

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
June 24, 2008

A handwritten signature in black ink, appearing to read "Carl G. Roe". The signature is written in a cursive style with a large, stylized initial "C".

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 Tuesday, June 24, 2008, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania 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 April 22, 2008

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §§139.2, 141.1 and 141.41.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 22, 2008 meeting, proposed the following changes:

Amend §141.1 (relating to special regulation areas) to permit hunters in the special regulation areas to harvest more than one deer at a time without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter. Also amend §§139.2 (relating to definitions) and 141.41 (relating to general) to relocate the prohibition against successive takings of deer prior to lawfully tagging a deer previously harvested from §139.2 to §141.41 where it is more appropriately located.

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

Action:

EXHIBIT "A"

CHAPTER 139. SEASONS AND BAG LIMITS

§139.2. Definitions.

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

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.1. Special regulations areas.

(d) Permitted acts. It is lawful to:

* * * * *

(6) Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter.

Subchapter C. BIG GAME

§141.41. General.

* * * * *

(b) It is unlawful to:

* * * * *

(7) Except as otherwise provided in §141.1 (relating to special regulations areas), harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized.

B. Adoption of proposed amendments to §147.675.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 22, 2008 meeting, proposed the following change:

Amend §147.675 (relating to validity of permit) to expand the eligibility period for the validity of DMAP permits to include open seasons for antlered deer during the regular firearms season while also providing clarification that DMAP harvest permits are valid only to harvest antlerless deer.

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. R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§147.675. Validity of permit.

(a) DMAP harvest permits are valid during open seasons for hunting antlered or antlerless deer.

* * * * *

(c) DMAP harvest permits are valid only to harvest antlerless deer.

PROPOSED RULE MAKING

C. Amend 58 Pa. Code, §§147.322, 147.324 and 147.325.

Commentary: In developed landscapes, lower deer populations result in fewer deer human conflicts. Although the Game commission is directed by law to use hunting in managing white-tailed deer, hunting is not always feasible in an urbanized setting. Therefore, alternative herd reduction tools are necessary in order for communities to address growing deer populations.

Strategy 2.3.1 of the Urban Deer Management Strategy calls for the review and revision of the regulations regarding Deer Control Permits. Currently only political subdivisions may apply for a Deer Control Permit. Recognizing that urban deer issue doesn't always affect an entire township or borough, the list of authorized applicants has been expanded. This does not change the requirements or the review process of an application. It merely makes this tool available to more groups experiencing unacceptable levels of deer-human conflicts in a developed area.

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 shall 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, huntable areas, damage areas, deer concentration areas, all safety zones and proposed control areas within the [~~municipal boundary~~] proposed boundaries.

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

* * * * *

(c) All public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited by 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, no deer control activities may occur thereon.

§147.324. Privileges authorized under the permit.

Deer ~~[may]~~ shall be taken:

(1) ~~[Outside the established hunting seasons as set by the Commission in §139.4 (relating to seasons and bag limits for the license year).]~~ Regardless of age or sex.

(2) ~~[Regardless of age or sex.]~~ From February 1 to September 30, unless otherwise authorized by the Director and listed on the permit.

(3) ~~[From February 1 to September 30, unless otherwise authorized by the Director and listed on the permit.]~~ At any hour, day or night, and with or without an artificial light.

(4) ~~[At any hour, day or night, and with or without an artificial light.]~~ With any lawful firearm for big game as described in section 2322(a) of the act (relating to prohibited devices and methods) or any other device authorized by the Director and listed on the permit.

(5) ~~[With any lawful firearm for big game as described in section 2322(a) of the act (relating to prohibited devices and methods).]~~ Only in areas designated by the political subdivision, homeowners association or nonprofit land-holding organization.

~~[(6) — Only in areas designated by the political subdivision.]~~

§147.325. Special conditions of permit.

* * * * *

(b) Permits shall list the applicant's name, who shall be an authorized officer or ~~[employee]~~ employee of the political subdivision, homeowners association or nonprofit land-holding organization responsible for the activities conducted under this permit and list ~~[not more than five subpermittees who shall be licensed hunters or law enforcement officers, or both]~~ all subpermittees.

* * * * *

(d) Unless otherwise exempted by this title, any 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).

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

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §141.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 22, 2008 meeting, proposed the following change:

Amend §141.4 (relating to hunting hours) to replace the Sunrise/Sunset Table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

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 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.4. Hunting hours.

Except as otherwise provided, wild birds and animals 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)

* * * * *

**HUNTING HOURS TABLE
FOR JUNE 29, 2008 THROUGH JULY 4, 2009**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
June 29 – July 5	5:09	9:02	Jan. 4 – 10	6:53	5:20
July 6 – 12	5:13	9:00	Jan. 11 – 17	6:50	5:25
July 13 – 19	5:18	8:55	Jan. 18 – 24	6:49	5:34
July 20 – 26	5:24	8:50	Jan. 25 – 31	6:45	5:42
July 27 – Aug. 2	5:30	8:43	Feb. 1 – 7	6:39	5:50
Aug. 3 – 9	5:37	8:34	Feb. 8 – 14	6:32	5:56
Aug. 10 – 16	5:44	8:25	Feb. 15 – 21	6:23	6:07
Aug. 17 – 23	5:50	8:15	Feb. 22 – 28	6:14	6:15
Aug. 24 – 30	5:57	8:04	Mar. 1 – 7	6:04	6:23
Aug. 31 – Sept. 6	6:04	7:53	Mar. 8 – 14* begins	6:53	7:30
Sept. 7 – 13	6:10	7:32	Mar. 15 – 21	6:42	7:38
Sept. 14 – 20	6:19	7:30	Mar. 22 – 28	6:30	7:45
Sept. 21 – 27	6:23	7:19	Mar. 29 – Apr. 4	6:19	7:52
Sept. 28 – Oct. 4	6:30	7:07	Apr. 5 – 11	6:08	7:59
Oct. 5 – 11	6:37	6:56	Apr. 12 – 18	5:57	7:54
Oct. 12 – 18	6:45	6:46	Apr. 19 – 25	5:43	8:13
Oct. 19 – 25	6:52	6:36	Apr. 26 – May 2	5:37	8:20
Oct. 26 – Nov.1	7:00	6:28	May 3 – 9	5:28	8:27
Nov. 2 – 8* ends	6:08	5:20	May 10 – 16	5:20	8:34
Nov. 9 – 15	6:16	5:14	May 17 – 23	5:14	8:41
Nov. 16 – 22	6:24	5:09	May 24 – 30	5:08	8:47
Nov. 23 – 29	6:32	5:06	May 31 – June 6	5:04	8:53
Nov. 30 – Dec. 6	6:38	5:05	June 7 – 13	5:02	8:57
Dec. 7 – 13	6:44	5:06	June 14 – 20	5:01	9:01
Dec. 14 – 20	6:51	5:08	June 21 – 27	5:04	9:03
Dec. 21 – 27	6:49	5:13	June 28 – July 4	5:07	9:03
Dec. 28 – Jan. 3	6:53	5:18	* Daylight Saving Time		

MIGRATORY GAME BIRD HUNTING HOURS TABLE

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Aug. 31 – Sept. 6	6:04	7:23	Dec. 7 – 13	6:44	4:36
Sept. 7 – 13	6:10	7:02	Dec. 14 – 20	6:51	4:38
Sept. 14 – 20	6:19	7:00	Dec. 21 – 27	6:49	4:43
Sept. 21 – 27	6:23	6:49	Dec. 28 – Jan. 3	6:53	4:47
Sept. 28 – Oct. 4	6:30	6:37	Jan. 4 – 10	6:53	4:50
Oct. 5 – 11	6:37	6:26	Jan. 11 – 17	6:50	4:56
Oct. 12 – 18	6:45	6:16	Jan. 18 – 24	6:49	5:04
Oct. 19 – 25	6:52	6:06	Jan. 25 – 31	6:45	5:12
Oct. 26 – Nov. 1	7:00	5:58	Feb. 1 – 7	6:39	5:20
Nov. 2 – 8*ends	6:08	4:50	Feb. 8 – 14	6:32	5:30
Nov. 9 – 15	6:16	4:44	Feb. 15 – 21	6:23	5:37
Nov. 16 – 22	6:24	4:39	Feb. 22 – 28	6:14	5:45
Nov. 23 – 29	6:32	4:36	Mar. 1 – 7	6:04	5:53
Nov. 30 – Dec. 6	6:38	4:35	Mar. 8 – 14*begins	6:53	7:00
			*Daylight Saving Time		

PROPOSED RULE MAKING

B. Amend 58 Pa. Code §143.243.

Commentary: Since the successful implementation of the Mentored Youth Hunting Program in the fall of 2006, the Commission has been seeking input from sportsmen and sporting organizations on ways to improve this innovative new program. Towards this end, two organizations, the Governor's Youth Council for Hunting, Fishing and Conservation and the PA Fox and Coyote Hunters Association, have organized to recommend that the program could be improved with the addition of coyotes to the list of species that may be lawfully pursued by mentored youth. In its continuing interest to find new opportunities to expose youth to this state's wildlife resources and enduring hunting heritage, the Commission is proposing to amend §143.243 by expanding the list of species that mentored youth are eligible to pursue to include coyotes.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter M. MENTORED YOUTH HUNTING PROGRAM LICENSE EXEMPTION

§143.243. General.

* * * * *

(b) A mentored youth's hunting ~~[ability]~~ eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey ~~[(spring gobbler season only) beginning in the 2006-2007 hunting license year.]~~ A mentored youth's hunting eligibility is further limited to:

(i) ~~[Beginning in the 2007-2008 hunting license year, antlered deer will be included in the mentored youth hunts.]~~ Spring gobbler season only for turkey.

(ii) ~~[Mentored youth hunters shall comply with the same antler requirements as junior license holders.]~~ 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).

* * * * *

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

Action:

C. Amend 58 Pa. Code, §§147.301—147.307 and 147.309.

Commentary: The Commission has been working in consultation with the Wildlife Rehabilitation Council to update and amend the wildlife rehabilitation regulations in an effort to redress concerns the Commission and Council share respecting the inadequacy of current permitting standards. Some notable recommendations generated include the creation of new rehabilitation facility caging and sanitation requirements for all wildlife, new requirements for the rehabilitation of rabies vector species and new application, qualification and testing standards for permit applicants. Therefore, the Commission is proposing to amend 58 Pa. Code §§ 147.301-147.307 and 147.309 to update and expand wildlife rehabilitation standards.

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 ~~[Law Enforcement]~~ 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 ~~[Law Enforcement]~~ 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 ~~[Law Enforcement]~~ Wildlife Protection.

* * * * *

(1) 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) ~~The~~ 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) ~~The~~ 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 ~~[Law Enforcement]~~ Wildlife Protection.

(b) Novice class wildlife rehabilitation permits.

(1) Qualifications.

(i) ~~[The applicant]~~ All new applicants shall successfully pass a [written examination administered by the Bureau of Law Enforcement] 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 ~~[Law Enforcement]~~ 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 ~~[Law Enforcement]~~ 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 ~~[Law Enforcement]~~ Wildlife Protection.

(ii) ~~[Submit photographs or videotape with commentary of the permittee's facility to the Bureau of Law Enforcement for review by the council.~~

~~(iii)~~ 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 also submit photographs or videotape with commentary of their facility for review.

(2) Permit conditions.

* * * * *

(ii) A permittee may accept endangered, ~~[or]~~ threatened ~~[wildlife]~~ or rabies vector species for rehabilitation following proper additional certification under §147.306 (relating to endangered, ~~[or]~~ 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 ~~[Law Enforcement]~~ 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 ~~[Law Enforcement]~~ 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 ~~[administered by the Bureau of Law Enforcement]~~ with a minimum score of 80%.

(3) The applicant ~~[shall successfully pass an oral examination/interview which will be conducted by members of the Council]~~, 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, ~~[or]~~ threatened or rabies vector species certification.

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

* * * * *

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

§147.309. Educational use of rehabilitation wildlife permits.

* * * * *

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

* * * * *

(c) Permit applications will be approved by the Council and the Bureau of ~~[Law Enforcement]~~ Wildlife Protection.

(d) Permit conditions are as follows:

* * * * *

(2) Not more than ~~[four]~~ 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 ~~Law Enforcement~~ Wildlife Protection upon request.

(f) ~~[Failure to comply with one or more conditions of the permit will be reason for recall of the permit.]~~ 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.

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

Action:

D. Amend 58 Pa. Code, §§147.721—147.726, 147.728 and 147.729.

Commentary: Chapter 147, Subchapter T provides the regulatory structure for the Commission to authorize persons to engage in nuisance wildlife control activities. The Commission has identified that these regulations have over time become inadequate to address the needs of the Commission and the public concerning the persistent problem of nuisance wildlife and therefore need to be amended. Some notable recommendations generated by the Commission include the renaming of permit holders as “nuisance wildlife control operators” rather than the current “wildlife pest control agents,” the expansion of applicant eligibility standards to permit applications from nonresidents, new requirements for the control of rabies vector species and new testing standards for applicants working in deer control. Therefore, the Commission is proposing to amend 58 Pa. Code §§ 147.721-147.726, 147.728-147.729 to update and expand nuisance wildlife control operator standards.

CHAPTER 147. SPECIAL PERMITS

Subchapter T. [~~COMMERCIAL WILDLIFE PEST CONTROL~~]
NUISANCE WILDLIFE CONTROL OPERATOR

Sec.

* * * * *

T. [~~COMMERCIAL WILDLIFE PEST CONTROL~~] NUISANCE WILDLIFE CONTROL OPERATOR.....147.721

* * * * *

§147.721. General.

A [~~commercial~~] nuisance wildlife [~~pest~~] 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 their 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 [~~Commercial~~] Nuisance Wildlife [~~Pest~~] 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 ~~[the]~~ each permit if the examination is passed.

* * * * *

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

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

§147.724. ~~[Commercial]~~ Nuisance wildlife ~~[pest]~~ 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 shall 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; and

(5) Public relations.

§147.725. Records and reports.

* * * * *

(d) All 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 subparagraph (2), rabies vector species (RVS), as defined in section 147.301 (relating to definitions) shall be euthanized in a humane manner rather than released.

(2) No agent shall, without special written permission from the director, destroy or euthanize 5 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) [~~Violate any other provisions of this subchapter.~~] Conduct any 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, applicant must have conducted at least 2 consecutive years of non-lethal harassment techniques.

(7) Violate any 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:

(1) The municipal, state or federal employee has agreed, in writing, to conduct all animal control in accordance with the provisions of this subchapter, however, permit testing and permit possession requirements shall 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 shall 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 their scope of duty.

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

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisition

1. Option No. 50013

4,968 +/- acres of land in Horton Township, Elk County, adjoining State Game Land No. 44. This property was approved in January of 2008 with the purchase price to be paid from the funds escrowed by Penn State University in conjunction with the State Game Land No. 176 exchange. Settlement was to be no later than June 30, 2008. It has become increasingly clear that approval by the United States Fish and Wildlife Service (USFWS) of this acquisition may be delayed past June 30. In order to meet the Commission's obligations, the Bureau of Wildlife Habitat Management is requesting the Commission to authorize the use of alternate funds to acquire this tract should approval by the United States Fish and Wildlife Service (USFWS) not be granted by June 30, 2008.

2. Option No. 50045

1,555.6 +/- acres of land in Horton Township, Elk County, near State Game Land No. 44. This property was approved in January of 2008 with the purchase price to be paid from the funds escrowed by Penn State University in conjunction with the State Game Land No. 176 exchange. Settlement was to be no later than June 30, 2008. It has become increasingly clear that approval by the United States Fish and Wildlife Service (USFWS) of this acquisition may be delayed past June 30. In order to meet the Commission's obligations, the Bureau of Wildlife Habitat Management is requesting the Commission to authorize the use of alternate funds to acquire this tract should approval by the United States Fish and Wildlife Service (USFWS) not be granted by June 30, 2008.

Recommendation: The Executive Director and staff recommends that the Commission authorize the Bureau of Wildlife Habitat Management to utilize an alternate funding source to acquire these tracts should the USFWS fail to grant approval in a timely manner.

Action:

B. Donation

1. Option No. 50063

Eugene and Nancy Dunlap have offered 20.7 +/- acres of land in Derry Township, Westmoreland County, near to State Game Land No. 328 (Exhibit RED 1). The property is forested with sugar maple-basswood and provides 2,000 feet of shoreline along the Conemaugh River.

2. Option No. 50075

A right-of-way in Penn Forest Township, Carbon County, adjoining State Game Land No. 141 (Exhibit RED 2). John and Mary Enck of Penn Forest Township, Pennsylvania own property adjoining State Game Land No. 141 that extends from the common boundary line between the Commission and the Encks to S. R. 1002. The Encks are willing to donate a right-of-way approximately 400 feet long and 22 feet wide allowing access from S.R. 1002 to the State Game Lands. This new right-of-way will allow the Commission to continue habitat work on a portion of State Game Land No. 141 that became inaccessible when the Commission lost access through another adjoining landowner. The right-of-way will allow public access to a parking area that is planned to be built on State Game Land No. 141 in the future.

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:

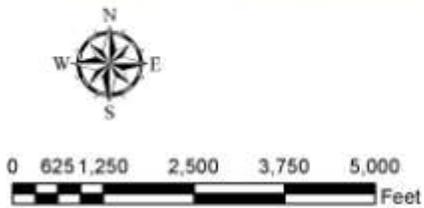
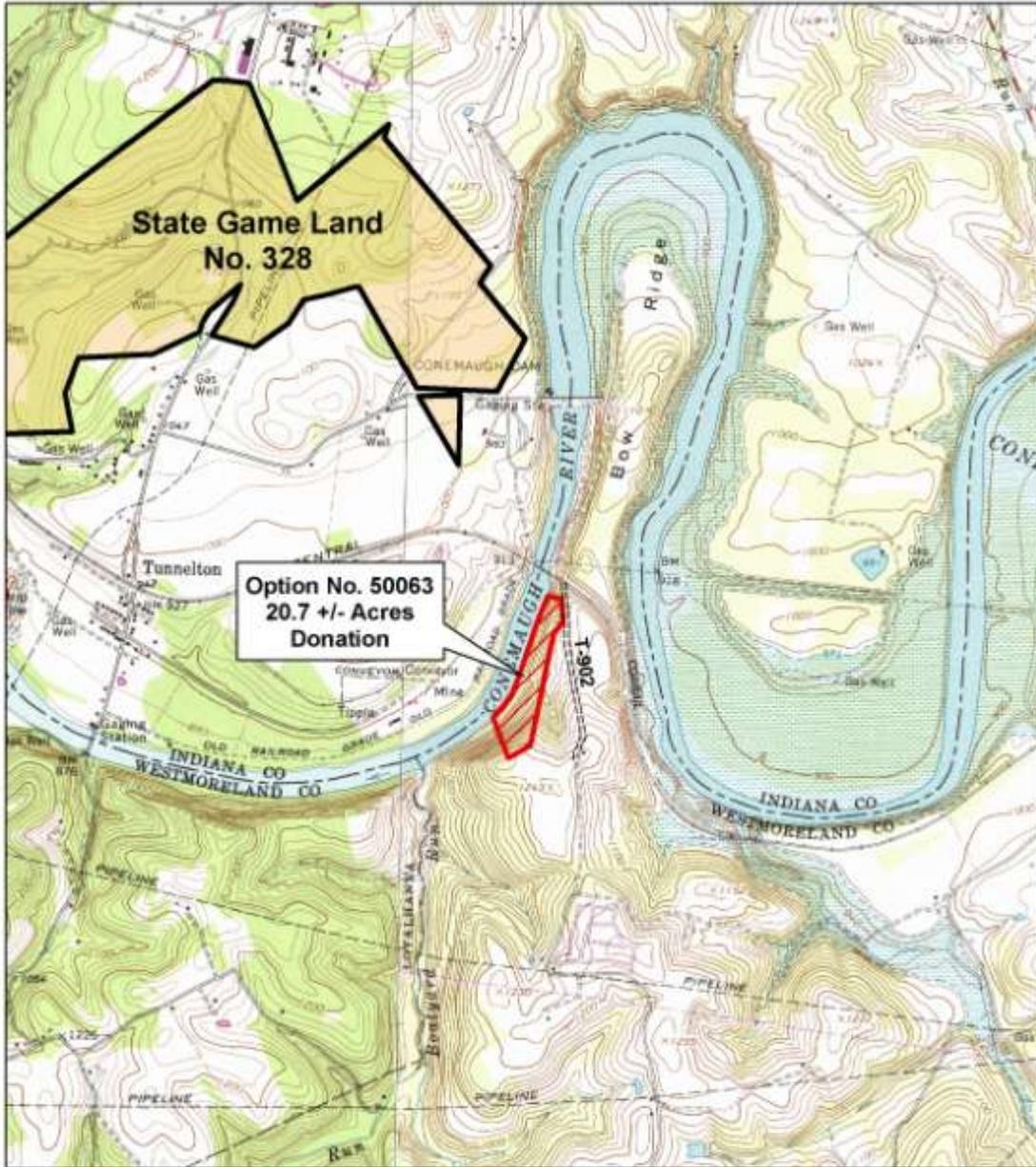
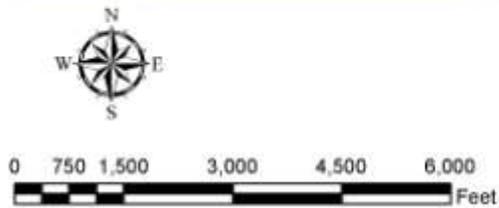
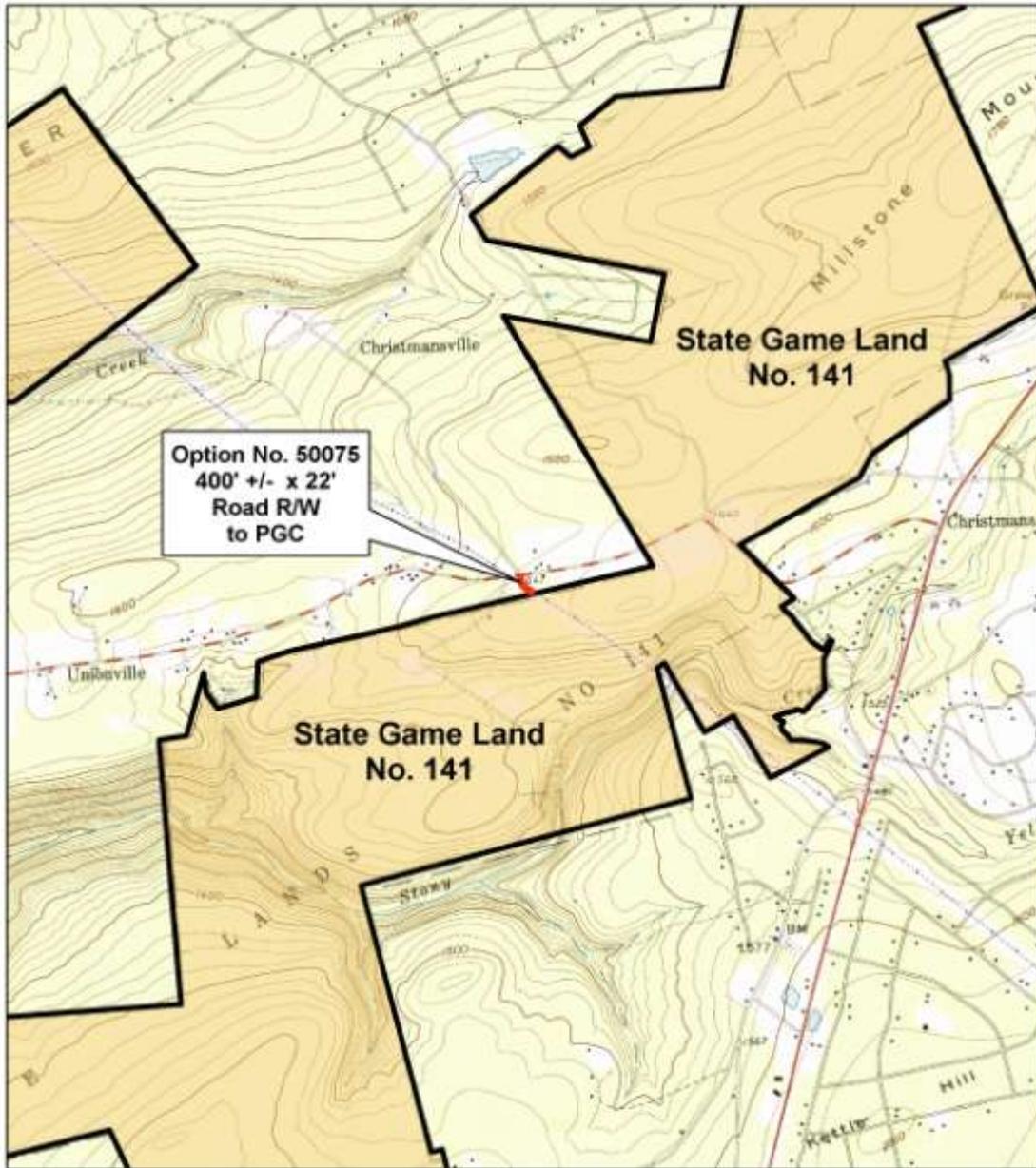


EXHIBIT RED 1
STATE GAME LAND No. 328

Eugene & Nancy Dunlap
20.7 Acres +/-
to
PGC

Derry Twp.
 Westmoreland County
 Southwest Region



**EXHIBIT RED 2
STATE GAME LAND No. 141**

**John and Mary Enck
400' +/- x 22' Road R/W
to PGC**

Penn Forest Twp.
Carbon County
Northeast Region

C. Land Exchange

1. Option No. 50060

State Game Land No. 82, Somerset County

Commentary: Ann Higdon has agreed to a land exchange involving a 16 foot wide easement allowing for access, electric, telephone or cable only, and not subdivision, situate in Northampton Township, Somerset County, said easement to be across State Game Land No. 82.

In exchange for the easement as aforesaid, Higdon has agreed to transfer 11+/- acres of land also located in Northampton Township, Somerset County, State Game Land No. 82 (Exhibit RED 3). The 11 +/- acres is comprised of mature mixed hardwoods with some hemlock present and will straighten out the Commission's current irregular-shaped boundary line. In addition, Higdon has agreed that a restriction shall be placed on her remaining property such that no occupied structures shall be built closer than 150 yards from the State Game Land. Should the Higdon property be transferred in the future, it shall contain a restriction that the easement may not be used for subdivision and that any new lots in any subdivision shall need to obtain a separate right-of-way.

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

Action:

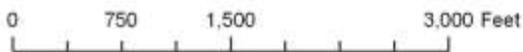
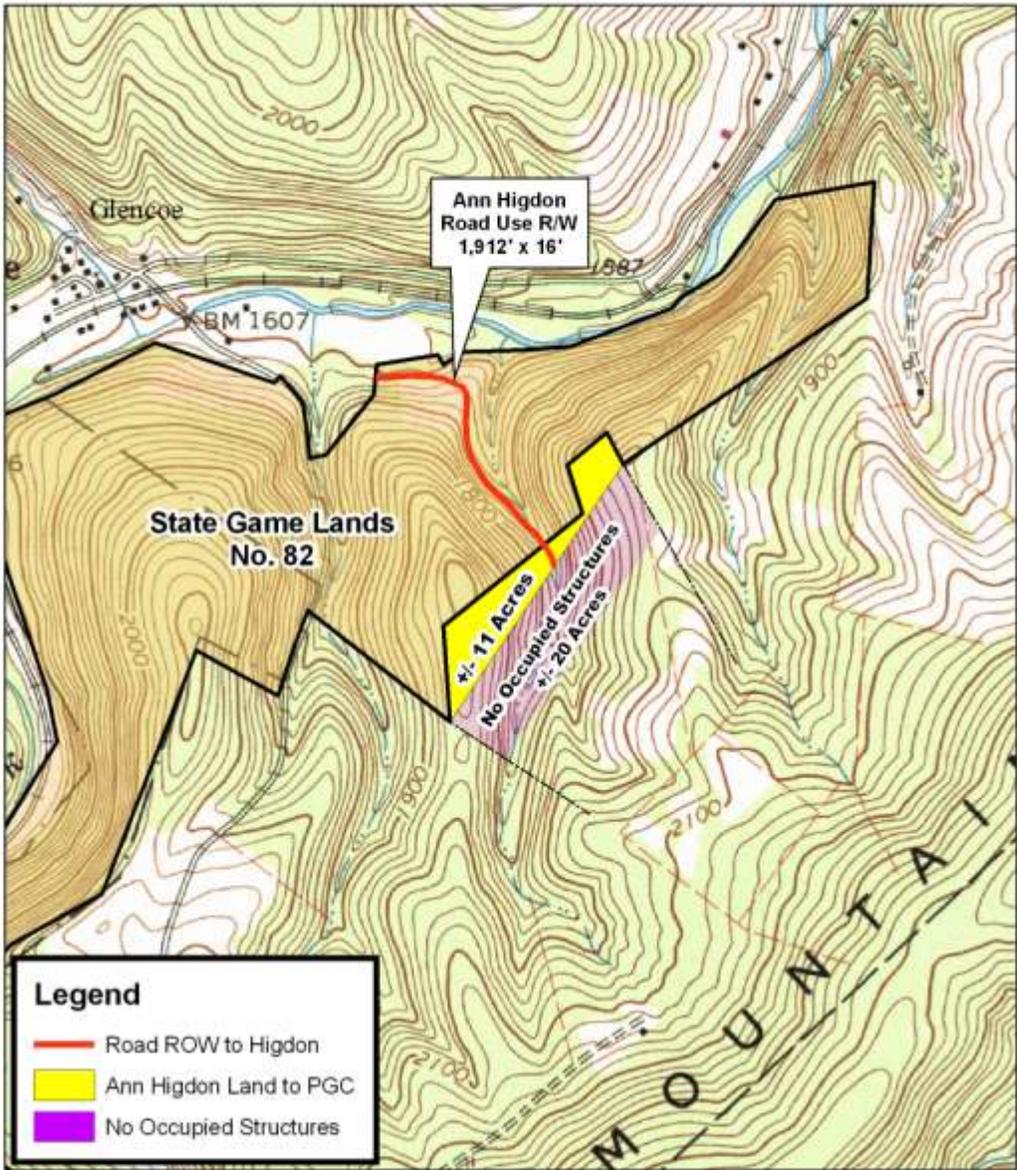


EXHIBIT RED 3
State Game Land No. 82
 Ann Higdon to
 Pennsylvania Game Commission
 11 +/- Acres
 Northampton Township,
 Somerset County, Pennsylvania

D. Report of Notational Vote

The following item was a notational vote, and was unanimously approved.

1. Option No. 50072

State Game Land No. 107, Juniata County

Commentary:

The Mabel Goshorn Estate was offering at auction on May 2, 2008 a farm consisting of a 170-acre farm with a house and outbuildings, 37 acres of woodland and 476 acres of mountain and hunting ground in Fermanagh Township, Juniata County, adjoining State Game Land No. 107 (Exhibit RED 1).

The farmland is comprised of shale and gravel silt loam soils which would promote the development of small game habitat. The woodland is comprised of mixed hardwoods that have been timbered over and provides early successional habitat interspersed with big game habitat. In addition, the mountain ground provides legal access to the rest of the game lands.

The Bureau of Wildlife Habitat Management was authorized to attend the auction and bid for the purchase on behalf of the Commission using funds from the State Game Land No. 176 land exchange with Penn State.

The auction was canceled and did not take place as planned.

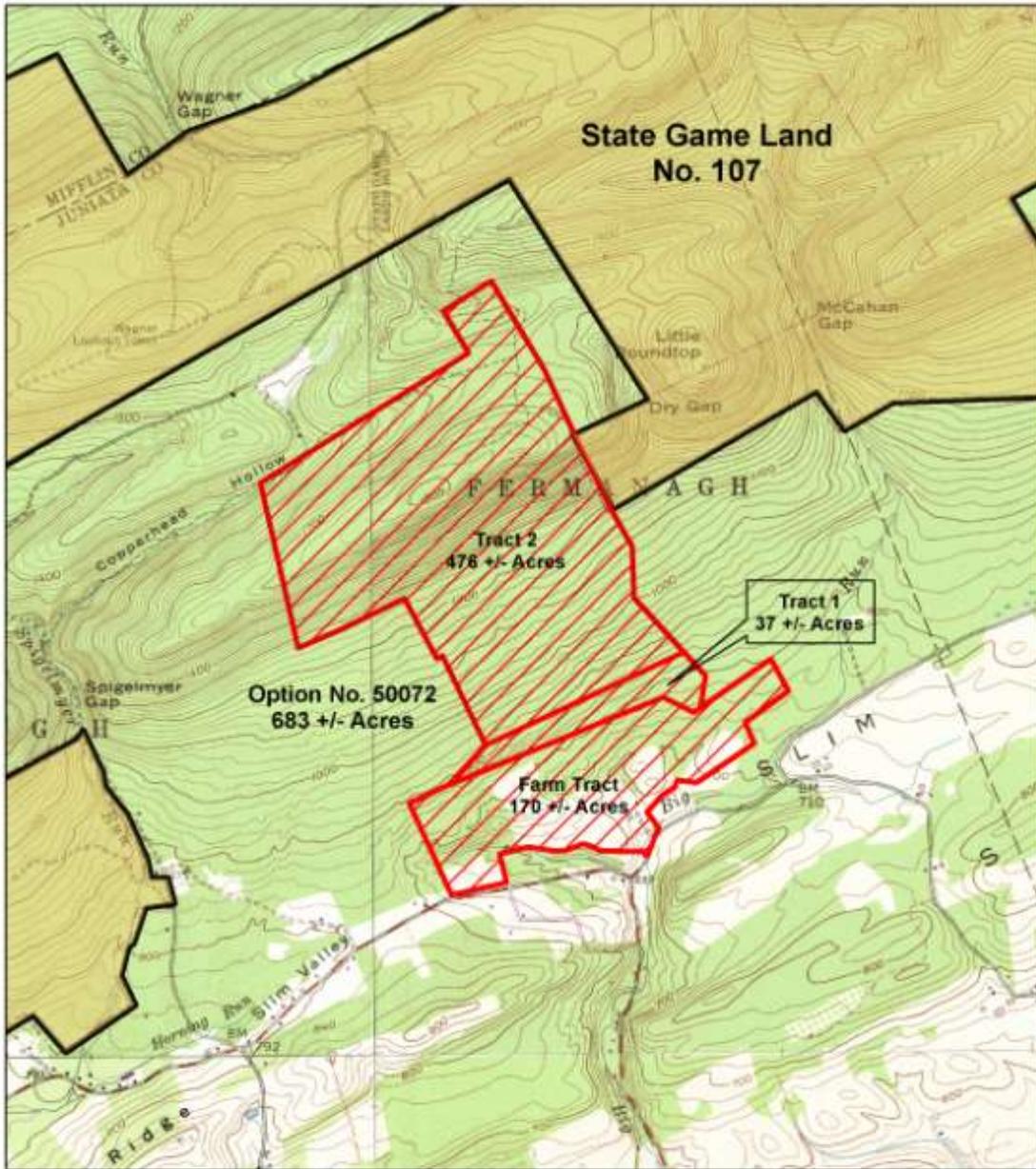


EXHIBIT RED 4
STATE GAME LAND No. 107
Mabel Goshorn Estate
683 +/- Acres
 Fermanagh Twp.
 Juniata County
 Southcentral Region

OIL/GAS & MINERALS

A. Oil and Gas Lease Offering—Report of Notational Vote

The following item was a notational vote, and was unanimously approved.

State Game Land No. 75, Lycoming County

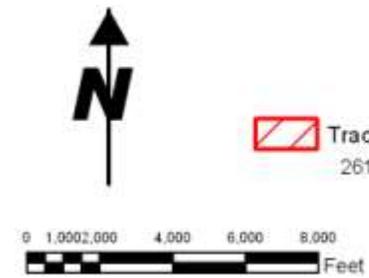
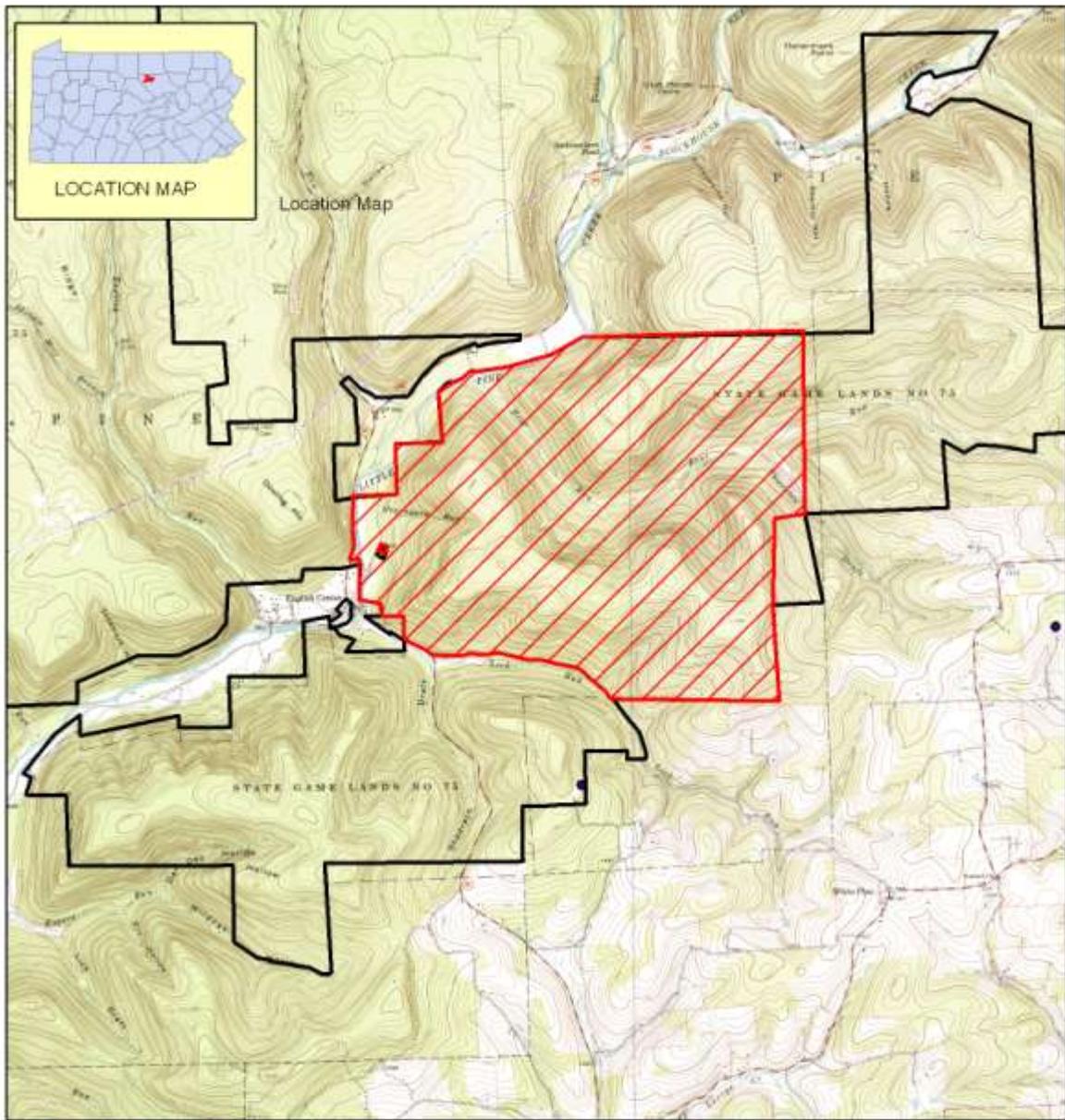
Commentary:

The Commission offered its oil and gas ownership under a portion of State Game Land No. 75 for lease. Tract 75B-08, containing approximately 2,615 acres, was exposed for competitive royalty bid in May 2008, with a one-time bonus/rental payment of \$2,000 per acre as full consideration for the five year primary term, and a 15% minimum royalty. Within the last six months, the Commission has approved several large tracts of land for acquisition. This bonus/rental will be used and applied to assure the Commission meets its outstanding obligations on those tracts. Additionally, the lease offer provides the Commission well site location fees of \$20,000 for each deep well sites drilled, \$15,000 for each horizontal well sites, and a \$5,000 fee for each shallow vertical well drilled within the leased premises. The lease area, exposed for competitive royalty bid, is shown on the attached (Exhibit OGM 1) map.

Oil/Gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's standard oil/gas lease agreement and \$25,000 performance bond. The lease will include the Commission's standard wildlife and environmental protection measures, and further limits the subsequent well development to a total of ten (10) wells, unless additional written approval is obtained from the Commission. The lease will also include a free gas provision for the Commission to use free of charge up to 350,000 cubic feet of gas annually.

Bids for this tract were opened on May 5, 2008, with Chesapeake Appalachia, L.L.C. of Charleston, West Virginia, submitting the highest royalty rate bid of Twenty-six and one-tenths percent (26.1%). The results of the royalty bid expressed in a percentage rate of the market value of each mcf of gas are listed below:

<u>BIDDER</u>	<u>BID ROYALTY/MCF</u>
<u>Chesapeake Appalachia, L.L.C.</u>	<u>26.1%</u>
<u>Range Resources-Appalachia, L.L.C.</u>	<u>25.1%</u>
<u>Chief Oil & Gas, L.L.C.</u>	<u>25.0%</u>
<u>East Resources Inc.</u>	<u>16.51%</u>



 Tract 075B-08
2615 ACRES

EXHIBIT OGM 1
 Pennsylvania Game Commission
 STATE GAME LAND 075
Oil & Gas Lease
TRACT 075B-08
 2615 ACRES
 PINE TOWNSHIP
 LYCOMING COUNTY
 NORTHCENTRAL REGION

B. Surface Mining Coal Lease Amendment

State Game Land No. 75, Lycoming County

Commentary: Fisher Mining Co., Inc. of Montoursville, PA seeks to amend its existing 159-acre lease (Tract 75A-04) by allowing for coal removal on an additional 32.3 acres of the existing lease area as shown on (Exhibit OGM 2).

The proposed amendment will allow Fisher Mining Company to remove an additional estimated total of 311,490 tons of coal from the leased premises. This amendment, if approved, will permit Fisher Mining Company to remove coal from a portion of Lease Tract 75A-04 currently designated as a mining support area. No additional acreage will be required for, or added to the lease under this proposal. All proposed mining areas have already been reviewed and approved in accordance with the Pennsylvania Department of Environmental Protection's surface mining regulations.

As part of the mine reclamation plan, Fisher Mining will reclaim 600 feet of abandoned highwall on the Flatiron surface mine located approximately 1,500 feet west of the leased premises. Reclamation of the highwall will eliminate an existing safety hazard on the game lands and result in the creation of a 5-acre herbaceous food plot.

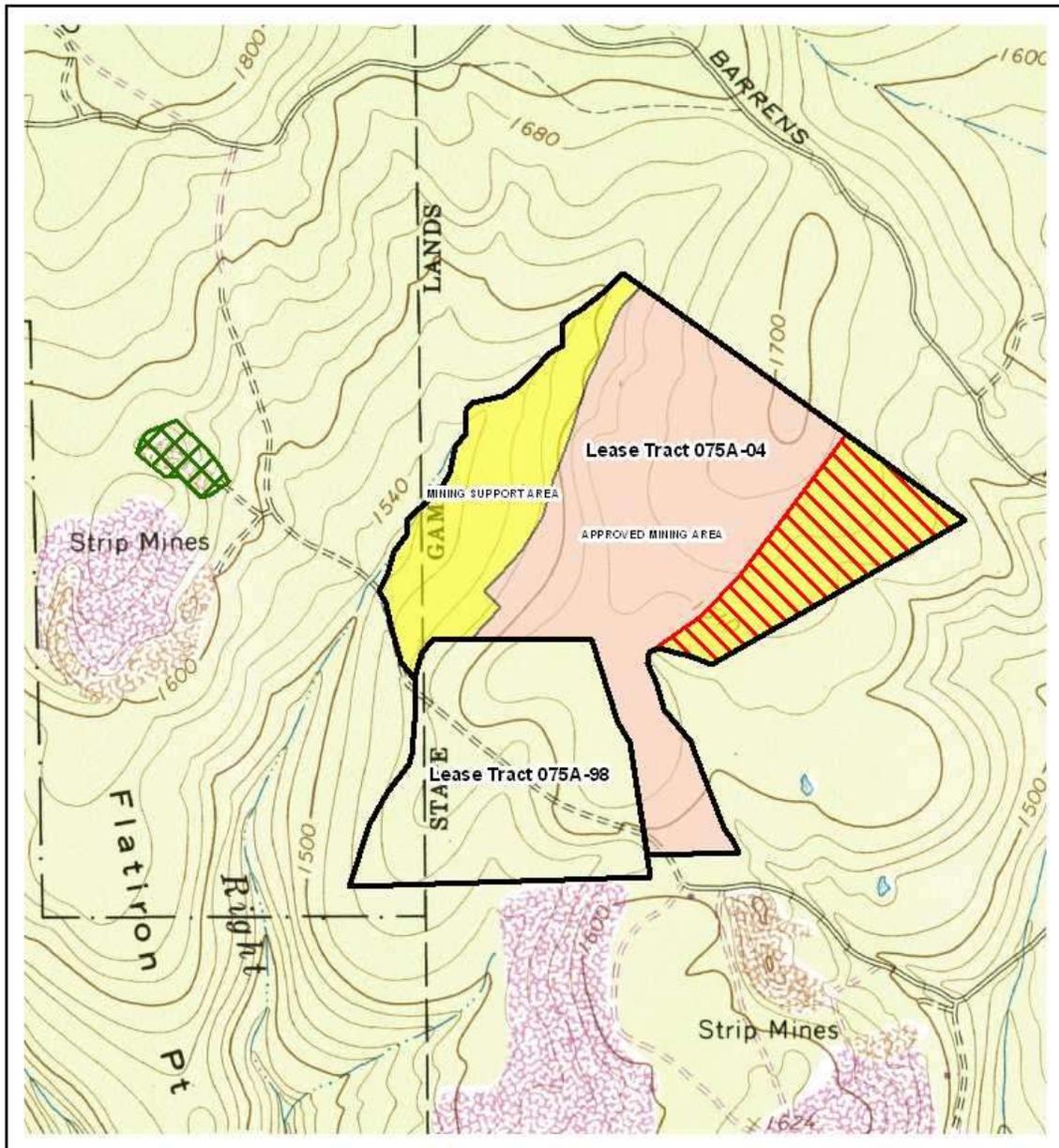
The coal royalty value of the proposed additional mining has been estimated to be \$1,383,015. Upon the final execution of the lease amendment, \$1,000,000 (one-million) will be paid as advance royalty to the Commission and deposited into an escrow bearing interest account to be used for the future purchase of lands acceptable to the Commission. The remaining royalties will be deposited into the Game Fund.

All merchantable timber, which is cut and/or impacted by this mining operation, will be assessed by the Commission's Northcentral Regional forestry staff, and payments owed to the Commission will be made in strict accordance with the existing terms and conditions of the original lease. All other terms of the current lease will remain unchanged.

Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's existing surface mining lease agreement. The Staff have reviewed this proposal and have determined that the highwall reclamation, in conjunction with the advanced coal royalty schedule and timber value, are equal to or greater than the total accumulated coal lease value.

Recommendation: The Executive Director and staff recommends that this Coal Mining Lease amendment with Fisher Mining Coal Co., Inc. be approved and that the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the leasing agreement, as listed above.

Action:



-  32-ACRE AMENDMENT AREA
-  HIGHWALL RECLAMATION



1 Inch equals 1,000 Feet

EXHIBIT OGM-2
 PENNSYLVANIA GAME COMMISSION
STATE GAME LAND 075
FISHER MINING COMPANY
LEASE TRACT 075A-04
SURFACE MINING LEASE AMENDMENT

PINE TOWNSHIP
 LYCOMING COUNTY
 NORTHCENTRAL REGION

Other New Business

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 October 23 and 24, 2008 starting at 8:30 a.m. on Thursday and Friday to be held at the Holiday Inn, Washington, Pennsylvania. Does the Commission wish to proceed with these dates and meeting site?

Adjournment