

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
June 6, 2006

A handwritten signature in black ink, appearing to read 'Carl G. Roe', is positioned above a horizontal line. The signature is written in a cursive style with a large 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 6, 2006, 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, , President
Roxane S. Palone, Vice President
Gregory J. Isabella, Secretary
Russell E. Schleiden
John J. Riley
Stephen L. Mohr
H. Daniel Hill
David W. Schreffler

Approval of Minutes of Meeting held April 18, 2006

BUREAU OF LAW ENFORCEMENT

ADOPTED RULE MAKING

- A. Adoption of proposed amendments to Chapter 143, by adding Subchapter M, §§143.241-143.247.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 18 2006, meeting, proposed the following change:

Amend Chapter 143, by adding Subchapter M (relating to mentored youth hunting program license exemption) to create, define and implement the Mentored Youth Hunting Program within this Commonwealth.

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 FURTKER LICENSES

Subchapter M. MENTORED YOUTH HUNTING PROGRAM LICENSE EXEMPTION

Sec.

- 143.241. Purpose and scope.
- 143.242. Definitions.
- 143.243. General.
- 143.244. Safety.
- 143.245. Liability.
- 143.246. Unlawful acts.
- 143.247. Penalties.

§143.241. Purpose and scope.

(a) The purpose of this subchapter is to define and implement the Mentored Youth Hunting Program.

(b) The Mentored Youth Hunting Program is intended to provide mentors who are dedicated to promoting and sharing Pennsylvania's hunting heritage with interested youths, the opportunity to provide these younger unlicensed youths with one-on-one, hands-on experience and in-field training on the mechanical, ethical, safety, responsibility and enjoyment aspects of the hunting experience.

§143.242. Definitions.

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

Lawful hunting device – Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

Mentor – A licensed person, 21 years of age or older who is serving as a trusted counselor to a mentored youth while engaged in hunting or related activities.

Mentored youth – An unlicensed person, less than 12 years of age who is accompanied by a mentor while engaged in hunting or related activities.

Stationary – The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

§143.243. General.

(a) A mentor must possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored youth hunting activities.

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

(i) Beginning in the 2007-2008 hunting license year, antlered deer will be included in the mentored youth hunts.

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

(c) A mentored youth's hunting eligibility is further constrained by all applicable hunting seasons, daily limits, field possession limits and season limits provided in §139.4 (relating to seasons and bag limits for the license year).

(d) A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in paragraph (b) above.

(e) A mentored youth must tag and report all big game harvested in the manner provided for in section 2323(b) of the act (relating to killings by persons without license).

§143.244. Safety.

While engaged in mentored youth hunting activities:

(1) A mentored youth must be stationary and within arms reach of the mentor (subject to his or her immediate control) at all times while in possession of any lawful hunting device.

(2) A mentor may not accompany more than one youth (including junior hunters) at any given time.

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time.

(4) A mentor and mentored youth shall both comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

§143.245. Liability.

A mentor is responsible and accountable for all actions of the mentored youth occurring while engaged in mentored youth hunting activities. A mentor who causes or allows a mentored youth to engage in an unlawful act shall be punishable as the principal offender as provided in section 924 of the act (relating to liability for actions of others) or with any regulations promulgated by the Commission.

§143.246. Unlawful acts.

It is unlawful while engaged in mentored youth hunting activities for:

(1) A mentor not to possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

(2) A mentor to permit a mentored youth to possess any lawful hunting device except while in a stationary position and within arms reach of the mentor.

(3) A mentor to permit a mentored youth to take or attempt to take any species of game or wildlife not otherwise authorized by this subchapter.

(4) A mentor to accompany more than one youth (including junior hunters) at any given time.

(5) A mentor or mentored youth to collectively possess more than one lawful hunting device at any given time.

(6) A mentor or mentored youth to fail to comply with section 2524 of the act (relating to protective material required) or any regulations promulgated by the Commission relating to protective material.

(7) A mentor or mentored youth to violate any other provision of this subchapter.

§143.247. Penalties.

A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act.

B. Adoption of proposed amendment to Chapter 141, §141.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 18 2006, meeting, proposed the following change:

Amend Chapter 141, §141.4 (relating to hunting hours) to reflect the annual change in days and subsequent hunting times for the 2006-2007 hunting license year.

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

§141.4. Hunting hours.

During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted.

* * * * *

(See Pennsylvania Meridian Map and Table of Hunting Hours)

* * * * *

**TABLE OF HUNTING HOURS
FOR JUNE 25, 2006 THROUGH JUNE 30, 2007**

Dates	Begin a.m.	End p.m.	Dates	Begin a.m.	End p.m.
June 25 - July 1	5:05	8:33	Dec. 31 - Jan. 6	6:53	4:47
July 2 - July 8	5:10	8:32	Jan. 7 - Jan. 13	6:51	4:54
July 9 - July 15	5:15	8:28	Jan. 14 - Jan. 20	6:50	5:00
July 16 - July 22	5:20	8:24	Jan. 21 - Jan. 27	6:46	5:10
July 23 - July 29	5:26	8:17	Jan. 28 - Feb. 3	6:40	5:18
July 30 - Aug. 5	5:33	8:10	Feb. 4 - Feb. 10	6:35	5:25
Aug. 6 - Aug. 12	5:40	8:00	Feb. 11 - Feb. 17	6:27	5:35
Aug. 13 - Aug. 19	5:46	7:52	Feb. 18 - Feb. 24	6:20	5:43
Aug. 20 - Aug. 26	5:53	7:40	Feb. 25 - Mar. 3	6:10	5:50
Aug. 27 - Sept. 2	6:00	7:30	Mar. 4 - Mar. 10	5:59	5:58
Sept. 3 - Sept. 9	6:06	7:19	Mar. 11 - Mar. 17	6:48	7:04
Sept. 10 - Sept. 16	6:13	7:08	Mar. 18 - Mar. 24	6:37	7:14
Sept. 17 - Sept. 23	6:20	6:55	Mar. 25 - Mar. 31	6:26	7:20
Sept. 24 - Sept. 30	6:26	6:45	Apr. 1 - Apr. 7	6:13	7:28
Oct. 1 - Oct. 7	6:34	6:33	Apr. 8 - Apr. 14	6:00	7:35
Oct. 8 - Oct. 14	6:41	6:23	Apr. 15 - Apr. 21	5:53	7:40
Oct. 15 - Oct. 21	6:50	6:12	Apr. 22 - Apr. 28	5:43	7:49
Oct. 22 - Oct. 28	6:56	6:03	Apr. 29 - May 5	5:33	7:55
Oct. 29 - Nov. 4	6:03	4:55	May 6 - May 12	5:25	8:00
Nov. 5 - Nov. 11	6:12	4:48	May 13 - May 19	5:17	8:08
Nov. 12 - Nov. 18	6:20	4:42	May 20 - May 26	5:11	8:15
Nov. 19 - Nov. 25	6:28	4:38	May 27 - June 2	5:06	8:20
Nov. 26 - Dec. 2	6:35	4:36	June 3 - June 9	5:03	8:25
Dec. 3 - Dec. 9	6:42	4:35	June 10 - June 16	5:01	8:30
Dec. 10 - Dec. 16	6:47	4:36	June 17 - June 23	5:01	8:32
Dec. 17 - Dec. 23	6:50	4:38	June 24 - June 30	5:03	8:34
Dec. 24 - Dec. 30	6:52	4:42			

PROPOSED RULE MAKING

C. Amend 58 Pa. Code, Chapter 141, §141.20.

Commentary:

On April 18, 2006 the Commission adopted the seasons and bag limits for the upcoming 2006-2007 hunting license year, which included the anticipated trial bear archery season that will take place during the week prior to the traditional statewide bear season. However, despite the successful creation of the trial bear archery season, it is necessary to amend §141.20 (relating to protective material required) to specifically except the trial bear archery season from certain fluorescent orange requirements. The Commission intends to treat the trial bear archery season in a manner similar to the deer archery season, where no fluorescent orange is generally required. Without this amendment, bear archery hunters would be required to comply with default fluorescent orange requirements, which call for a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360 degree arc at all times when hunting. While amending this section relative to the new archery bear season, the Commission also took the opportunity to reorganize and reword some of the subparagraphs to help make them less ambiguous and more understandable.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

141.20. Protective material required.

(a) Except as otherwise provided in subsection (b), it [It] is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360 degree arc. This shall include going to or from a hunting location before or after legal shooting hours. Except as provided in subsection (b) (2) and (3), camouflage orange clothing is lawful provided it contains the minimum amount of fluorescent orange-colored material.

(b) Permitted acts. It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for:

* * * * *

~~[(vi) Furbearers.~~

~~(vii) — Coyotes except from the first day to the last day inclusive of the statewide regular firearms deer season or any bear season.]~~

(vi) Deer during the archery deer season with a bow and arrow or crossbow and bolt by properly licensed archery hunters except as provided in subsections (b) (3) (iii) and (b) (4).

(vii) Bear during the archery bear season with a bow and arrow by properly licensed bear hunters except as provided in subsection (b) (3) (iv).

(viii) Furbearers.

(ix) Coyotes except from the first day to the last day inclusive of the regular firearms deer season, any firearms bear season and spring turkey season within each Wildlife Management Unit.

* * * * *

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for:

* * * * *

(iii) Deer with a bow and arrow or crossbow and bolt during any deer archery season which is concurrent with the fall turkey season within each Wildlife Management Unit.

(iv) Bear with a bow and arrow during any bear archery season, which is concurrent with the fall turkey season within each Wildlife Management Unit.

(4) Be on stand and stationary while hunting for turkey during the fall season in Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A or deer during any firearms deer season that precedes the regular firearms deer season and in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of their location so it is visible in a 360 degree arc.

~~[(5) — Except as provided in paragraph (3)(iii) and during any firearms season for deer that precedes the regular firearms season, hunt for deer with a bow and arrow or crossbow during any archery deer season without wearing daylight fluorescent orange colored material. When stationary during the overlap with the firearms season for deer in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of their location so it is visible in a 360 degree arc.]~~

* * * * *

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

Action:

D. Amend 58 Pa. Code, Chapter 141, §141.1.

Commentary:

The Game Commission is directed by law to use hunting in managing white-tailed deer. The Game Commission has supported and encouraged hunting as the primary means of managing deer populations by annually making hunting opportunities available, increasing hunting opportunities, and providing deer hunters with tools to increase their success. With the recent completion of the "Plan to reduce human-deer conflicts in developed areas," also known as the Urban Deer Management Strategy, this same approach will be used where safe and appropriate in developed areas.

Strategy 1.1.3 the Urban Deer Management Strategy calls for use of regulated baiting to increase deer hunter harvest in developed WMU's. In 2004 the state legislature authorized the Commission to regulate the use of bait for deer removal in special regulations areas in southeastern Pennsylvania.

While traditional hunting, that is, without bait, is the most economical way to manage deer populations, by allowing the use of bait while hunting, there is the potential to increase harvest, hunter success, and hunter opportunity in developed areas. Providing this tool in our most developed areas will be beneficial to hunters, urban residents, and the Game Commission's deer management program.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

141.1. Special regulations areas.

* * * * *

(d) Permitted acts. It is lawful to:

* * * * *

(5) Hunt or take deer in the southeast area through the use of or by taking advantage of approved bait distributed by approved feeders located on private land only.

(i) Approved bait shall be limited to shelled corn and/or protein pellet supplements.

(ii) Approved feeders shall be limited to sealed, waterproof, automatic, mechanical feeders that are set to distribute bait up to a maximum of three times per day, during legal hunting hours only, each delivery of bait being no greater than 10 pounds per distribution and any deer treatment bait stations used for tick control.

(iii) It shall be the sole responsibility of hunters to ensure that the area they hunt has either not been baited at all or, if it has been baited, that it has been baited in compliance with the above requirements, prior to hunting in that area.

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

Action:

BUREAU OF LAND MANAGEMENT

OIL AND GAS

- A. Oil and Gas Lease offering, State Game Lands No. 152, Crawford County, Northwest Region.

Commentary:

The Commission offered its oil and gas ownership under a portion of State Game Lands No. 152 for lease. Tract 152A-06, containing 277 acres, was exposed for competitive royalty bid in May 2006, with a fixed yearly rental rate of \$10/acre. Additionally, the lease offer provides the Commission a one-time payment of \$5,000 for each deep well drilled within the leased premises or a one-time payment of \$1,000 for each shallow well drilled within the leased premises. The lease area, exposed for competitive royalty bid, is shown on the attached Exhibit "OGM1" map.

Oil/Gas development will be regulated by the Commonwealth's Oil and Gas Regulations, 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 three (3) 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 300,000 cubic feet of gas annually.

Bids for this tract were opened on May 22, 2006, with Great Lakes Energy Partners, LLC of Hartville, Ohio, submitting the highest royalty rate bid of twenty-two percent (22%). The results of the royalty bid expressed in a percentage rate of the market value of each mcf of gas are listed below:

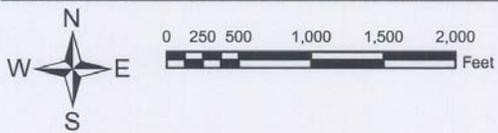
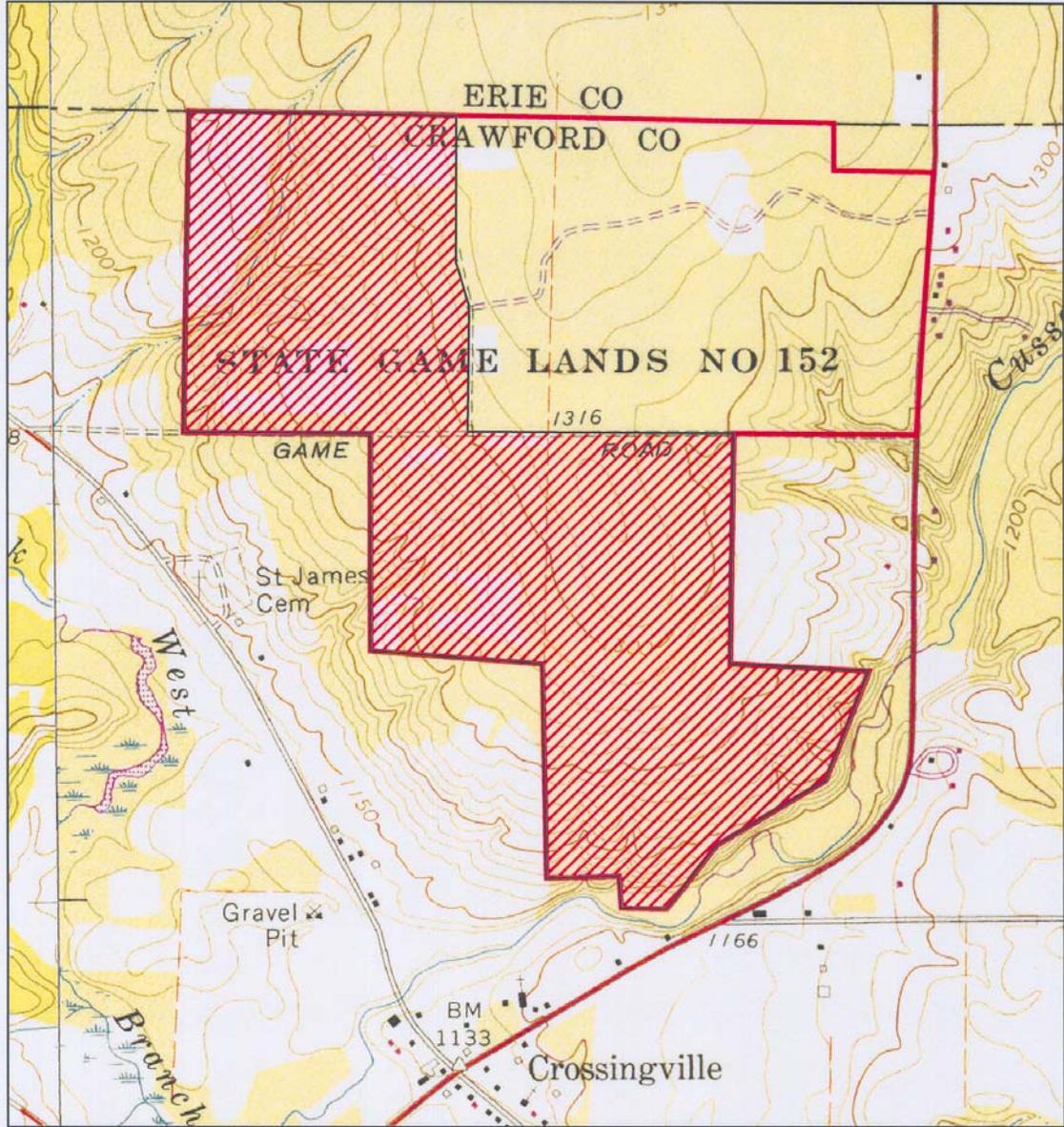
<u>BIDDER</u>	<u>BID ROYALTY/MCF</u>
Great Lakes Energy Partners LLC	22.0%
Kastle Resources Enterprises, Inc.	21.0%
P.C. Exploration, Inc.	20.257%

The Jack Company showed interest, but submitted no bid.

Recommendations:

The Executive Director and staff recommend an oil and gas development lease be awarded to the highest bidder, Great Lakes Energy Partners, LLC of Hartville, Ohio, in accordance with Commission policy and lease award procedure.

Action:



Legend	
Tract 152A-06	
	Bid Area 277.5 Acres
	SGL #152

EXHIBIT OGM-1
 Pennsylvania Game Commission
 STATE GAME LANDS #152
 Oil & Gas Lease
 Tract 152A-06
 Cussewago Twp., Crawford Co.

- B. Deep Mine Surface Support Lease-Land Exchange, State Game Lands No. 79, Indiana County and State Game Lands No. 93, Somerset County, Southwest Region.

Commentary:

Amfire Mining Company, L.L.C. of Latrobe, Pennsylvania has requested a surface support lease to utilize approximately 8.6 acres of existing State Game Lands road for coal haulage and support of its Gilhouser Run Deep Mine Complex which is located on private land adjacent to State Game Lands No. 79. The lease area is for surface support only and no mining on State Game Lands will be authorized by this proposed lease action (Exhibit OGM2).

In exchange for the ten year lease, Amfire Mining will pay the Commission a wheelage rate of 1% of the then current FOB pit price per each ton of coal mined and hauled across the lease area or \$0.25 per ton of coal mined and hauled, whichever is greater. As initial consideration of the lease, Amfire Mining will provide the Commission two separate payments of \$60,000 each as advanced wheelage. The first payment will be due upon the execution of the lease and the second payment due within one year from the date of the lease. The total sum of the payments (\$120,000) will be used by the Game Commission to assist in acquiring approximately 300 acres of new State Game Lands located immediately north of the Flight 93 National Memorial in Somerset County (Exhibit OGM3), as well as other tracts which may be acceptable to the Commission in the immediate future. The purchase of these properties is an ongoing cooperative effort made possible by The Conservation Fund, the National Park Service and its partners to include the Flight 93 Advisory Commission, the Flight 93 Memorial Task Force, and the Families of Flight 93, Inc. This new Game Lands will be designated as State Game Lands No. 93 in honor of the Flight 93 passengers and crew. The current State Game Lands No. 93, located in Clearfield County will be re-designated as State Game Lands No. 331. All future wheelage payments beyond the initial advanced wheelage value will be paid to the Commission on a monthly basis with respect to each month's hauled tonnage and will be deposited directly into the Game Fund. Based on current market conditions and assumed full coal recovery, the potential wheelage value to the Commission is approximately \$725,000. Any timber, which may be impacted as a result of the surface use activity, will be assessed, prior to cutting, at a double stumpage value.

Mining support activities will be regulated by the Commonwealth's Mining Regulations and the Commission's standard coal mining lease agreement and a \$10,000 performance bond. The lease will include the Commission's standard wildlife and environmental protection measures.

Recommendations:

The Executive Director and staff recommend this deep mine surface support lease-land exchange be approved and the Commission authorize the Bureau

of Land Management to proceed with the leasing arrangement, as listed above.

Action:

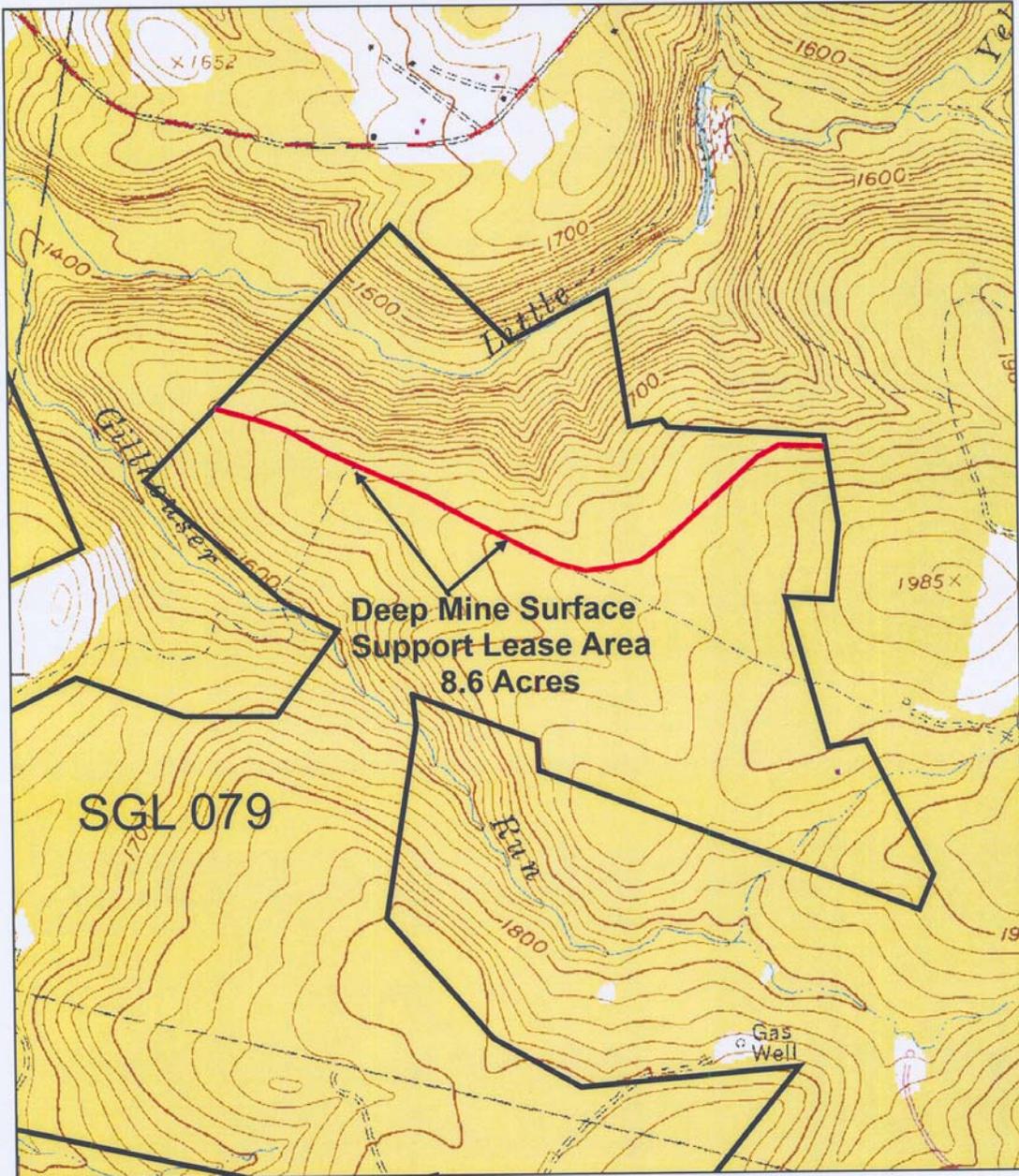


EXHIBIT OGM 2
Pennsylvania Game Commission
STATE GAME LANDS #079
Deep Mine Surface Support Lease
Tract 079A-06
Buffington Twp., Indiana Co.

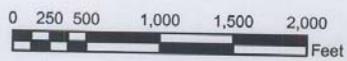
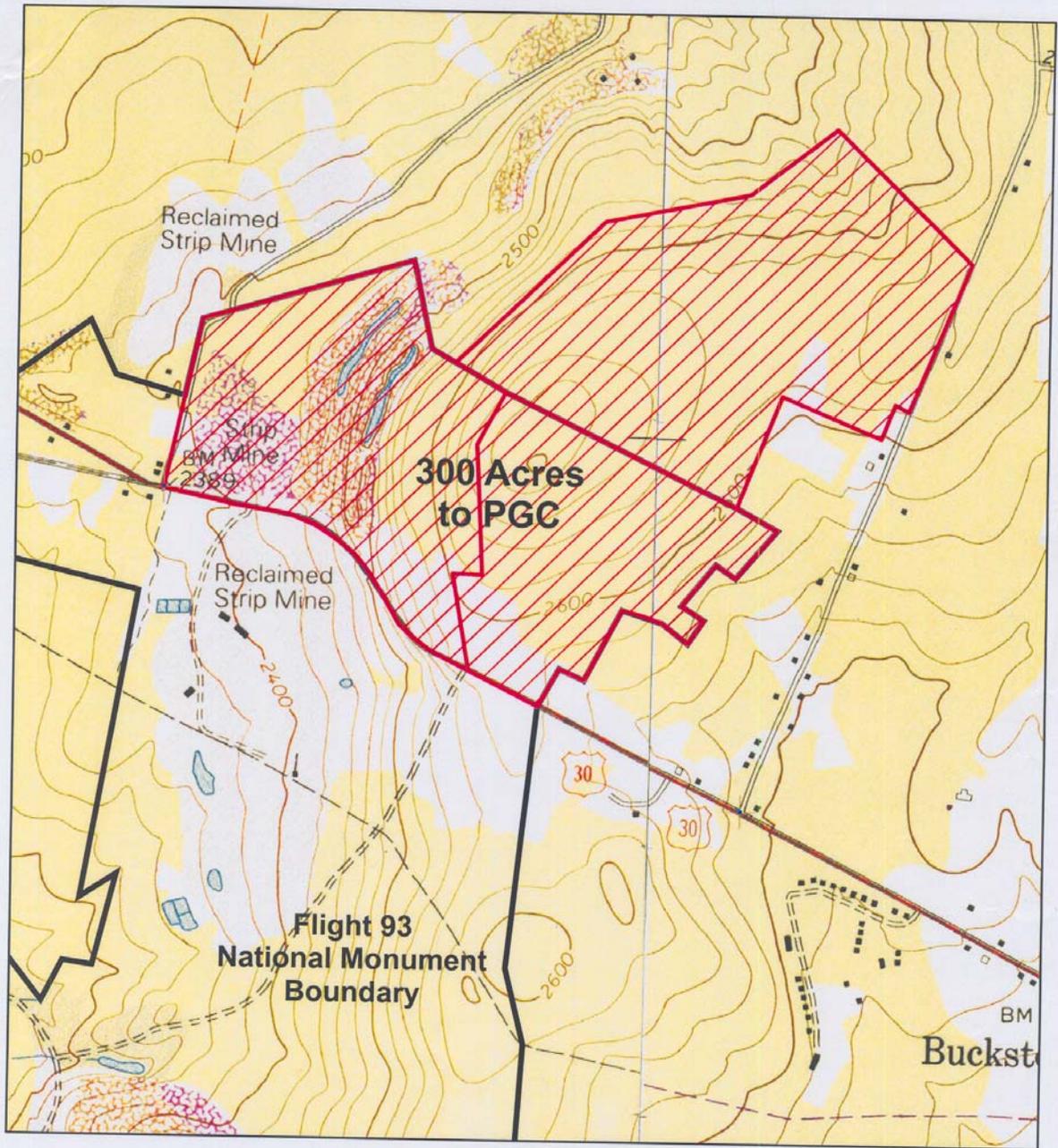


EXHIBIT OGM-3
 PENNSYLVANIA GAME COMMISSION
 STATE GAME LAND #093
FLIGHT 93 NATIONAL MEMORIAL
 SHADE TWP., SOMERSET CO

Other New Business

Time and Place for Next Meeting – The Commission previously established October 1, 2 and 3, 2006 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