

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA  
June 26, 2007

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".

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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 Tuesday, June 26, 2007, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Thomas E. Boop  
Roxane S. Palone  
Gregory J. Isabella  
Russell E. Schleiden  
H. Daniel Hill  
David W. Schreffler  
Jay Delaney, Jr.

Approval of Minutes of Meeting held April 18, 2007

## **BUREAU OF WILDLIFE PROTECTION**

### **ADOPTED RULE MAKING**

A. Adoption of proposed amendment to §147.553.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 18, 2007 meeting, proposed the following change:

Amend §147.553 (relating to permit) to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

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 147. SPECIAL PERMITS**

**Subchapter R. DEER CONTROL**

**AGRICULTURE**

§147.553. Permit.

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

\* \* \* \* \*

(2) Exceptions. The permit is not valid from May 16 to June 30 during peak fawning season.

\* \* \* \* \*

B. Adoption of proposed amendment to §141.15.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 18, 2007 meeting, proposed the following change:

Amend §141.15 (relating to loaded firearm) to extend the application of section 2503 to prohibit “loaded” crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

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 141. HUNTING AND TRAPPING**

#### **Subchapter A. GENERAL**

§141.15. Loaded firearms or devices in vehicles.

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

(1) Any centerfire or rimfire firearm that has a live shell or cartridge in either the chamber or magazine.

(2) Any muzzleloading firearm that has a live charge of ammunition in its firing chamber and a primer, flash powder or a battery, which ever is applicable, properly positioned in the firing mechanism of the firearm rendering it capable of discharge.

(3) Any crossbow that has been cocked and has a bolt affixed onto the string or positioned into the firing mechanism of the device.

C. Adoption of proposed amendment to §141.18.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 18, 2007 meeting, proposed the following change:

Amend §141.18 (relating to permitted devices) to permit the lawful use of muzzleloading firearms using an electronic impulse to trigger discharge and illuminated nocks for arrows and bolts.

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 141. HUNTING AND TRAPPING

#### Subchapter A. GENERAL

§141.18. Permitted devices.

The following devices may be used to hunt or take wildlife:

(1) Any manually operated firearm that uses an electronic impulse to detonate the primer or main powder charge of the ammunition unless such firearms are a specifically prohibited device.

\* \* \* \* \*

(4) Electronic illuminating devices that are affixed at the aft end of a bolt or arrow and used solely for the purpose of locating or tracking bolt or arrow flight after being launched from a crossbow or bow.

## PROPOSED RULE MAKING

D. Amend 58 Pa. Code, §133.41.

Commentary:

In accordance with recommendations of the Pennsylvania Biological Survey's Mammal Technical Committee, it is proposed that 58 Pa. Code, §133.41 (relating to classification of mammals) be amended to add the Northern Flying Squirrel (*Glaucomys sabrinus macrotis*) to the list of "Endangered" mammals.

The northern flying squirrel is not a game species, and it is the larger and rarest of the two flying squirrel species in Pennsylvania. Surveys by both Game Commission personnel and independent researchers demonstrate population declines. Historical records indicate this species once was distributed across northern Pennsylvania; however, recent surveys suggest it is found only in small island populations in the northeast Pocono region of Pennsylvania and one site in Warren County. Title 58, §133.4 criteria (i) and (ii) have been met. The major reason for the decline of this species is the loss and fragmentation of older-growth coniferous forest in Pennsylvania.

### CHAPTER 133. WILDLIFE CLASSIFICATION

#### Subchapter B. BIRDS

§133.41. Classification of mammals.

The following mammals are classified:

(1) Endangered.

\* \* \* \* \*

(iv) Northern flying squirrel  
(*Glaucomys sabrinus macrotis*)

\* \* \* \* \*

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

Action:

# BUREAU OF WILDLIFE HABITAT MANAGEMENT

## REAL ESTATE

### A. Acquisition

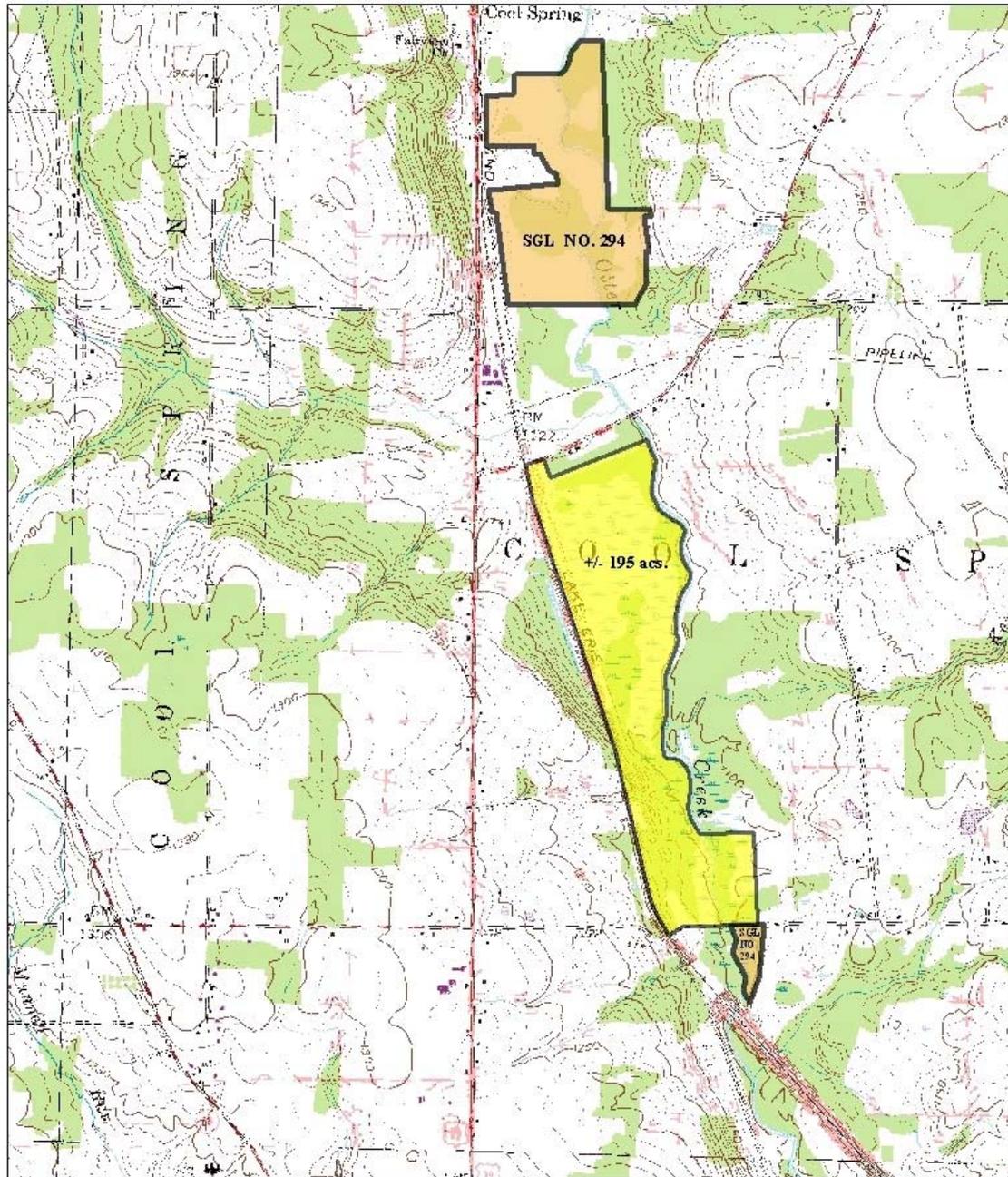
Option No. 50011 195 +/- acres of land in Cool Spring Township, Mercer County, adjoining State Game Land No. 294 (Exhibit RED 1). The option is subject to the reservation of oil, gas and mineral rights, (excluding peat). The option price is \$43,000 lump sum. This money is to be paid from the Game Fund. The property is mostly wetlands, which the Commission considers critical and unique habitat. Approximately 130 acres of the 195 acres are emergent, scrub-shrub and forested wetlands. The upland portion of the property is 60 acres of woodland comprised of oak, maple, cherry and ash of which 40 acres are saw timber, 10 acres are pole timber and 10 acres are saplings. The remaining 5 acres is reverting farmland. This fairly flat property has Otter Creek flowing through it, as well as one unnamed tributary to Otter Creek. A railroad right-of-way just east of Route 19 is adjacent to the property. This property contains excellent waterfowl and other wildlife habitat associated with wetland ecosystem. The property will fill in gaps between three separate tracts of State Game Land No. 294. The acquisition of this property is being made possible through a partnership with the Western Pennsylvania Conservancy, Inc.

Option No. 50019 16 +/- acres of land in Burrell Township, Indiana County, an interior to State Game Land No. 153 (Exhibit RED 2). Excepted and reserved is all coal on, in and under the premises, together with all reasonable rights and easements necessary for the exploration for and removal of the same. Lumbering and coal removal operations are currently being conducted on the premises as part of a post-mining reclamation and revegetation plan. All royalties, rents, and related payments resulting from the same will remain with the seller. All oil and gas on, in and under the property, together with all reasonable rights and easements necessary for the exploration for, removal of and storage of the same are reserved for a period of ten years from the date of the deed. The reclamation project is removing an abandoned high wall and mine spoils and will replant the area as forestland and wildlife habitat. The option price is \$43,772.60 lump sum. This money is to be paid from the Game Fund. Acquisition will allow the Commission to close out an interior, resulting in less boundary line maintenance and preventing anyone from developing the parcel and impacting the existing game lands with safety zone.

Option No. 50021 110 +/- acres of land in Plainfield and Bushkill Townships, Northampton County, adjoining State Game Land No. 168 (Exhibit RED 3). The property is mostly forested with tree species typically associated with mixed hardwoods growing along the south slope of Blue Mountain, such as oaks, birch, maples and black gum. An abandoned railroad grade passes through the property, running east and west. Acquiring this property will provide legal access to a large portion of State Game Land No. 168 and straighten our boundary lines. The Option excepts and reserves a strip of land 30 feet in width crossing the property for a trail to link Jacobsburg Environmental Education Center with the Appalachian Trail. The Commission will retain the right to use the reserved strip of land for administrative access and access for hunters, trappers and fishermen, provided any damage done, including damage by logging equipment, will be repaired by the Commission. The option price is \$15,000 lump sum to be paid from the Game Fund. This acquisition is made possible through partnerships with Wildlands Conservancy, Inc. and Northampton County, including grants from the Department of Conservation and Natural Resources. A requirement of both funding sources is that any change of use from State Game Land or transfers of any parts of the property shall require their consent.

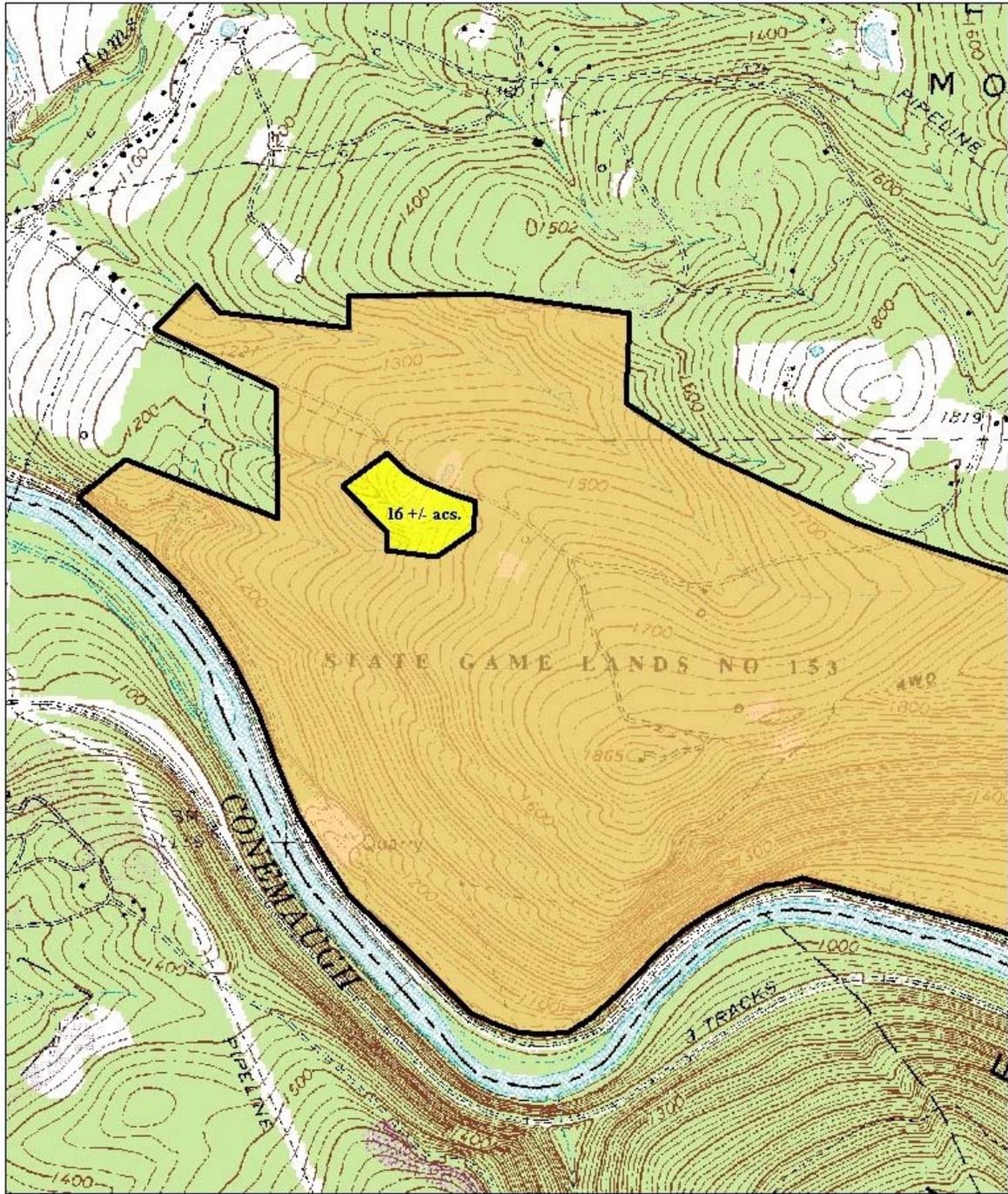
Recommendation: The Executive Director and staff recommend the options listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the acquisition of these tracts.

Action:



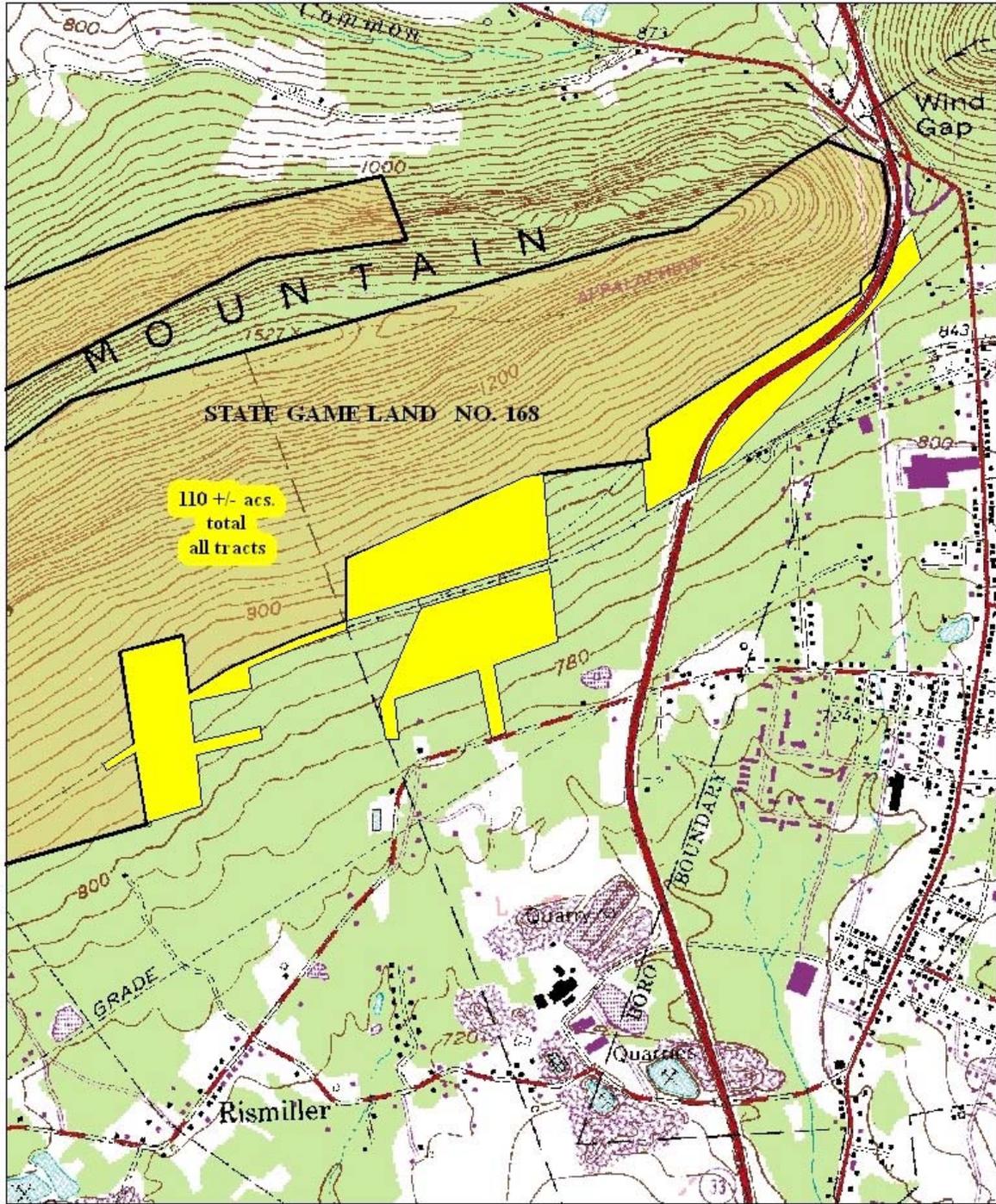
0 1,000 2,000 4,000 Feet

**EXHIBIT RED 1**  
Western PA Conservancy  
State Game Land No. 294  
Coolspring Twp. - Mercer Co.  
+/- 195 acres



0 500 1,000 2,000 Feet

**EXHIBIT RED 2**  
**Chick Inholding**  
State Game Land No. 153  
Burrell Twp. - Indiana Co.  
16 +/- Acres



110 +/- acs.  
total  
all tracts



0 500 1,000 2,000 Feet

A horizontal graphic scale bar with tick marks at 0, 500, 1,000, and 2,000 feet.

**EXHIBIT RED 3**  
State Game Land No. 168  
Bushkill & Plainfield Twp.  
Northampton County

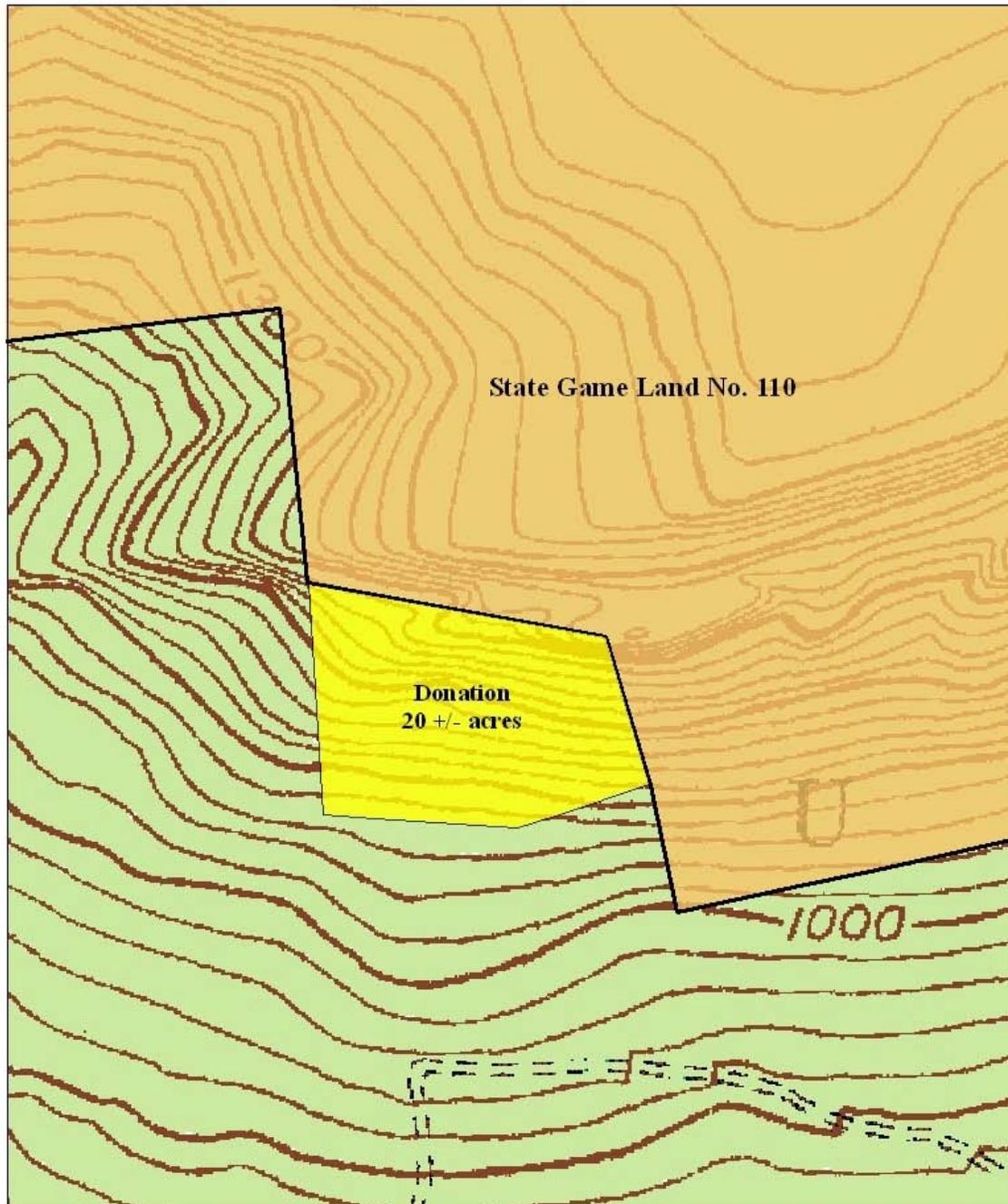
## B. Donation

Option No. 50022 20 +/- acres of land in Upper Tulpehocken Township, Berks County, adjoining State Game Land No. 110 (Exhibit RED 4), from Boyd L. Sponaugle, Jr. The tract is mostly rock talus slope with 5 acres of mixed oaks species in pole stage timber. This donation is made possible through the Wildlife for Everyone Endowment Foundation.

Option No. 50023 1.33 +/- acres of land in Fairfield Township, Westmoreland County, adjoining the Southwest Regional Office (Exhibit RED 5), from the Estate of Don Little, a former Regional Forester with the Commission. This conveyance is under and subject to rights to a 20-foot wide private roadway crossing the 1.33 acres, as well as a restriction for its use as a wildlife sanctuary or natural habitat. The property is further subject to the provision that no buildings shall be erected on the tract. These provisions run with the land until December 31, 2099, or until 21 years after the death of the last to die of any of Don Little's issue (descendants) living at his death.

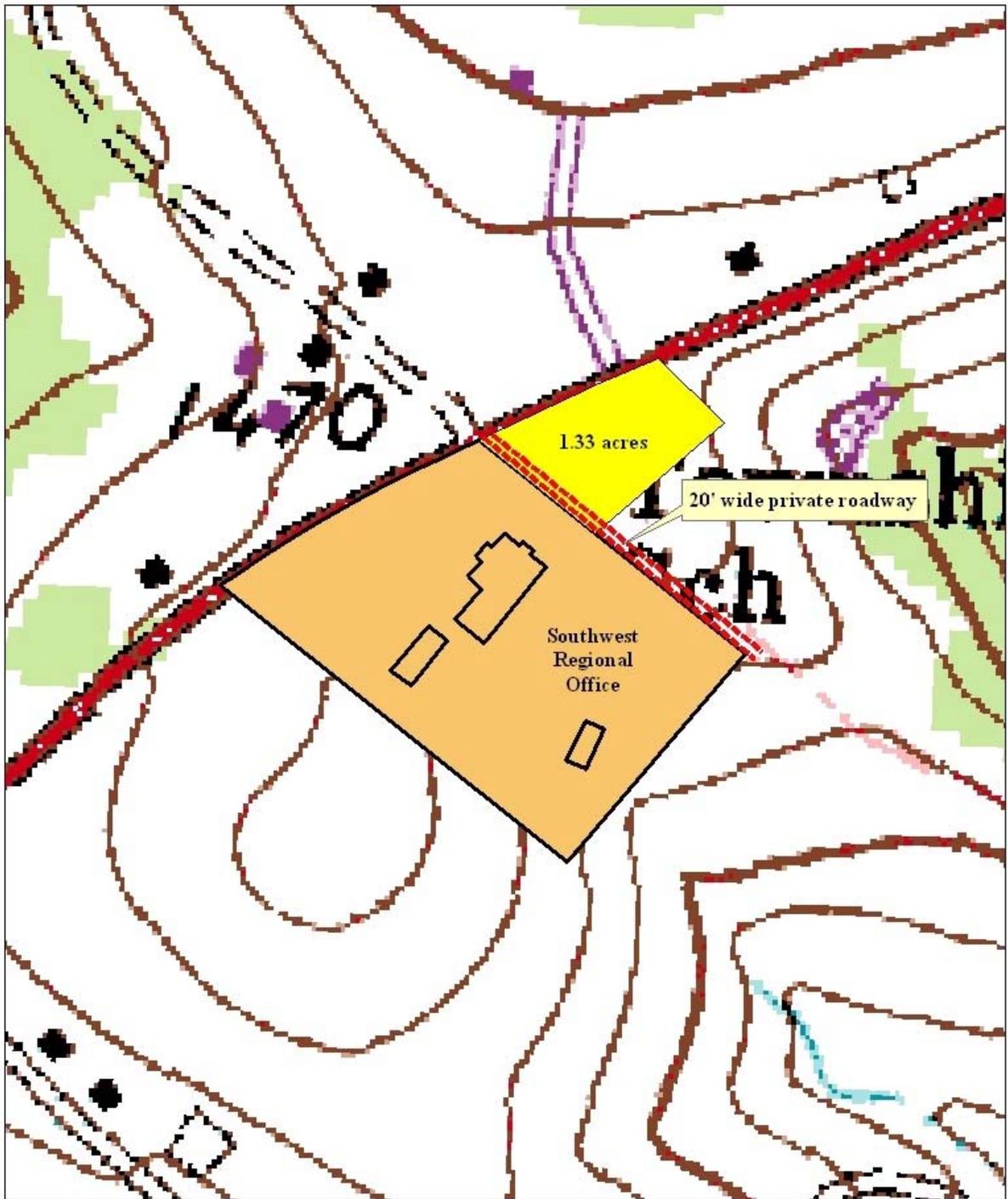
Recommendation: The Executive Director and staff recommend the donations listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the acquisition of these tracts.

Action:



0 250 500 1,000 Feet

**EXHIBIT RED 4**  
**State Game Land No. 110**  
**Wildlife for Everyone Foundation Donation**  
**Sponaugle Tract**  
**Upper Tulpehocken Twp. - Berks Co.**



0 125 250 500 Feet

EXHIBIT RED 5  
Southwest Regional Office  
Estate of Don Little  
Donation  
Fairfield Twp. - Westmoreland Co.

## C. Land Exchange

### Option No. 50009

Laurel Landfill Corp., formerly Chambers Laurel Landfill Corp., has agreed to a land exchange involving 12.5 acres, being part of State Game Land No. 79 situate in Jackson Township, Cambria County (Exhibit RED 6). Laurel Landfill currently is under a requirement to clear wind-blown debris from the 12.5-acre portion of the game land, as the debris becomes lodged in the tree line. Expansion of its facility would make the tree line part of the facility and ease the requirements for removal of such debris.

In exchange, Laurel Landfill Corp. will transfer 37.5 acres of mixed hardwood forested habitat in Jackson Township, Cambria County (Exhibit RED 6). The exchange will provide additional hunting acreage contiguous to the game lands. The 12.5 acres shall be open to hunting, subject to resolution of liability, safety and permitting requirements, and will be subject to a right of first refusal in the Commission if it is ever sold to a third party.

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

### Option No. 50024

Laurel Landfill Corp., formerly Chambers Laurel Landfill Corp. has agreed to a land exchange involving a 3.75 acre easement, being across a part of State Game Land No. 79 situate in Jackson Township, Cambria County (Exhibit RED 7). Laurel Landfill reserved an easement when conveying the underlying land to the Commission pursuant to a land exchange authorized by the Commission in 1996. The land exchange called for a 4.75 acre access and utilities easement, but the deed to Chambers inadvertently did not mention the utilities. When Chambers sought to place utilities, the Commission indicated it would be preferable to place the utilities along an existing roadway, as it would involve less land clearance and less habitat disturbance. It was discovered at this time that the deed had failed to mention the utility easement.

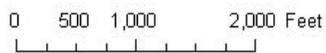
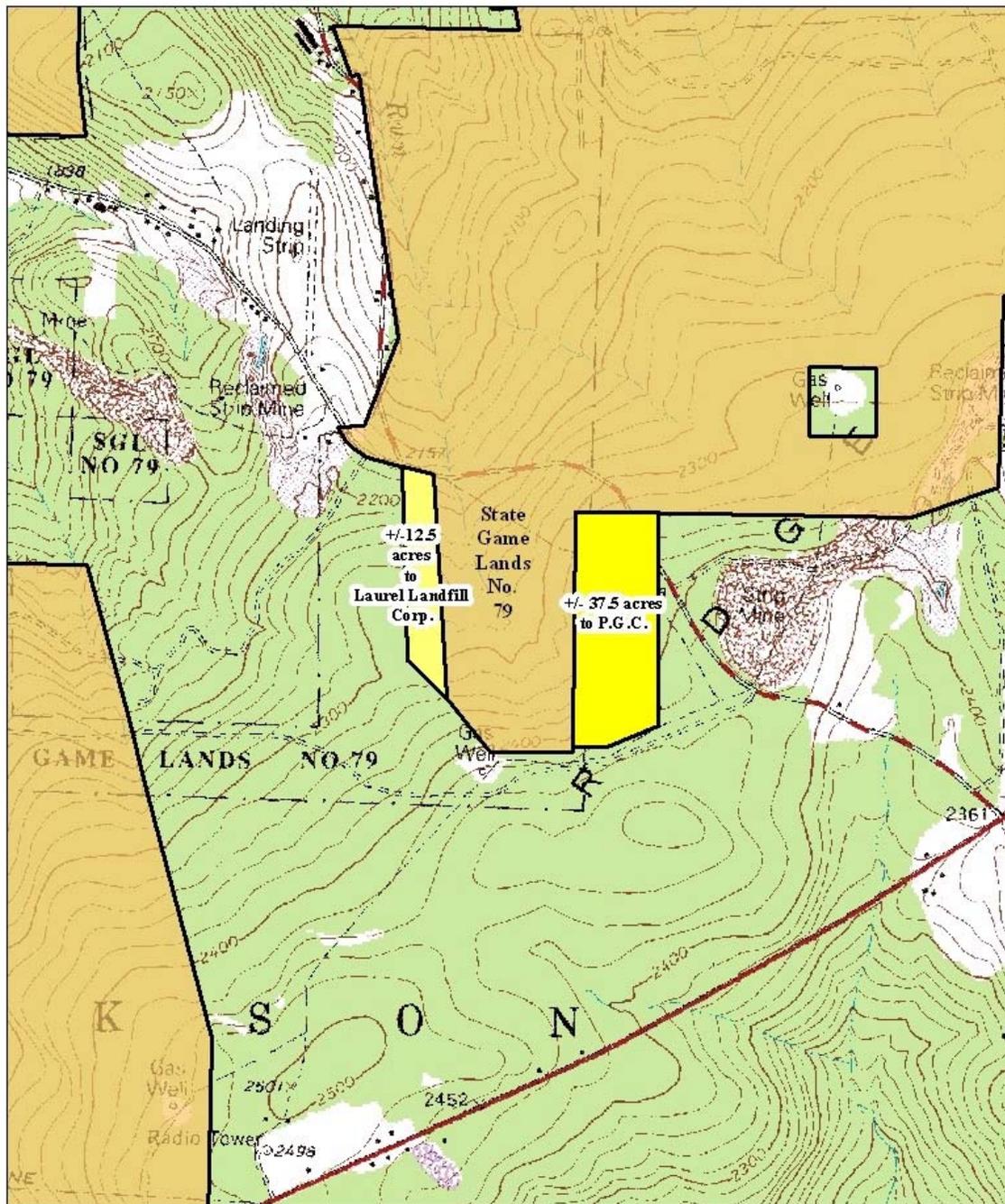
In an effort to compromise, Laurel Landfill Corp. will exchange their current access and utility easement of 4.75 acres in Jackson Township, Cambria County (Exhibit RED 7) for the new 3.75 acre utility easement. The exchange will fulfill the original intent of the exchange for underground utilities and will entail less ground disturbance and less habitat impacts than insisting upon placement in the location actually reserved.

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

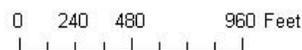
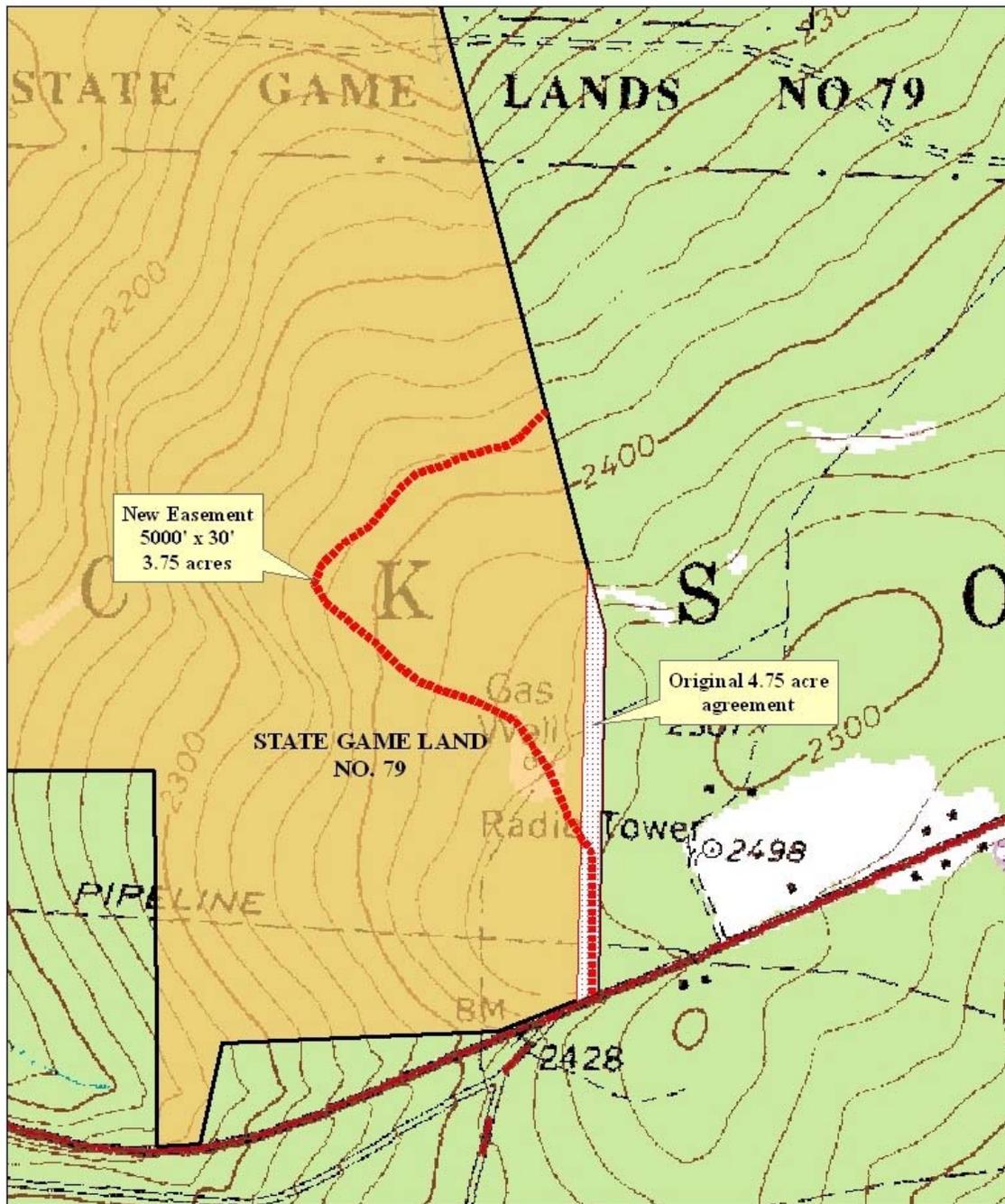
Recommendation:

The Executive Director and staff recommend the land exchanges listed above be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with these exchanges.

Action:



**EXHIBIT RED 6**  
**State Game Land No. 79**  
**Laurel Landfill Corp. Land Exchange**  
**Jackson Twp. - Cambria Co.**



**EXHIBIT RED 7**  
 State Game Land No. 79  
 Laurel Landfill Corp. Easement Exchange  
 Jackson Twp. - Cambria Co.

D. Settlement of Dispute

State Game Land No. 108, Cambria County

Commentary: By Resolution dated October 22, 1974, the Commission authorized condemnation of a tract of land comprised of 909.97 acres in Reade and Dean Townships, Cambria County. A Declaration of Taking was filed in the Court of Common Pleas of Cambria County to No. 1974-4511, with respect to the 909.97 acre tract. A Notice of Condemnation was filed in the Offices for the Recording of Deeds in and for Cambria County December 4, 1974 in Deed Book Volume 980, at Page 318. The stated purpose of the condemnation of the 909.97 acres was to condemn the property in fee simple.

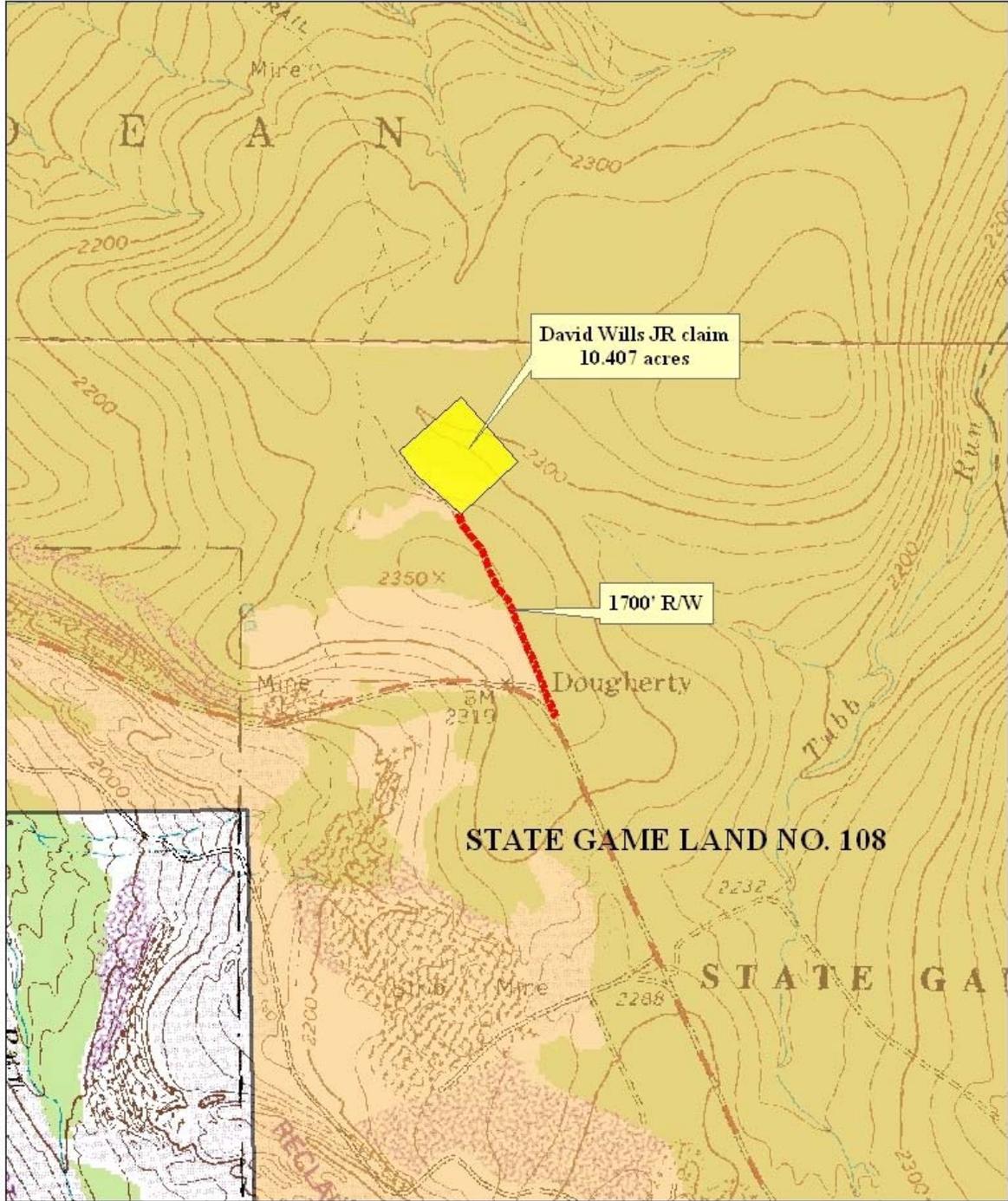
Lying wholly within this 909.97 acre tract was a 10.407 acre farm known as the Dougherty Farm, (Exhibit RED 8). The farm remained in the Dougherty family until 1994, when Aaron Dougherty sold his interest to a family friend, David Wills. David Wills claims the condemnation was ineffective and that he is the rightful owner of the 10.407 acre Dougherty Farm.

In an effort to compromise this dispute, the Commission and Wills have negotiated a proposed course of action. The Commission would convey a 13.25 acre property (Exhibit RED 9) to Wills. The Commission will retain an administrative access for its employees and habitat management (but not timber sales or the public) and will rough in a road for access. Wills will quitclaim any interest in the 10.407 acres, as well as any claim to damages that he may have with regard to the taking of the 10.407 acres.

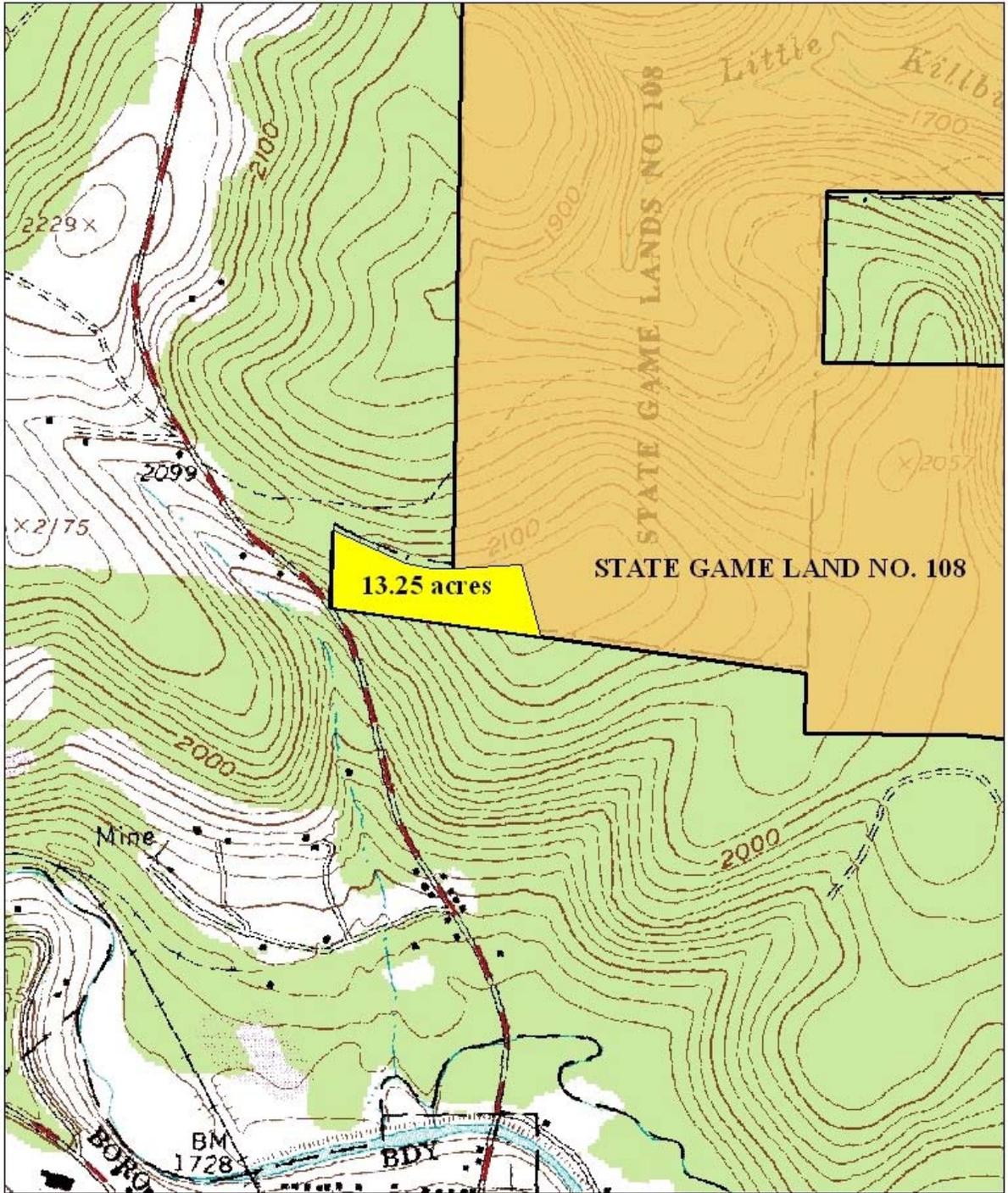
The two properties are similar, except that the timber on the 10.407 acres has already been removed. The 10.407 acre interior currently has reverting field and an old orchard, whereas the land to be conveyed to Wills is mostly forested. This settlement will result in better management and administration of the game land because there will not be an interior. In addition, there will be no right of way crossing the game land. The new parcel will still be available for access, albeit administrative, and will have less boundary maintenance associated with it.

Recommendation: The Executive Director and staff recommend the settlement listed above be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the settlement agreement as outlined.

Action:



**EXHIBIT RED 8**  
**State Game Land No. 108**  
**Settlement of Dispute**  
**David Wills JR claim**  
**Dean Twp. - Cambria Co.**



13.25 acres

STATE GAME LAND NO. 108



0 500 1,000 2,000 Feet

**EXHIBIT RED 9**  
 Settlement of Dispute  
 State Game Land No. 108  
 PGC to Wills  
 Chest Twp. - Cambria Co.

## OIL/GAS & MINERALS

### E. Oil & Gas Lease

State Game Land No. 247, Armstrong County

Commentary:

Kriebel Resources of Clarion, Pennsylvania requests the Commission to offer its shallow oil and gas ownership under State Game Land No. 247 for lease. The proposed lease tract 247A-07 containing 452.3 acres is located in North Buffalo Township, Armstrong County (Exhibit OGM 1).

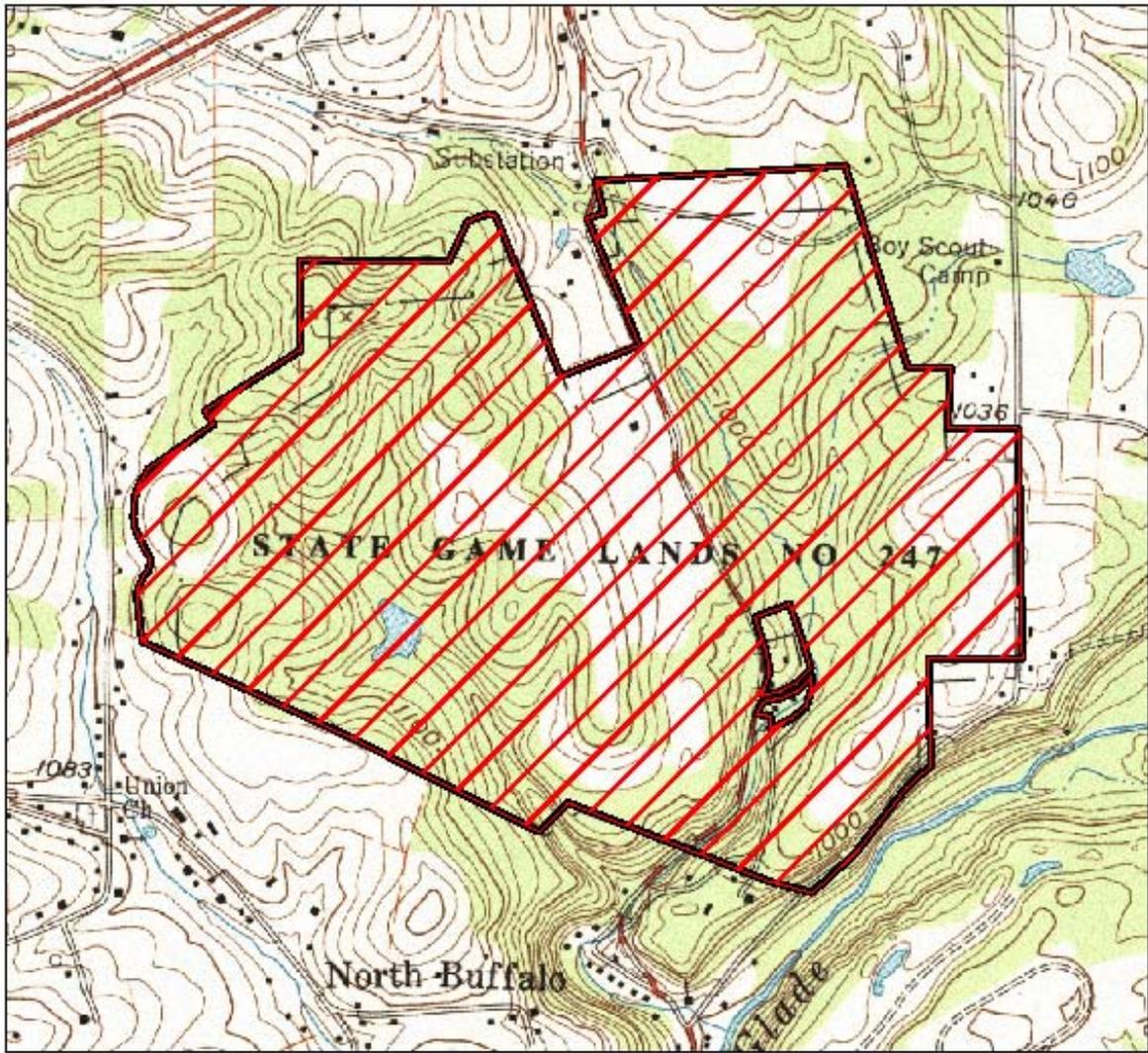
Kriebel Resources currently controls a strong oil/gas lease position on private lands adjacent to State Game Land No. 247 and has obtained permits to drill several wells which when drilled will effectively withdraw a portion of the Commission's oil gas reserve. The staff has expeditiously negotiated with Kriebel Resources in an effort to safeguard the prudent development of the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No. 247.

In exchange for the oil/gas lease, Kriebel Resources will pay the Commission a bonus of \$20 per acre (\$9,046) within 60 days of executing the lease agreement. Such payment to be deposited into the Game Fund. Kriebel Resources also has agreed to unitize six proposed wells located within 500 feet of the Commission's boundary. Kriebel Resources will pay the Commission a 15.625% royalty of the wellhead price per MCF of gas produced and sold from each unitized well. The commission's royalty shall be prorated based on the on the fractional portion of the drainage area of each well within the Commission's reserve. Kriebel Resources will also pay the Commission a 15.625% royalty rate for all other wells drilled within the lease area. Further, Kriebel has agreed to a well location/surface damage fee of \$2,500 per well to be deposited into an interest bearing escrow account for the future purchase of lands acceptable to the Commission or directly deposited into the Game Fund. Kriebel Resources has also agreed to provide 350,000 cubic feet of free gas annually and will provide the regulator, meter and gas supply line to the building to heat the commission's food and cover corps headquarters buildings on State Game Land No. 247 for the Commission's use of the free gas. Further, Kriebel Resources will adhere to the reclamation and revegetation requirements as specified by the Commission's Land Management Group Supervisor.

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 protection measures and further limits well development to a total of 10 wells on the lease area.

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 arrangement as listed above.

Action:



**LEASE AREA**  
452.3 ACRES

**EXHIBIT OGM 1**

PENNSYLVANIA GAME COMMISSION  
STATE GAME LAND No. 247

**KRIEBEL RESOURCES**

OIL & GAS LEASE

**TRACT 247A-07**

North Buffalo Twp., Armstrong County  
Southwest Region



F. Anthracite Coal Deep Mining Lease Amendment, State Game Land No. 264,  
Dauphin and Schuylkill Counties

Commentary:

Ladnar Inc., of Hummelstown, PA seeks to amend its existing Anthracite Coal Deep Mining Lease Agreement (Tract 264A-97) by adding a total of 15.5 additional acres and by relinquishing its right to surface mine on 120.2 acres of State Game Land No. 264 as previously approved by the Commission under a lease amendment dated September 30, 2005. The amended area includes an additional 8.5-acres surrounding the Williamstown Mine No. 1 deep mine portal and an additional 7 acres to be utilized for haul road and site access.

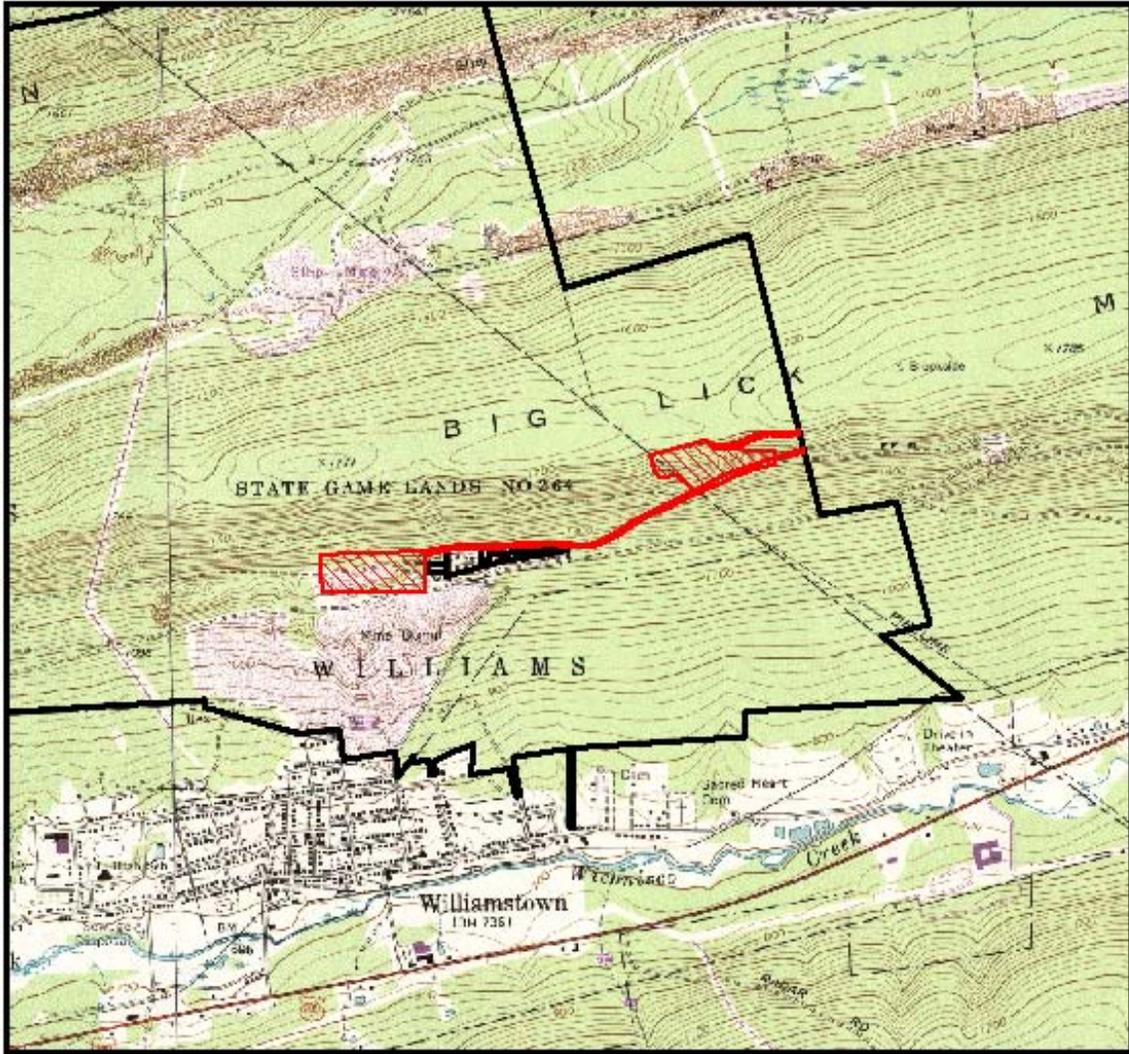
Currently, Ladnar, Inc has leased a total of 167.7 acres of State Game Land No. 264 from the Commission with approval to conduct both surface and underground mining operations. This proposed amendment, if approved, will consolidate and reduce the approved leased acreage from 167.7 to 37.7 acres, resulting in an overall net reduction of 130.0 leased acres. This amendment also consolidates all phases of the Williamstown Mine No. 1 deep mine operation under one lease amendment and eliminates the potential for large scale surface mining on State Game Land No. 264 and further clarifies the royalty rate for all underground mining associated with the Williamstown No. 1 deep mine will be paid at a royalty rate of 5.5% F.O.B. pit price or \$2.00 per ton, whichever the greater. All other remaining lease terms and provisions shall remain as specified in the original 1997 lease and approved amendments. (Exhibit OGM 2).

Mining will be regulated by the Commonwealth Surface and Underground Mining Regulations and the Commission's standard mining lease agreement. All other terms and conditions of the existing lease and amendments will remain unchanged.

Recommendation:

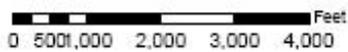
The Executive Director and staff recommend this Anthracite Deep Mine Lease amendment be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement, as listed above.

Action:



**Lease Area**

 **37.5 Acres**



**EXHIBIT OGM 2**  
 PENNSYLVANIA GAME COMMISSION  
 STATE GAME LAND No. 264  
**LADNAR, INC.**  
 ANTHRACITE COAL UNDERGROUND MINE  
 LEASE AMENDMENT  
**TRACT 264A-97**  
 WilliamsTwp., Dauphin County  
 Porter Twp., Schuylkill County  
 Southeast Region

## Other New Business

Time and Place for Next Meeting – The Commission previously established October 1 and 2, 2007 at 8:30 a.m. as the date of this meeting and it is to be held at Harrisburg headquarters. Does the Commission wish to proceed with this date and meeting site?

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

## Adjournment