

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
July 9, 2022**

Bryan Burhans
Bryan Burhans
Executive Director

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DRAFT

Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Saturday, July 9, 2022, at 2001 Elmerton Avenue, Harrisburg, PA 17110 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Michael F. Mitrick, President
Kristen Schnepf-Giger, Vice President
Dennis R. Fredericks, Secretary
Allen J. DiMarco
Scott H. Foradora
Stanley I. Knick, Jr.
Haley J. Sankey

Approval of Minutes of Commission Meetings held April 9, 2022

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

A. Add 58 Pa. Code § 141.30.

Commentary:

To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 9, 2022, meeting added § 141.30 (relating to bobwhite quail recovery area) to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Twp., Franklin Co. To maximize the likelihood of successful reintroduction, it is important to avoid any harvest mortality on the reintroduced population, as well as potential negative genetic effects from interbreeding with captive-reared bobwhites. Implementation of a bobwhite quail recovery area will provide important protections and facilitate dispersal and expansion of the reintroduced bobwhite quail population.

Action:

DRAFT

ANNEX “A”

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.30. Bobwhite quail recovery area.

(a) Definition. For the purpose of this section, the phrase “bobwhite quail recovery area” includes and is limited to portions of Wildlife Management Units 4B and 5A in Franklin County, bounded and described as follows. Beginning in the southwestern extent of the bobwhite quail recovery area at the intersection of Route 30 (Lincoln Highway) and PA-75 (Path Valley Road), proceed east on Route 30 for approximately 15.3 miles to the intersection of Interstate 81. The boundary follows Interstate 81 north for 8.5 miles to exit 24 and continues left on PA-696 (Old Scotland Road). Follow Old Scotland Road north for 2 miles then continue along PA-696 which becomes South Fayette Street. Follow South Fayette Street for 0.5 miles to West King Street. Follow left on West King Street, then right onto Spring Street, bear right onto Roxbury Road. Follow Roxbury Road for 9 miles to PA-641 (meets at Newburg Road, which becomes Forge Hill Road, Timmons Road, then Spring Run Road). The boundary follows PA-641 northwest for 7.5 miles then taking a left turn on Stone Bridge Road. At the end of Stone Bridge Road take a left onto PA-75 (Path Valley Road) and follow PA-75 for 17 miles to the intersection of Route 30 and the point of origin.

(b) Prohibitions. It is unlawful to:

(1) Release artificially propagated quail any time within any area designated as a bobwhite quail recovery area.

(2) Hunt quail within any area designated as a bobwhite quail recovery area.

B. Amend 58 Pa. Code § 147.672.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 9, 2022, meeting amended § 147.672 (relating to definitions) to expand the application of the term "private land" to lands where the hunting rights have been leased and where a fee has been charged for hunting. This amendment will effectively expand the meaning of the term, "private land" to include lands otherwise previously ineligible for participation in the DMAP program.

Action:

DRAFT

ANNEX "A"

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.672. Definitions.

* * * * *

Hunting club--A corporation or legal cooperative which owns its enrolled acres in fee title, was established prior to January 1, 2000, and has provided its club charter and list of current members to the Commission.

Private land--Land not defined as public land.

Public land--Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

DRAFT

C. Amend 58 Pa. Code § 141.45.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 9, 2022, meeting amended § 141.45 (relating to turkey seasons) to eliminate the use of shotguns and muzzleloaders that propel single-projectile ammunition during the fall turkey seasons.

Action:

DRAFT

ANNEX “A”

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.45. Turkey seasons.

(a) Fall turkey season.

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) (Reserved).

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun that propels multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.

(iii) (Reserved).

(iv) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(v) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

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

(i) (Reserved).

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(b) Spring turkey season.

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

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

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

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

* * * * *

DRAFT

MANAGEMENT PLANS

D. American Marten Reintroduction

Commentary: The American marten (*Martes americana*) is a furbearer once commonly found in portions of Pennsylvania, but extirpated from the Commonwealth in the early 1900s due to deforestation and unregulated harvest.

In accordance with Goal 1.3a of the Pennsylvania Game Commission Strategic Plan 2020-2023, the Bureau of Wildlife Management has completed an assessment of the feasibility of reintroducing this native species. The feasibility assessment considered current habitat suitability, future climatic impacts, interactions with other species, and public opinion, and concluded that marten reintroduction would likely be successful and would be an appropriate next step in the Commission's history of species restoration efforts within the Commonwealth.

The Bureau of Wildlife Management is requesting that the Board of Game Commissioners approve the concept of reintroducing American marten to Pennsylvania, and authorize staff to proceed with the development of a Reintroduction and Management Plan to guide this process.

Action:

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 131.2.

Commentary:

As the nature of its name implies, a muzzleloading firearm is by definition a firearm designed have its loose ammunition components loaded from the muzzle. In this instance, the ammunition components refer to the combination of the loose or pelletized black powder or black powder substitute and the projectile or projectiles. Recent developments in the firearms industry have generated muzzleloading firearms that can accommodate the loading of a captured powder charge similar to a cartridge, casing or shell that is loaded from the breech, with the projectile or projectiles remaining to be loaded from the muzzle. Current regulations specifically prohibit muzzleloaders that accept cartridge ammunition. However, this restriction was originally intended to restrict modern firearms that are loaded by a cartridge or casing that contains both the powder and the projectile. The Commission does not intend or desire for this restriction to apply to the above-described muzzleloaders. The Commission is proposing to amend § 131.2 (relating to definitions) to permit muzzleloading firearms that allow a cartridge of loose or pelletized black powder or black powder substitute to be loaded from the breech, while the projectile remains loaded from the muzzle to be used as a muzzleloading firearm.

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Muzzleloading firearm--

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm's barrel.

(ii) The term includes full or partial breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm.

(iii) The term does not authorize a firearm that accepts cartridge ammunition that contains both the projectile and propellant charge.

* * * * *

Action:

DRAFT

ADOPTED RULE MAKING

B. Amend 58 Pa. Code § 141.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 9, 2022, meeting amended § 141.4 and Appendix G (relating to hunting hours) to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year. The Commission also amended § 141.4 to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons. The remainder of the proposed changes to § 141.4 are nonsubstantive housekeeping edits to improve the organization and clarity of the text.

Action:

DRAFT

ANNEX “A”

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided in this section, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

(1) (Reserved).

(2) *Furbearer seasons.* Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be hunted any hour, day or night.

(3) *Spring turkey season.* Turkey may be hunted 1/2 hour before sunrise to 12 noon from the opening day of the spring gobbler season through the third Saturday and for the remainder of the season from 1/2 hour before sunrise to 1/2 hour after sunset.

(4) *Migratory bird seasons.* Migratory birds may only be hunted 1/2 hour before sunrise until sunset, except during the snow goose conservation season and the September resident goose season, when geese may be hunted 1/2 hour before sunrise until 1/2 hour after sunset.

Appendix G. Hunting Hours

**HUNTING HOURS TABLE
FOR JULY 1, 2022 THROUGH JUNE 30, 2023**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
July 1 - July 2	5:06	9:03	Jan. 1 - 7	6:52	5:16
July 3 - 9	5:10	9:01	Jan. 8 - 14	6:52	5:22
July 10 - 16	5:15	8:58	Jan. 15 - 21	6:51	5:30
July 17 - 23	5:21	8:53	Jan. 22 - 28	6:47	5:38
July 24 - 30	5:27	8:46	Jan.29 - Feb. 4	6:42	5:46
July 31 - Aug. 6	5:34	8:39	Feb. 5 - 11	6:35	5:54
Aug. 7 - 13	5:40	8:30	Feb. 12 - 18	6:27	6:03
Aug. 14 - 20	5:47	8:20	Feb. 19 - 25	6:18	6:11
Aug. 21 - 27	5:54	8:10	Feb. 26 - March 4	6:09	6:19
Aug. 28 -Sept. 3	6:00	7:59	March 5 - 11	5:58	6:27
Sept. 4 - 10	6:07	7:47	March 12 - 18* Begins	6:47	7:34
Sept. 11 - 17	6:14	7:36	March 19 - 25	6:36	7:41
Sept. 18 - 24	6:20	7:24	March 26 - Apr. 1	6:25	7:49
Sept. 25 - Oct. 1	6:27	7:13	April 2 - 8	6:13	7:56
Oct. 2 - 8	6:34	7:02	April 9 - 15	6:02	8:03
Oct. 9 - 15	6:41	6:51	April 16 - 22	5:52	8:10
Oct. 16 - 22	6:49	6:41	April 23 - 29	5:42	8:23
Oct. 23 - 29	6:56	6:32	April 30 - May 6	5:32	8:24
Oct. 30 - Nov. 5	7:04	6:24	May 7 - 13	5:24	8:31
Nov. 6 - 12** Ends	6:12	5:17	May 14 - 20	5:17	8:38
Nov. 13 - 19	6:20	5:11	May 21 - 27	5:11	8:44
Nov. 20 - 26	6:28	5:08	May 28 - June 3	5:06	8:50
Nov. 27 - Dec. 3	6:35	5:06	June 4 - 10	5:03	8:55
Dec. 4 - 10	6:41	5:05	June 11 - 17	5:01	8:59
Dec. 11 - 17	6:46	5:06	June 18 - 24	5:03	9:02
Dec. 18 - 24	6:50	5:07	June 25 - June 30	5:06	9:03
Dec. 25 - 31	6:52	5:11	Daylight Saving Time Begins* - Ends**		

**MIGRATORY GAME BIRD HUNTING HOURS TABLE
FOR JULY 1, 2022 THROUGH JUNE 30, 2023**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
July 1 - July 2	5:06	8:33	Jan. 1 - 7	6:52	4:46
July 3 - 9	5:10	8:31	Jan. 8 - 14	6:52	4:52
July 10 - 16	5:15	8:28	Jan. 15 - 21	6:51	5:00
July 17 - 23	5:21	8:23	Jan. 22 - 28	6:47	5:08
July 24 - 30	5:27	8:16	Jan.29 - Feb. 4	6:42	5:16
July 31 - Aug. 6	5:34	8:09	Feb. 5 - 11	6:35	5:24
Aug. 7 - 13	5:40	8:00	Feb. 12 - 18	6:27	5:33
Aug. 14 - 20	5:47	7:50	Feb. 19 - 25	6:18	5:41
Aug. 21 - 27	5:54	7:40	Feb. 26 - March 4	6:09	5:49
Aug. 28 -Sept. 3	6:00	7:29	March 5 - 11	5:58	5:57
Sept. 4 - 10	6:07	7:17	March 12 - 18* Begins	6:47	7:04
Sept. 11 - 17	6:14	7:06	March 19 - 25	6:36	7:11
Sept. 18 - 24	6:20	6:54	March 26 - Apr. 1	6:25	7:19
Sept. 25 - Oct. 1	6:27	6:43	April 2 - 8	6:13	7:26
Oct. 2 - 8	6:34	6:32	April 9 - 15	6:02	7:33
Oct. 9 - 15	6:41	6:21	April 16 - 22	5:52	7:40
Oct. 16 - 22	6:49	6:11	April 23 - 29	5:42	7:53
Oct. 23 - 29	6:56	6:02	April 30 - May 6	5:32	7:54
Oct. 30 - Nov. 5	7:04	5:54	May 7 - 13	5:24	8:01
Nov. 6 - 12 ** Ends	6:12	4:47	May 14 - 20	5:17	8:08
Nov. 13 - 19	6:20	4:38	May 21 - 27	5:11	8:14
Nov. 20 - 26	6:28	4:36	May 28 - June 3	5:06	8:20
Nov. 27 - Dec. 3	6:35	4:35	June 4 - 10	5:03	8:25
Dec. 4 - 10	6:41	4:36	June 11 - 17	5:01	8:29
Dec. 11 - 17	6:46	4:37	June 18 - 24	5:03	8:32
Dec. 18 - 24	6:50	4:37	June 25 - June 30	5:06	8:33
Dec. 25 - 31	6:52	4:41	Daylight Saving Time Begins* Ends**		

C. Amend 58 Pa. Code § 147.305.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 9, 2022, meeting amended § 147.305 (relating to wildlife capture and transportation permits) to require that a permit holder submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

Action:

DRAFT

ANNEX “A”

CHAPTER 147. SPECIAL PERMITS

Subchapter P. WILDLIFE REHABILITATION

§ 147.305. Wildlife capture and transportation permits.

(a) Issuance of wildlife capture and transportation permits will be limited to the number authorized by the permit class of the sponsoring wildlife rehabilitator.

(b) Qualifications are as follows:

(1) The applicant shall be sponsored by a wildlife rehabilitation permittee.

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

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

(c) Permit conditions are as follows:

(1) A permittee may capture and transport injured or displaced wildlife when necessary.

(2) Wildlife shall be immediately transported to the sponsoring permittee or to the nearest properly permitted wildlife rehabilitator.

(3) Wildlife may not be captured or transported by a permittee outside of the area serviced by a sponsoring permittee except when advance permission from the wildlife rehabilitator has been obtained.

(d) Monthly reports. A permittee shall submit a monthly report to the district wildlife conservation officer documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

D. Amend 58 Pa. Code §§ 147.726 and 147.728.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its April 9, 2022, meeting amended §§ 147.726 and 147.728 (relating to operation; and unlawful acts) to authorize nuisance wildlife control operators to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

Action:

DRAFT

ANNEX "A"

CHAPTER 147. SPECIAL PERMITS

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

§ 147.726. Operation.

* * * * *

(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.

(i) Nuisance wildlife control operators are authorized to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

§ 147.728. Unlawful acts.

It is unlawful to:

(1) Except as otherwise provided in § 147.726 (relating to operation), control any white-tailed deer, black bear, elk, wild turkey, beaver, fisher, otter or bobcat without prior approval of the District Wildlife Conservation Officer.

* * * * *

BUREAU OF WILDLIFE HABITAT MANAGEMENT

PROPOSED RULEMAKING

A. Amend 58 Pa. Code §§ 131.2, 135.181 and 135.182.

Commentary:

The Commission manages the use and operation of the shooting ranges located on State Game Land No. 176 (SGL 176), in part, under the provisions of § 135.182 (relating to ranges, State Game Land No. 176). The Commission manages the use and operation of the remainder of its thirty-three (33) shooting ranges located on State game lands across the Commonwealth under the various provisions of § 135.181 (relating to rifle and handgun ranges). The Commission has reviewed this split regulatory structure and determined that the days and hours of operation and range reservation periods unique to the shooting ranges at SGL 176 are no longer necessary.

The elimination of the text in § 135.182 that is unique to SGL 176 will revert the management of the use and operation of the shooting ranges at this location entirely to the general provisions of § 135.181 which have statewide application. This will result in a number of changes that are largely beneficial to users of the SGL 176 shooting ranges. As it relates to the eliminated paragraph (1), users will see an expansion in open shooting days to now include Mondays and Tuesdays, but will also see hours of operation on Sundays restricted to 12 noon to sunset, except those specifically designated as being open from 8 a.m. to sunset. While certainly a change to the regulatory text; the Commission does not believe that a change will be observed by users of the shooting ranges at SGL 176, as the Commission itself has not followed these unique days and hours of operation language for approximately eight (8) years. As it relates to the eliminated paragraph (2), users will see the calendar window of opportunity for groups or organizations to reserve a range reduced from year-round to January 1 through October 1.

In replacement of the eliminated text addressed above, the Commission is proposing to insert new shotgun range regulations that will be specific to the unique needs of these types of ranges not properly addressed by other existing regulations. The Commission currently only has a few ranges designated specifically as a shotgun ranges. However, the Commission intends to establish more ranges soon due to their increasing popularity and use. The proposed changes will set forth the types of firearms, ammunition and targets that may be used on shotgun ranges. The proposed changes will also establish the standards for use of these shotgun ranges to help ensure that users of the ranges, as well as other persons and property in the vicinity of these ranges, are protected from harm or injury. These changes will also protect the significant investment the Commission has put into constructing the current and future facilities. The Commission is proposing to amend §§ 131.2, 131.181 and 135.182 to eliminate the outdated and unnecessary text

unique to SGL 176 and replace it with new statewide shotgun range regulations for both clay bird ranges and shotgun patterning ranges.

CHAPTER 131. PRELIMINARY PROVISIONS

§131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Broadhead--A fixed or mechanical...

Clay bird range--An area where saucer-shaped targets, usually made of baked clay or limestone, are launched, and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

Closed season--Periods of the calendar...

* * * * *

Meat or animal products--For the purpose of section...

Multiple projectile ammunition--Any cartridge or shell ammunition that is loaded with shot pellets or multiple loose projectiles designed to spread or scatter upon discharge from a firearm.

Muzzleloading firearm--

(i) A firearm designed and manufactured...

* * * * *

Regular small game hunting season--The designated period...

Shotgun patterning range--An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

Shotgun range--Any firearms range designated by the Commission as a clay bird range or shotgun patterning range.

Single projectile ammunition--Any cartridge or shell ammunition that is loaded with a single projectile designed to remain intact upon discharge from a firearm.

Special firearms deer season--Any firearms deer...

* * * * *

CHAPTER 135. LANDS AND BUILDINGS

Subchapter J. Shooting Ranges

§135.181. Rifle and handgun ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions) ~~[and except as provided in § 135.182 (relating to ranges, State Game Lands No. 176)]~~, the following pertain to lands under Commission ownership, lease or jurisdiction designated as rifle or handgun ranges:

* * * * *

§135.182. ~~[Ranges, State Game Lands No. 176]~~ Shotgun ranges.

~~[In addition to §§ 135.2 and 135.181 (relating to unlawful actions; and rifle and handgun ranges), the following exceptions apply to ranges located on State Game Lands No. 176, Half Moon Township, Centre County:~~

~~(1) — Ranges are open to the public Wednesday, Thursday, Friday, Saturday and Sunday, from 8 a.m., prevailing time, to sunset. In addition to the periods in this section for public use of the range, the Regional Director or a designee has discretion to grant special use of the range during any period. At other times, the range is closed to public use.~~

~~(2) — A group or organization desiring to use the range shall make necessary arrangements with the Northcentral Regional Director or a designee at least 20 days in advance.]~~

(a) In addition to § 135.2 (relating to unlawful actions) the following pertain to lands under Commission ownership, lease or jurisdiction designated as shotgun ranges:

(1) Shotgun ranges are open for use from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset Sunday, unless posted otherwise by the Commission.

(2) Any person using a shotgun range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter, except in approved refuse containers. Range users shall remove all targets from range backboards, if applicable, and collect used cartridge casings or shotshell hulls when their shooting is completed and prior to leaving the range.

(3) The Commission is not responsible for anyone injured on a shotgun range. An individual using a shotgun range does so at their own risk and assumes all responsibility for injuries to a person or property caused by or to them.

(4) When more than one person is using a shotgun range, a range officer shall be designated.

(5) Any person under 16 years of age may not use a shotgun range unless they are properly accompanied and supervised by a person 18 years of age or older.

(6) The Commission or any designated local representative may close a shotgun range by posting appropriate signs to that effect. A person may not use a shotgun range during a period when the range is designated as closed.

(b) Prohibited acts. At a shotgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Discharge a firearm from any location other than an established shooting station or shooting location on the designated firing line.

(2) Discharge a firearm on a shotgun patterning range at any target other than a paper target placed on a stationary target backboard mounted by the Commission.

(3) Discharge armor piercing, incendiary, explosive, tracer, or single projectile ammunition.

(4) Be intoxicated, use, or possess an intoxicating beverage or controlled substance.

(5) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than three rounds of multiple projectile ammunition.

(7) Target or at shoot clay birds anywhere on the range except areas designated by the Director by signs stating that clay bird shooting is permitted.

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(9) Operate, manipulate, or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This prohibition is specifically intended to include loading a firearm, operating, or manipulating a loaded firearm, or discharging a firearm anywhere on a shotgun range while another person is downrange of the firing line.

(10) Use or discharge any single projectile ammunition.

(11) Use or discharge multiple projectile ammunition on a clay bird range that is larger than #4 lead, #2 steel, or #4 of any other composition or alloys of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings).

(12) Throw, target, or shoot clay birds on a clay bird range that are composed of any substance other than baked clay, limestone, or other biodegradable material.

(13) Throw clay birds on a clay bird range from any location other than the designated firing line.

(14) Use the range in violation of any other requirement of this section or posted signage.

Action:

DRAFT

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

B. Exchange

Contract No. L-3796, State Game Land No. 91, Luzerne County and State Game Land No. 40, Carbon County

Commentary:

Raceway Holdings, LLC is offering to participate in an exchange of 240 +/- acres of land in Bear Creek Township, Luzerne County, adjoining State Game Land No. 91 and Pinchot State Forest (Exhibit RED 1) for a detached 2.63 +/- acres portion of State Game Land No. 40 in East Side Borough, Carbon County (Exhibit RED 2).

Based on an appraisal of the property, Raceway Holdings will provide \$85,000 towards the acquisition of the 240 +/- acres. The Commission will provide an additional \$169,000 lump sum from the Game Commission's restricted account, representing funds from third party commitments for compensation of habitat and recreational losses which occurred on state game lands from previously approved projects. Acquisitions using this restricted account may exceed \$400 per acre. The acquisition of the 240 +/- acres is being made possible through the efforts of The Nature Conservancy who has applied for supplementary funding from the Open Space Institute and the Pennsylvania Department of Conservation and Natural Resources C2P2 Grant Program. Covenants, conditions and restrictions associated with these grants will be required to accept the property. Staff has determined that the portion of the 240 +/- acres to be conveyed to the Commission by Raceway Holdings, LLC is of greater value than the land to be conveyed to Raceway Holdings, LLC and that the proposed exchange is in the best interest of the Commission.

Action:

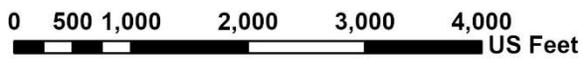
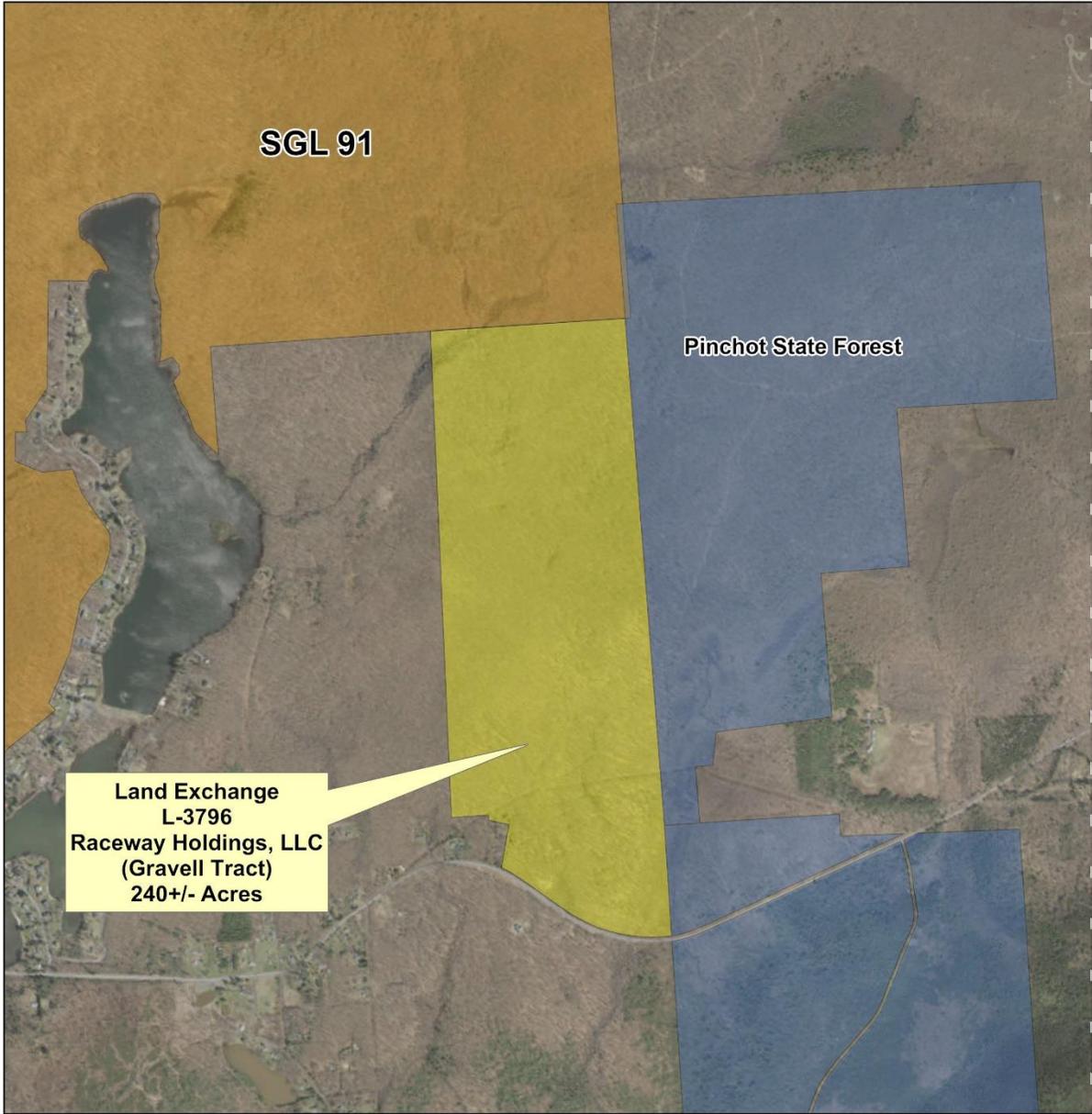


Exhibit RED 1
State Game Land No. 91
 Land Exchange
 L-3796
 Raceway Holdings, LLC
 (Gravell Tract)
 240+/- Acres
 Bear Creek Township
 Luzerne County
 Northeast Region



0 75 150 300 450 600
US Feet

Exhibit RED 2
State Game Land No. 40

Land Exchange
L3796
PGC Tract
2.63+/- Acres

East Side Borough
Carbon County
Northeast Region

OIL/GAS & MINERALS

C. Coalbed Methane Cooperative Agreement Loyalhanna Estate Reserve, Westmoreland County

Commentary:

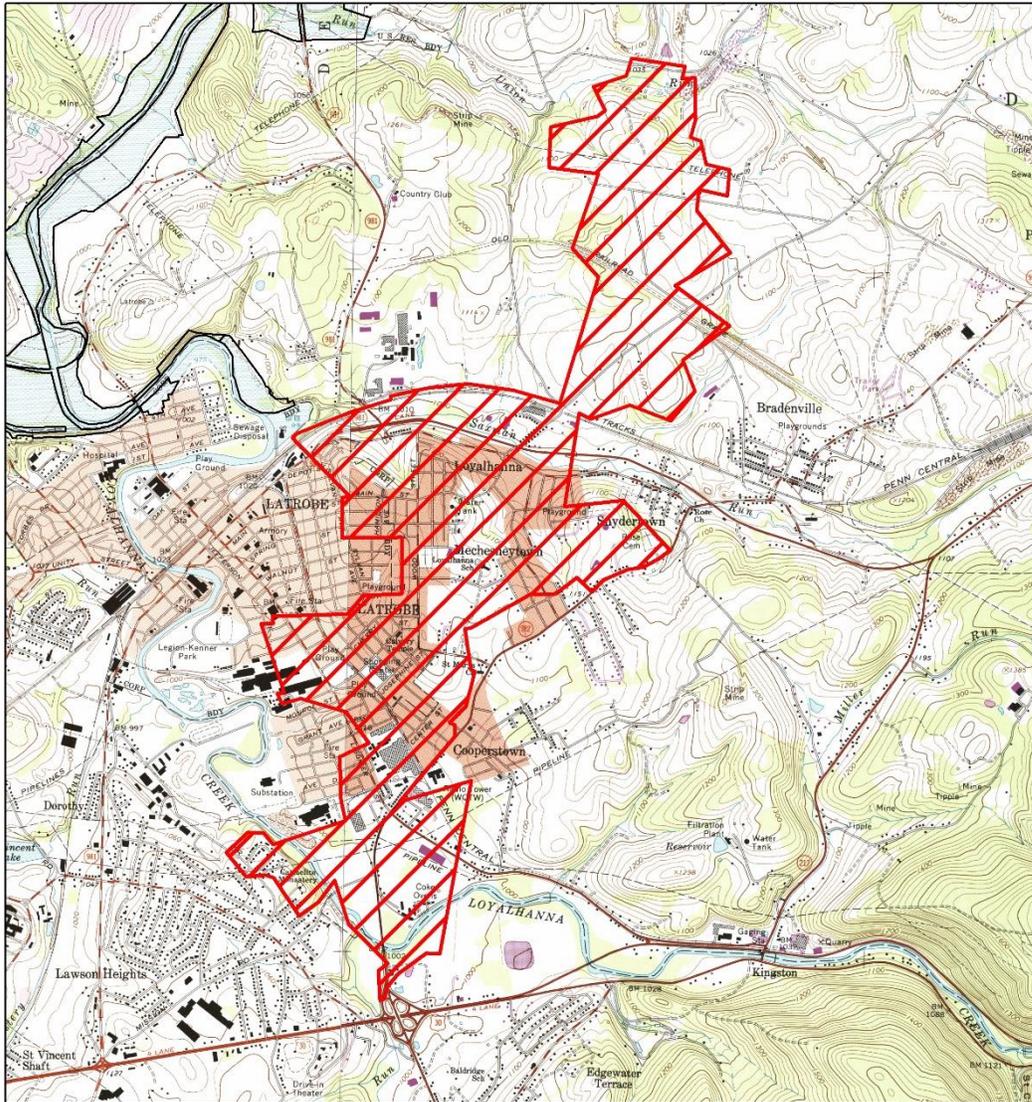
Kingston Gas, LLC of Wexford, Pennsylvania requests that the Commission offer its coalbed methane gas ownership under the Commission's Loyalhanna Estate Mineral Reserve for development. The Loyalhanna Estate Mineral Reserve was a gift from the Loyalhanna Coal & Coke Company deeded to the Commission in December 1969. The mineral reserve area contains no surface land under Commission ownership. The proposed tract, containing approximately 1,500 acres, is located in Derry and Unity Townships and Latrobe Borough, Westmoreland County and is more clearly shown on the attached Exhibit "OGM 1."

Kingston Gas, LLC has acquired the majority of the privately held coal reserves contiguous to this area. It is the staff's conclusion that this arrangement, negotiated with Kingston Gas, LLC affords the only opportunity for the Commission to recover coalbed methane gas reserves.

In exchange for the five (5) year coalbed methane gas agreement, Kingston Gas, LLC agrees to pay the Commission a 15% royalty rate for all gas produced and sold from the leased premises. Further, Kingston Gas, LLC will pay the Commission five dollars (\$5.00) per acre rental upon the execution of the lease agreement.

Coalbed methane gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard oil /gas lease agreement. The lease will not impact any Commission surface owned lands.

Action:



Legend

-  LOYALHANNA CBM RESERVE
-  State Game Land

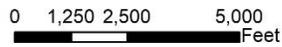


EXHIBIT OGM 1

LOYALHANNA ESTATE MINERAL RESERVE
Coalbed methane Cooperative Agreement
KINGSTON GAS, LLC
Tract Loyalhanna CBM-22
1,500 Acres

Westmoreland County
 Southwest Region

D. Non-Surface Use Oil and Gas Cooperative Agreement

Tract 223A-22, State Game Land No. 223, Greene County

Commentary:

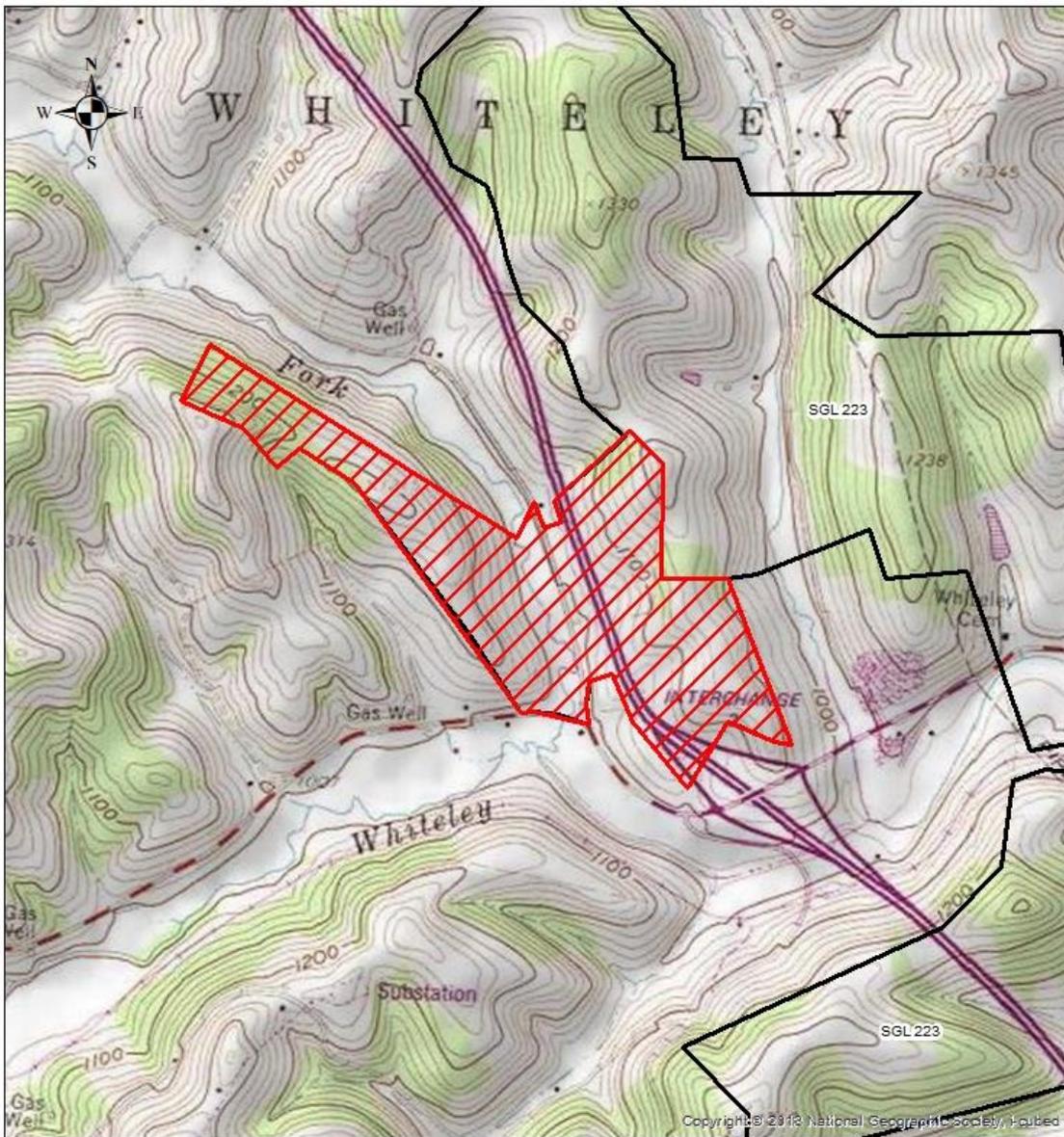
Greylock Production, LLC (Greylock) requested the Commission offer its oil and gas rights under a portion of State Game Land No. 223 for non-surface use development. The proposed tract, containing approximately 140.11 surface acres (140.11 Oil/Gas acres), is located in Greene Township, Greene County (Exhibit OGM 2).

Greylock has a strong privately owned oil/gas lease position surrounding this portion of State Game Land No. 223, has initiated unconventional well drilling and development in the vicinity of the proposed tract, and has the ability to unitize and develop the Commission's oil and gas reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the Game Land. The OGM staff has negotiated the proposed terms of the agreement with Greylock to prudently develop the Commission's oil and gas reserves and simultaneously protect the wildlife resources and recreational use of State Game Land No. 223.

The terms of the Agreement are a five (5) year paid up non-surface use oil and gas agreement, a \$4,000 per net oil and gas acre bonus payment and 18% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment of approximately \$560,440 may be deposited either into the Game Fund or the Commission's restricted revenue account to be used for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties owed the Commission shall be deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard non surface use oil and gas cooperative agreement.

Action:



Legend



Non-Surface Use Agreement Area
140.11+- Surface Acres
(net 140.11 +/- Oil/Gas Acres)



State Game Land No. 223



EXHIBIT OGM 2
State Game Land No. 223
Non-Surface Use
Oil & Gas Cooperative Agreement
Greylock Production, LLC
Tract 223A-22
140.11 +/- Oil/Gas Acres
 Whiteley Twp., Greene County
 Southwest Region

BUSINESS

Next Commission Meeting – September 23-24, 2022

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

Adjournment

DRAFT