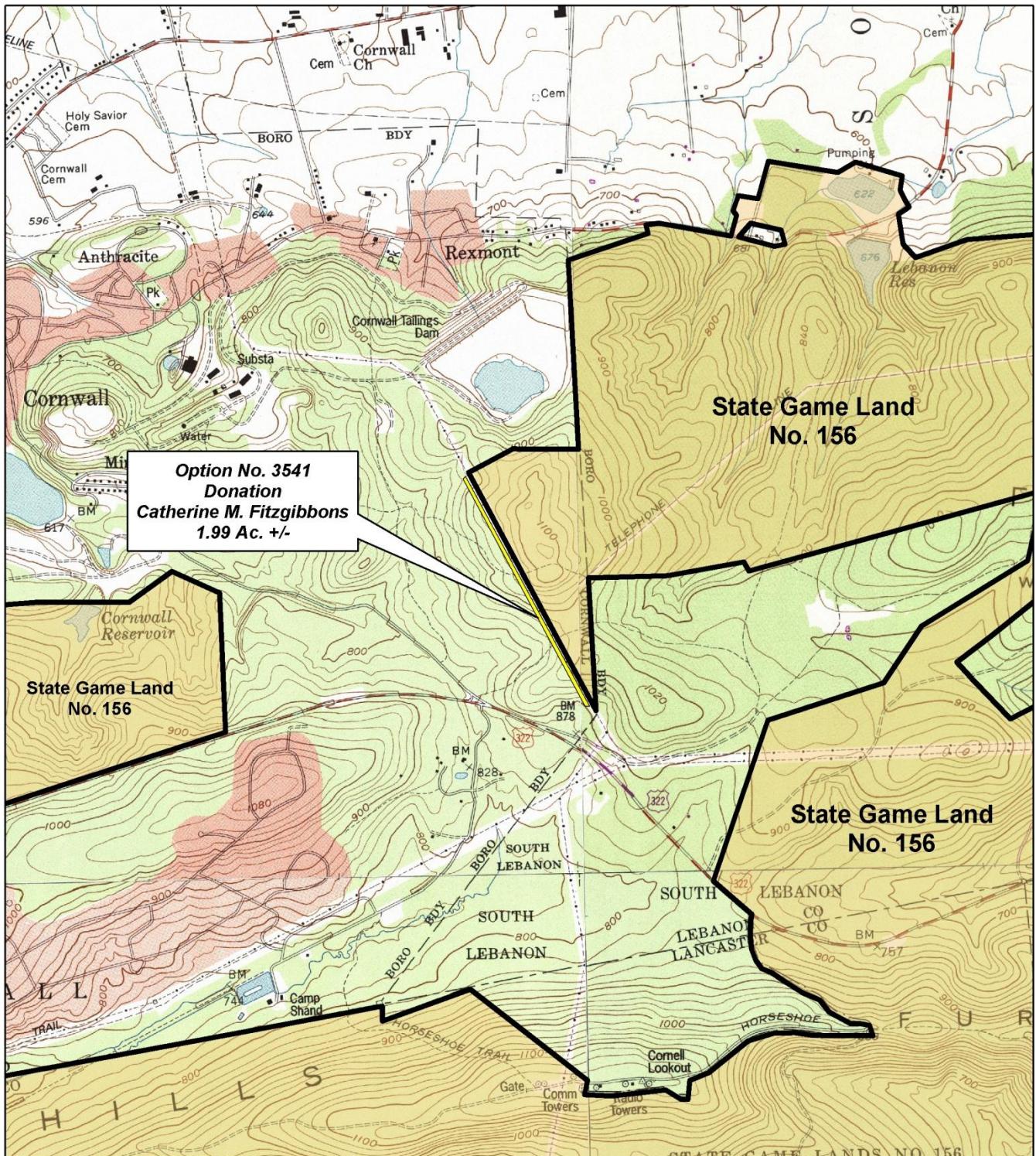
**EXHIBIT RED 1**  
**State Game Land No. 302**  
**Consol Pennsylvania Coal Company**  
 125 Acres +/- Donation  
 Richland Township, Greene County  
 Southwest Region



0 1,250 2,500 5,000 7,500 10,000 Feet

**EXHIBIT RED 2**  
**State Game Land No. 187**  
**Patricia A. Davis**  
**1 Acre +/- Donation**  
**to PGC**

Dennison Township, Luzerne County  
Northeast Region



0 750 1,500 3,000 4,500 6,000  
Feet

**EXHIBIT RED 3**  
**State Game Land No. 156**  
**Catherine M. Fitzgibbons**  
**1.99 Ac. +/- Donation**  
**to PGC**

Cornwall Borough, Lebanon County  
Southeast Region

B. Land Exchange

1. Option No. 3542

State Game Land No. 86, Warren County

Commentary: Tony L. Stec Lumber Company, Inc. was previously the high bidder on the Commission's timber sale number 086-06-01, in the amount of \$202,020.00. The Stec family is the owner of a tract of land comprised of 100 acres in Deerfield Township, Warren County, an indenture into State Game Land No. 86, which the Commission is interested in acquiring. The Commission and Tony L. Stec Lumber Company, Inc. have agreed to the value of \$170,000.00 for the parcel.

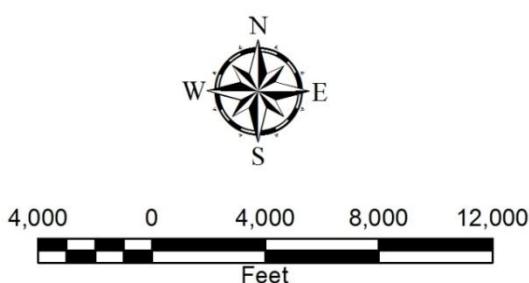
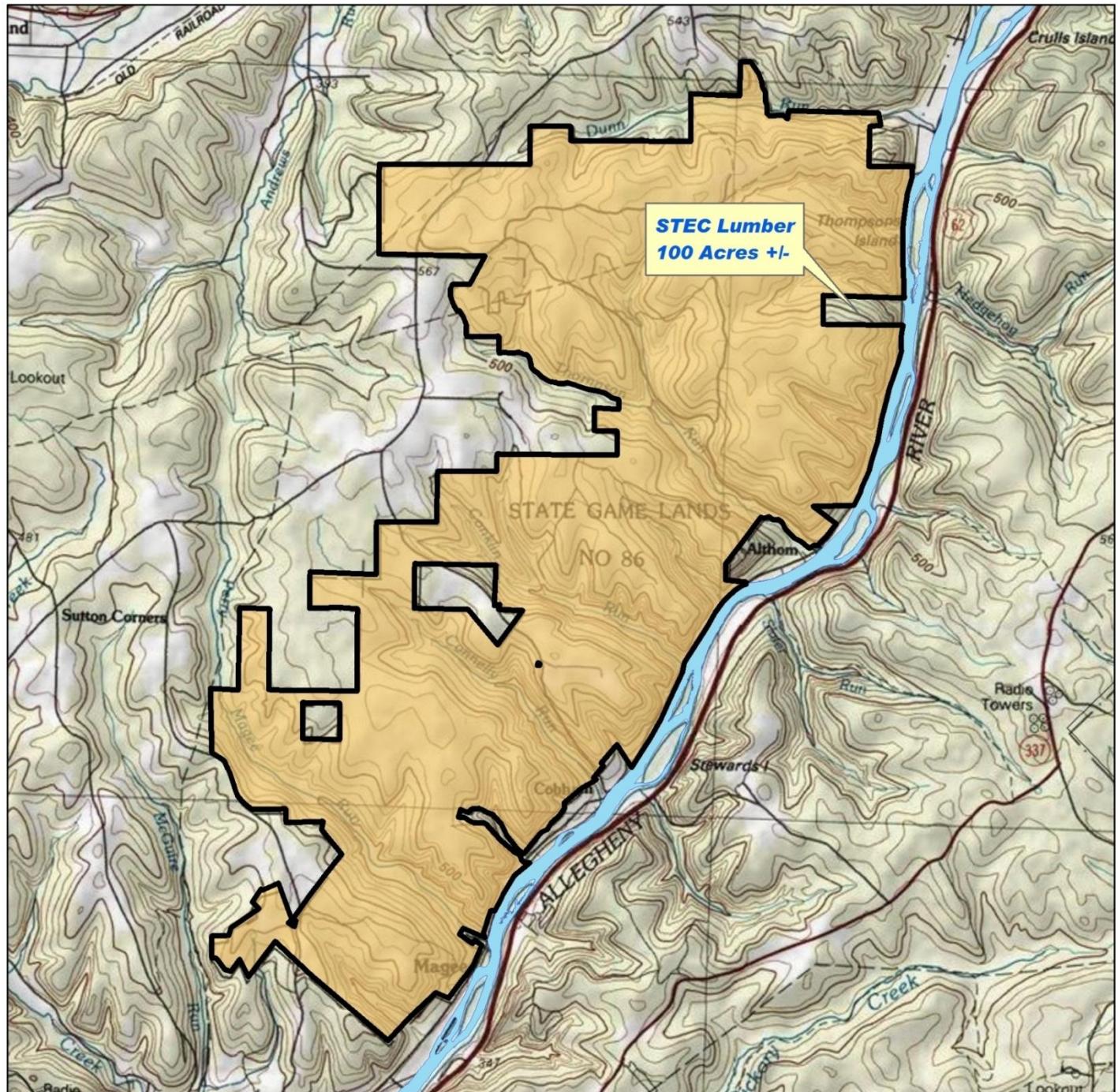
Tony L. Stec Lumber Company, Inc. has offered to transfer the 100 acres in Deerfield Township, Warren County (shown on Exhibit RED 4). The value of \$170,000.00 would then be credited against the blocks to be cut on the timber sale listed above until the value has been exhausted.

The property is entirely forested with mostly mixed northern hardwoods to include hickory, oak and cherry. The majority of the tree species are in early forest succession. A small one-acre wetland is located on the property and an unnamed tributary, which supports native brook trout, flows across the property. The property is surrounded on three sides by State Game Land No. 86 and acquiring this tract will result in a reduction of future boundary line maintenance.

The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife.

Recommendation: The Executive Director and Staff recommend that the land exchange listed above be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with this exchange.

Action:



**EXHIBIT RED 4**  
**State Game Land No. 86**  
**Tony L. Stec Lumber Co., Inc.**  
**100 Acres +/-**  
**Deerfield Township, Warren County**  
**Northwest Region**

## **OIL/GAS & MINERALS**

### A. Oil/Gas Lease Amendment

State Game Land No. 49, Bedford County, Southcentral Region

Commentary: Steckman Ridge, LP has requested to amend its existing 753.32 acre Oil/Gas lease on State Game Land No. 49 in Monroe Township, Bedford County. The lease amendment consists of the addition of gas storage rights in the Oriskany formation for 82.36 storage acres and 398.6 buffer acres as shown on Exhibit OGM-1.

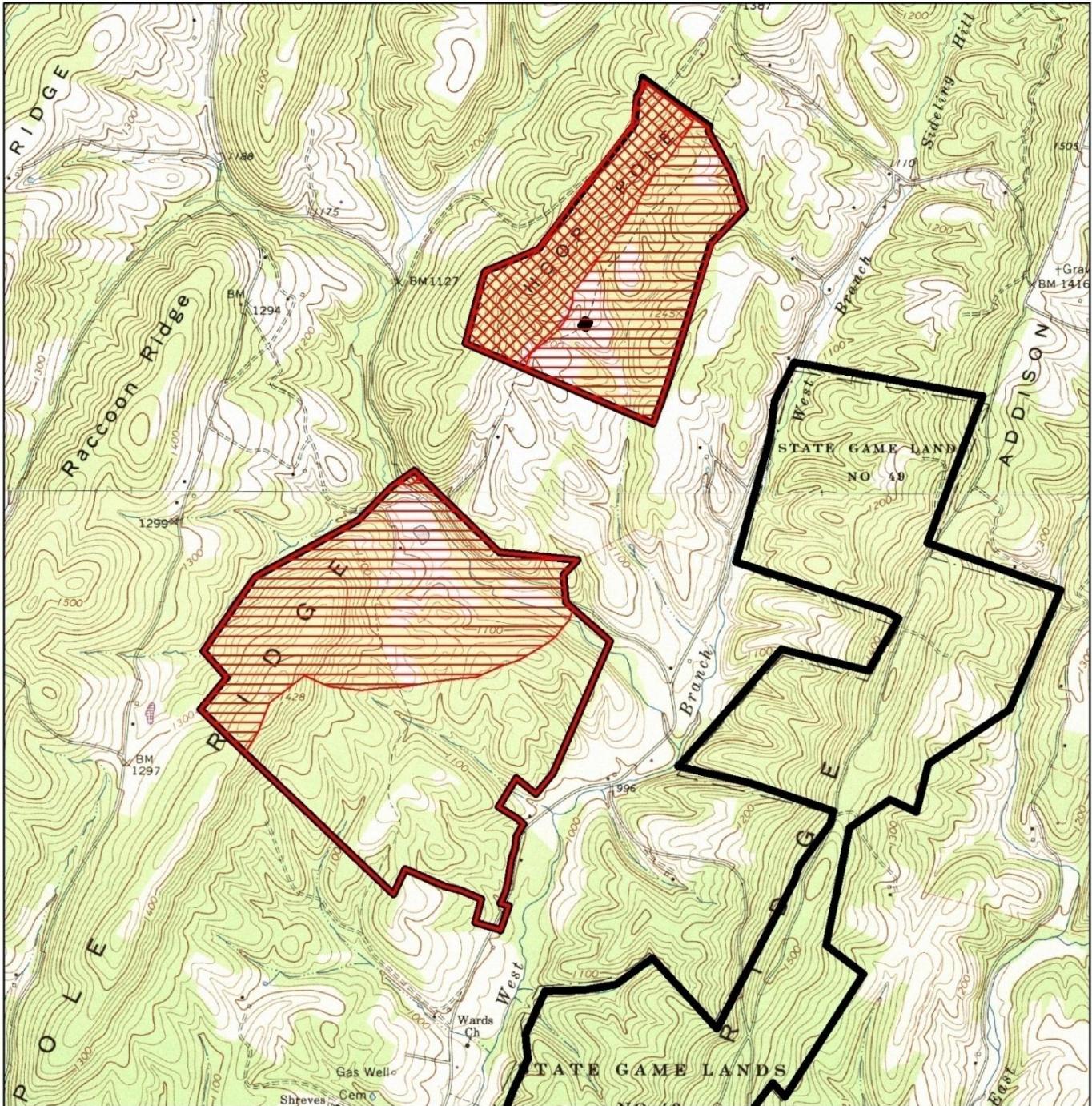
Steckman Ridge LP is converting 1906 acres of the now depleted Oriskany sandstone formation to a natural gas storage field of which 82.36 acres is under the Commission ownership. In exchange for the lease amendment Steckman Ridge, LP will make a one time bonus payment of \$48,460 to the Game Fund. Steckman Ridge, LP will also pay the Commission an annual rental of \$15,067 per year OR a storage fee rate of 3 cents per MCF of the storage field proportionally owned by the Commission, whichever the greater.

The project will be regulated by the Commonwealth's oil/gas regulations and the Commission's standard lease agreement. There will be no surface use of the lease area associated with this proposed gas storage lease amendment. All other terms and conditions of the lease will remain unchanged.

The staff has reviewed this proposal and has determined that the total value of the oil/gas storage lease is greater than or equal to the accumulated value for the lease.

Recommendation: The Executive Director and staff recommend the proposed lease be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing amendment arrangement as listed above.

Action:



- Pool Area 82.36 Acres
- Buffer Area 398.6 Acres
- Tract 049A-01 753.32 Acres
- SGL 49

0 500 1,000 2,000 3,000 4,000 Feet

1 inch = 2,000 feet

Exhibit OGM - 1  
PENNSYLVANIA GAME COMMISSION

**STATE GAME LAND 49  
STECKMAN RIDGE, LP  
LEASE TRACT 49A-01 AMENDMENT  
GAS STORAGE**

MONROE TOWNSHIP  
BEDFORD COUNTY  
SOUTHCENTRAL REGION

B. Coal Refuse Removal & Reclamation Lease

State Game Land No. 60, Clearfield County, Northcentral Region.

Commentary: CMT Energy, Inc. of Brisbin, Pennsylvania has requested a lease to mine and remove abandoned coal refuse disposed on a portion of a 20.2 acre tract of land, being part of State Game Land No. 60 as shown on Exhibit OGM-2. The proposed coal refuse removal will entail approximately 9.3 acres of unreclaimed coal refuse spoil piles. The remaining lease acreage will be utilized for access to the coal refuse removal site, construction of erosion and sedimentation controls and operational support.

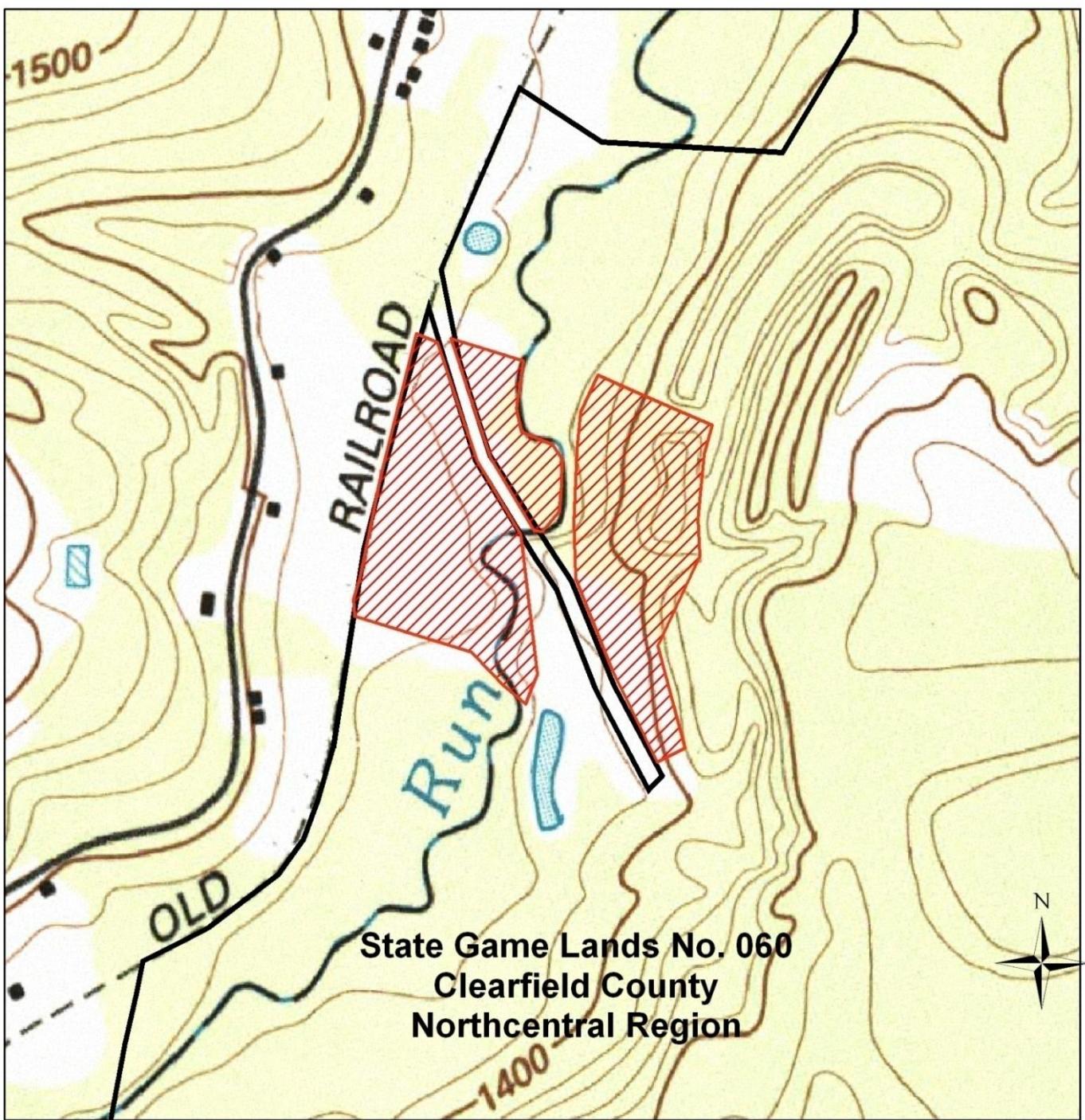
The accumulated coal refuse royalty value of this proposed project has been calculated at approximately \$25,000. Removal and reclamation of the spoil piles will reduce ongoing pollution into Muddy Run. Reclamation will be regulated by the Commonwealth's surface Mining regulations and the Commission's coal refuse removal and reclamation lease agreement. The five year lease will include a \$10,000 performance bond and environmental protection standards. Further, CMT Energy will be obligated to carry out a site specific wildlife habitat and reclamation plan as per the direction of the local Land Management Group Supervisor. The reclamation plan will include the development of a 1½ to 2 acre shallow water wetland complex. No merchantable timber is to be affected by this reclamation operation.

In exchange for the coal refuse removal and reclamation lease, CMT Energy, Inc. will pay the Commission a royalty of 10% F.O.B pit price or a minimum of \$1.00 / ton, whichever the greater for each and every ton of coal refuse mined and removed from the site.

Recommendations:

The Executive Director and Staff recommend the proposed lease be approved and the Commission authorize the Bureau of Wildlife habitat management to proceed with the leasing arrangement as listed above.

Action:



LEASE AREA

Exhibit OGM - 2  
PENNSYLVANIA GAME COMMISSION

STATE GAME LAND 60  
CMT ENERGY, INC.  
LEASE TRACT 060A-08  
COAL REFUSE REMOVAL/RECLAMATION LEASE

GULICH & BECCARIA TWPS.  
CLEARFIELD COUNTY  
NORTHCENTRAL REGION

0 250 500 1,000 1,500 2,000 Feet

1 inch = 500 feet

## **Other New Business**

### Pheasant Resolution

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

Time and Place for Next Meeting – The Commission previously established January 25, 26 and 27, 2009 as the dates of this meeting and it is to be held at Harrisburg Headquarters. Does the Commission wish to proceed with these dates and meeting site? Sunday the meeting will start at 1:00 p.m. and on Monday-Tuesday the meeting will start at 8:30 a.m.

### Adjournment