

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
April 21, 2009

A handwritten signature in black ink, appearing to read 'Carl G. Roe', is positioned above a horizontal line.

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, April 21, 2009 at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

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

Approval of Minutes of Meeting held January 27, 2009

BUREAU OF WILDLIFE MANAGEMENT

A. Deer Management Assistance Program Records Release

Commentary:

The Deer Management Assistance Program (DMAP) was developed to provide landowners an additional tool to reduce deer impacts on their property through hunting and facilitate accomplishment of the landowner's land use objectives. Landowners have an interest in knowing more about hunter participation via DMAP on their property, hunting success, hunter impressions about deer availability and quality, access issues, habitat conditions, and so forth. In an effort to monitor and administer better their DMAP program landowner participants, particularly large property owners with large numbers of coupons, are requesting from the Commission DMAP participant address and contact information to survey them. 34 Pa. C.S. section 325(c)(5) specifically prohibits disclosure of this type of information except as authorized by action of the Commission. In our continuing effort to work with participating DMAP landowners and improve DMAP program efficacy Commission staff is seeking authorization to provide landowners with contact information for hunters who have obtained DMAP permits for their enrolled DMAP property. The hunting license and permit information released shall be limited to the name, address, phone number, hunting license number and DMAP harvest permit number. This authorization shall not in any manner be construed to authorize the release or distribution of social security numbers, dates of birth or sensitive financial data.

Recommendation:

The Executive Director and staff recommend that the Commission authorize staff to release DMAP hunter contact information to DMAP landowners who request this information.

Action:

B. State Wildlife Grants Program

Commentary: Last year Congress authorized \$4.9 million for the State Wildlife Grants (SWG) Competitive Program in the Consolidated Appropriations Act of 2008 (Public Law 110-161). This competitive program was open to States, the District of Columbia, Commonwealths, and territories that have an approved Comprehensive Wildlife Conservation Plan (CWCP).

In November the Game Commission submitted a \$1.38 million project proposal for the Competitive State Wildlife Grants Program, entitled, “White Nose Syndrome: Multi-state Coordination, Investigation and Rapid Response to an Emerging Wildlife Health Threat.” We were joined in the proposal by 11 State partners and five NGO partners. The U.S. Fish and Wildlife Service expects to announce awards this spring. Upon award of the funds recipients are expected to initiate planned research and monitoring as expeditiously as possible. A small portion of the available funds will be used to subsidize agency staff work; however, a majority of grants funds will be used to manage and oversee the multistate effort.

We are seeking Commission approval to initiate cooperative agreements needed to formalize coordination and research responsibilities to implement this multi-state project. We intend to contract with Dr. Joe DuChamp and Dr. Jeff Larkin, Indiana University of Pennsylvania – Research Institute for project management, field and laboratory investigations and monitoring activities of all state and NGO participants at a cost not to exceed \$490,000.

This project will not require any net reduction in the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using SWG funds.

Recommendation: The Executive Director and staff recommend approval of this State Wildlife Grants project.

Action:

ADOPTED RULEMAKING

C. Adoption of proposed amendments to §139.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 27, 2009 meeting, proposed the following changes.

Amend §139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2009-2010 hunting license year.

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

Action:

EXHIBIT "C"

(SEASONS AND BAG LIMITS TABLE)

**2009-2010 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Squirrels</i> – (Combined species) <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 16	6	12
<i>Squirrels</i> – (Combined species)	Oct. 17	Nov. 28	6	12
	and Dec. 14	Dec. 23		
	and Dec. 26	Feb. 6, 2010		
<i>Ruffed Grouse</i>	Oct. 17	Nov. 28	2	4
	and Dec. 14	Dec. 23		
	and Dec. 26	Jan. 23, 2010		
<i>Rabbits, Cottontail</i>	Oct. 24	Nov. 28	4	8
	and Dec. 14	Dec. 23		
	and Dec. 26	Feb. 6, 2010		
<i>Ring-necked Pheasant</i> – There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				
<i>Ring-necked Pheasant - Male only</i> in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 17	2	4

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Ring-necked Pheasant - Male or female</i> combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D <i>Eligible Junior Hunters only,</i> with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 17	2	4
<i>Ring-necked Pheasant - Male only</i> in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B	Oct. 24	Nov. 28	2	4
<i>Ring-necked Pheasant - Male or female</i> combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D	Oct. 24 Dec. 14 Dec. 26	and Dec. 23 and Feb. 6, 2010	2	4

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Bobwhite Quail</i> - The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 24	Nov. 28	4	8
<i>Hares (Snowshoe Rabbits) or Varying Hares</i>	Dec. 26	Jan. 1, 2010	1	2
<i>Woodchucks (Groundhog)</i>	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Turkey - Male or Female</i>			1	1
WMUs 1A, 1B & 2A (Shotgun, Bow & Arrow only)	Oct. 31	Nov. 14		
WMU 2B (Shotgun, Bow & Arrow only)	Oct. 31	Nov. 21		
WMUs 2C, 2D, 2E, 4A & 4B	Oct. 31	Nov. 14		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C, 4D & 4E	Oct. 31	Nov. 21		
WMUs 5A & 5B	Closed to fall turkey hunting			
WMUs 5C & 5D (Shotgun, Bow & Arrow only)	Oct. 31	Nov. 4		
<i>Turkey (Spring Gobbler) Statewide¹ Bearded Bird only</i>	May 1, 2010	May 31, 2010	1	2
<i>Turkey (Spring Gobbler) Statewide Youth Hunt¹ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied</i>	April 24, 2010	April 24, 2010	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§703-711) as published in the Federal Register on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in §141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Crows</i> (Hunting permitted on Friday, Saturday and Sunday only)	July 3	April 4, 2010		Unlimited
<i>Starlings and English Sparrows</i>	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season			Unlimited

FALCONRY

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Squirrels</i> – (Combined species)	Sept. 1	Mar. 31, 2010	6	12
<i>Quail</i>	Sept. 1	Mar. 31, 2010	4	8
<i>Ruffed Grouse</i>	Sept. 1	Mar. 31, 2010	2	4
<i>Cottontail Rabbits</i>	Sept. 1	Mar. 31, 2010	4	8
<i>Snowshoe or Varying Hare</i>	Sept. 1	Mar. 31, 2010	1	2
<i>Ring-necked Pheasant - Male and Female</i> - (Combined)	Sept. 1	Mar. 31, 2010	2	4

Migratory Game Birds - Seasons and bag limits shall be in accordance with Federal regulations.

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
<i>Deer, Archery (Antlered & Antlerless)</i> ² (Statewide)	Oct. 3 and Dec. 26	Nov. 14 Jan. 9, 2010	One antlered and an antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Species	First Day	Last Day	Season Limit
<i>Deer, Archery (Antlerless)</i> WMUs 2B, 5C & 5D	Sep. 19 and Nov. 16 and Dec. 14	Oct. 2 Nov. 28 Dec. 23	An antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered & Antlerless)</i> ² WMUs 1A, 1B, 2A, 2B, 2C, 2E, 2F, 3A, 3B, 3D, 4A, 4C, 4D, 4E, 5A, 5B, 5C & 5D	Nov. 30	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered only)</i> ^{2&3} WMUs 2D, 2G, 3C & 4B	Nov. 30	Dec. 4	One antlered deer.
<i>Deer, Regular firearms (Antlered & Antlerless)</i> ^{2&3} WMUs 2D, 2G, 3C & 4B	Dec. 5	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only) (Statewide)</i> Only Junior and Senior License Holders, ⁴ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 22	Oct. 24	An antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only) (Statewide)</i>	Oct. 17	Oct. 24	An antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ² <i>(Statewide)</i>	Dec. 26	Jan. 9, 2010	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ² WMUs 2B, 5C & 5D	Dec. 26	Jan. 23, 2010	An antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> WMUs 2B, 5C & 5D	Dec. 14 and Dec. 26	Dec. 23 and Jan. 23, 2010	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick,	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

Raven Rock Site, Adams County)

BLACK BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Bear, any age (Archery only)</i> ⁵ WMUs 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B & 4D	Nov. 18	Nov. 19	1	1
<i>Bear, any age (Statewide)</i> ⁵	Nov. 23	Nov. 25	1	1
<i>Bear, any age</i> ⁵ Portions of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 30	Dec. 5	1	1

Portions of WMUs 2G in Lycoming and Clinton counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Rd. and South of Lusk Run Rd. to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Rd., South of Croak Hollow Rd. to Rt. 664 (at Swisssdale), South of Rt. 664 to Little Plum Rd. (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Rd., South of Sulphur Run Rd. to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.

<i>Bear, any age</i> ⁵ WMUs 4C, 4D, 4E, 5B & 5C	Dec. 2	Dec. 5	1	1
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ELK

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Elk, (Antlered & Antlerless)</i> ⁶ <i>With each required license</i>	Nov. 2	Nov. 7	1	1

FUR TAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Minks and Muskrats (Statewide)</i>	Nov. 21	Jan. 10, 2010		Unlimited
<i>Beaver (Statewide)</i>	Dec. 26	Mar. 31, 2010		
WMUs 2E, 2F & 2G (Combined)			20	20
WMUs 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40

FUR TAKING – TRAPPING (Continued)

Species	First Day	Last Day	Daily Limit	Season Limit
WMUs 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			10	10
<i>Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels - (Statewide)</i>	Oct. 25	Feb. 21, 2010		Unlimited
<i>Coyotes & Foxes - (Statewide) (Cable restraint devices may be used)</i>	Jan. 1	Feb. 21, 2010		Unlimited
<i>Bobcat</i> ⁷ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Oct. 25	Feb. 21, 2010	1	1

FUR TAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Coyotes - (Statewide)</i>				Unlimited
<i>Coyotes - (During any archery deer season)</i>				
<i>Coyotes - (During the regular firearms deer season and any bear season)</i>				
<i>Coyotes - (During the spring gobbler turkey season)</i>				
<i>Opossums, Skunks, Weasels</i> ⁸ <i>(Statewide)</i>				
<i>Raccoons and Foxes - (Statewide)</i> ⁸	Oct. 24	Feb. 20, 2010		Unlimited
<i>Bobcat</i> ⁷ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Oct. 24	Feb. 20, 2010	1	1

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ Season changes in WMUs 2D, 2G, 3C and 4B are for the purpose of a 4 year study which must be completed before additional units are modified.

⁴ Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁵ Only one bear may be taken during the hunting license year.

⁶ Only one elk may be taken during the hunting license year.

⁷ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁸ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

D. Adoption of proposed amendments to §141.28.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 27, 2009 meeting, proposed the following change.

Amend §141.28 (relating to wild pheasant recovery areas) to define the geographic locations of the wild pheasant recovery areas and prohibit the release of propagated pheasants and certain dog training activities within same.

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

Action:

EXHIBIT "D"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§141.28. Wild pheasant recovery areas.

(a) *Definition.* For the purpose of this section, the phrase "wild pheasant recovery area" (WPRAs) includes and is limited to the following geographic locations.

(1) *Pike Run WPRAs.* The portion of Washington County, WMU 2A, bounded on the east by the Monongahela River, on the north by I-70, on the west by PA Rt. 917 to Swagler Rd. to Spring Valley Rd. to PA Rt. 2015 to Lone Pine Rd. to the intersection with Tenmile Creek in West Zollarsville, and bounded on the south by Tenmile Creek.

(2) *Somerset WPRAs.* That portion of Somerset County, WMU 2C, bounded on the western side starting at the intersection of Coleman Station Rd. and to Stutzmantown Rd. proceeding south on Coleman Station Rd. to Brotherton Rd. continuing south to Shultz Rd./Round Hill Rd. then onto Wills Church Rd. then to Archery Rd. Boundary follows Berlin Plank Rd. (US Rt. 219) into the town of Berlin where it joins the Mason Dixon Highway (US Rt. 219) proceeding south to Pine Hill Rd. then onto Goodtown Rd. to Walker School Rd. to Sawmill Rd. Boundary crosses PA Rt. 160 to intersection with PA Rt. 31. Following Roxbury Rd. north to Shanksville Rd. connecting to the northern boundary of Stutzmantown Rd. again to the intersection of Coleman Station Rd.

(3) *Central Susquehanna WPRAs.* Portions of Management Unit 4E in Northumberland, Montour, Columbia and Lycoming counties from the West Branch of the Susquehanna River to the south and east of the intersection of PA Rts. 54 and 405 south to the intersection with PA Rt. 642 and the West Branch of the Susquehanna River in Milton. The southern boundary is defined by PA Rt. 642 east from Milton to Mausdale, then PA Rt. 642 begins the east side of the WPRAs boundary north to Jerseytown and then continues to the northern boundary following Whitehall Rd. (PA Rt. 44) towards White Hall. The northern boundary consists of smaller state and township roads proceeding from the West Branch of the Susquehanna River south and east along PA Rt. 405 to PA Rt. 54 east in Northumberland County. Then proceeding north on Crawford Rd. (Rt. 507), continuing northeast on Hughes Rd. (Rt. 655), crossing under I-180, ending at Susquehanna Trail (PA Rt. 1007). Continuing south on Susquehanna Trail (PA Rt. 1007) to Schmidt Rd. (Rt. 564). Proceeding east and southeast on Schmidt Rd. (Rt. 564). Continuing northeast on Balliet Rd. (Rt. 664) and Miller Rd. (Rt. 653) to Hockley Hill Rd. (PA Rt. 1011). Proceeding south on Hockley Hill Rd. (PA Rt. 1011) and east and south on Pugmore Lane to Showers Rd. (PA Rt. 1010). Continuing east on Showers Rd. (PA Rt. 1010), crossing into Montour County, and proceeding south on Gearhart Hollow Rd. (Rt. 441), east on Hickory Rd. (PA Rt. 1008), northeast on Mingle Rd. (Rt. 433), east on Hickory Rd. (PA Rt. 1008), north on Muncy Exchange Rd. (PA Rt. 1003), northeast on Country Line Rd., crossing into Lycoming County, east and north on Ridge Rd., southeast on G Wagner Rd., crossing into Columbia County, south on Katy's Church Rd., to the border of State Game Lands No. 226. South along the State Game Lands No. 226 boundary and then east and southeast along the State Game Lands No. 226 boundary, then south on Ants Hill Rd. Proceeding east on Shultz

Rd., south on Swartz Rd., west on Schoolhouse Rd. to Whitehall Rd. (PA Rt. 44) northwest of Jerseytown and southeast of Whitehall.

(b) *Prohibitions.* It is unlawful to:

(1) Release artificially propagated pheasants any time within any area designated as a wild pheasant recovery area.

(2) Train dogs in any manner from the end of small game season through July 31 within any area designated as a wild pheasant recovery area.

E. Adoption of proposed amendments to §141.66.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 27, 2009 meeting, proposed the following change.

Amend §141.66 (relating to cable restraints) to permit properly licensed trappers to take and utilize nontarget furbearing species captured in a cable restraint device during an open season for the same.

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

Action:

EXHIBIT "E"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§141.66. Cable restraints.

(a) Cable restraint devices may be used from January 1 until the end of the established trapping season to harvest red fox, gray fox, and coyote. Nontarget furbearing species incidentally captured in a cable restraint devices during an open season for that species may be taken and utilized, provided the trapper possesses all applicable licenses and permits.

* * * * *

BUREAU OF WILDLIFE PROTECTION

A. REPORT OF NOTATIONAL VOTE

Commentary: On January 27, 2009, the Commission finally adopted various regulatory amendments that, in relevant part, authorized broad use of the crossbow during deer and bear archery seasons. This broad authorization was qualified or limited by language prohibiting the use of magnifying optics on crossbows. In light of extensive public comment received by the Commission concerning the prohibition use of magnifying optics on crossbows during the respective archery seasons, the Commission is prepared to revisit and promote further discussion on the issue. To this end, the Commission is proposing to amend §§143.43 and 143.44 to remove the prohibition on the use of magnifying optics on crossbows.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.43. Deer.

(a) Archery deer season.

* * * * *

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

* * * * *

~~[(iii) Use magnifying telescopic sights.]~~

§141.44. Bear.

(a) Archery bear season.

* * * * *

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

* * * * *

~~[(v) Use magnifying telescopic sights.]~~

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

Action: The notational vote was tabulated on March 4, 2009, with a result of a 4-3 in favor of the proposal. The votes were as follows:

YEAS

Delaney
Isabella
Palone
Schleiden

NAYS

Boop
Schreffler
Weaner

ADOPTED RULEMAKING

B. Adoption of proposed amendments to §131.8.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 27, 2009 meeting, proposed the following change.

Amend §131.8 (relating to replacement costs for wildlife killed) to provide a more comprehensive list of applicable costs for all of the various wildlife species found within this Commonwealth.

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 131. PRELIMINARY PROVISIONS

§131.8. Replacement costs for wildlife killed.

Under section 925(i) of the act (relating to fines and penalties for violations), in addition to any fines and costs imposed for violations of the act and this title, any person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(1) *General class:*

- (i) Each threatened or endangered bird or mammal, \$5,000.
- (ii) Each elk, \$1,500.
- (iii) Each bear, \$1,500.
- (iv) Each deer, \$800.
- (v) Each bobcat, \$500.
- (vi) Each otter, \$500.
- (vii) Each turkey, \$300.
- (viii) Each beaver, \$300.
- (ix) Any other wildlife, \$200.

(2) *Trophy class:*

- (i) Each elk with a Boone and Crockett green score of 200 points or more, \$5,000.
- (ii) Each deer with a Boone and Crockett green score of 115 point or more, \$5,000.
- (iii) Each black bear with a field dressed weight of 350 pounds or more, \$5,000.

C. Adoption of proposed amendments to §141.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 27, 2009 meeting, proposed the following changes.

Amend §141.4 (relating to hunting hours) to update the tables of hunting hours for the 2009-2010 hunting year to reflect the annual change in days and subsequent hunting times.

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

Action:

EXHIBIT "C"

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 28, 2009 THROUGH JULY 3, 2010**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
June 28 – July 4	5:07	9:03	Jan. 3 – 9	6:53	5:22
July 5 – 11	5:12	9:02	Jan. 10 – 16	6:52	5:25
July 12 – 18	5:17	8:56	Jan. 17 – 23	6:50	5:32
July 19 – 25	5:23	8:51	Jan. 24 – 30	6:46	5:40
July 26 – Aug. 1	5:29	8:44	Jan. 31 – Feb. 6	6:40	5:49
Aug. 2 – 8	5:36	8:36	Feb. 7 – 13	6:30	5:57
Aug. 9 – 15	5:42	8:27	Feb. 14 – 20	6:25	6:05
Aug. 16 – 22	5:51	8:17	Feb. 21 – 27	6:15	6:14
Aug. 23 – 29	5:56	8:06	Feb. 28 – Mar. 6	6:05	6:19
Aug. 30 – Sept. 5	6:02	7:55	Mar. 7 – 13 *begins	6:55	7:29
Sept. 6 – 12	6:09	7:44	Mar. 14 – 20	6:44	7:36
Sept. 13 – 19	6:16	7:32	Mar. 21 – 27	6:32	7:44
Sept. 20 – 26	6:22	7:21	Mar. 28 – Apr. 3	6:21	7:51
Sept. 27 – Oct. 3	6:29	7:09	Apr. 4 – 10	6:10	7:58
Oct. 4 – 10	6:34	6:58	Apr. 11 – 17	5:59	8:05
Oct. 11 – 17	6:43	6:48	Apr. 18 – 24	5:48	8:12
Oct. 18 – 24	6:51	6:38	Apr. 25 – May 1	5:40	8:21
Oct. 25 – 31	6:59	6:29	May 2 – 8	5:30	8:26
Nov. 1 – 7 *ends	6:07	5:21	May 9 – 15	5:25	8:33
Nov. 8 – 14	6:15	5:15	May 16 – 22	5:15	8:40
Nov. 15 – 21	6:23	5:10	May 23 – 29	5:10	8:46
Nov. 22 – 28	6:30	5:07	May 30 – June 5	5:05	8:52
Nov. 29 – Dec. 5	6:37	5:05	June 6 – 12	5:02	8:57
Dec. 6 – 12	6:43	5:05	June 13 – 19	5:02	9:00
Dec. 13 – 19	6:48	5:06	June 20 – 26	5:03	9:03
Dec. 20 – 26	6:49	5:08	June 27 – July 3	5:07	9:03
Dec. 27 – Jan. 2	6:52	5:12	*Daylight Saving Time		

MIGRATORY GAME BIRD HUNTING HOURS TABLE

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Aug. 30 – Sept. 5	6:02	7:25	Dec. 27 – Jan. 2	6:52	4:42
Sept. 6 – 12	6:09	7:14	Jan. 3 – 9	6:53	4:48
Sept. 13 – 19	6:16	7:02	Jan. 10 – 16	6:52	4:55
Sept. 20 – 26	6:22	6:49	Jan. 17 – 23	6:50	5:02
Sept. 27 – Oct. 3	6:29	6:39	Jan. 24 – 30	6:46	5:10
Oct. 4 – 10	6:34	6:28	Jan. 31 – Feb. 6	6:40	5:19
Oct. 11 – 17	6:43	6:18	Feb. 7 – 13	6:30	5:27
Oct. 18 – 24	6:51	6:08	Feb. 14 – 20	6:25	5:35
Oct. 25 – 31	7:00	5:59	Feb. 21 – 27	6:15	5:44
Nov. 1 – 7*ends	6:07	4:49	Feb. 28 – Mar. 6	6:05	5:49
Nov. 8 – 14	6:15	4:45	Mar. 7 – 13*begins	6:55	6:59
Nov. 15 – 21	6:23	4:40	Mar. 14 – 20	6:44	7:06
Nov. 22 – 28	6:30	4:37	Mar. 21 – 27	6:32	7:14
Nov. 29 – Dec. 5	6:37	4:35	Mar. 28 – Apr. 3	6:21	7:21
Dec. 6 – 12	6:43	4:35	Apr. 4 – 10	6:10	7:28
Dec. 13 – 19	6:48	4:36	Apr. 11 – 17	5:59	7:35
Dec. 20 – 26	6:49	4:38	*Daylight Saving Time		

D. Adoption of proposed amendments to Chapter 143, by reserving Subchapter M, and Chapter 147, by adding Subchapter X.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 27, 2009 meeting, proposed the following changes.

Amend Chapter 143, by reserving Subchapter M (relating to mentored youth hunting program license exemption) and Chapter 147, by adding Subchapter X (relating to mentored youth hunting program permit) to implement a permitting process to gain authorization to participate in the program.

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

Action:

EXHIBIT "D"

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter M. (Reserved)

§§143.241.-143.247. (Reserved).

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED YOUTH HUNTING PROGRAM PERMIT

Sec.

- 147.801. Purpose and scope.
- 147.802. Definitions.
- 147.803. Application.
- 147.804. General.
- 147.805. Safety.
- 147.806. Liability.
- 147.807. Violations.

§147.801. Purpose and scope.

(a) The purpose of this subchapter is to define and implement the Mentored Youth Hunting Program and provide for the issuance of hunting permits to eligible youths.

(b) The Mentored Youth Hunting Program is intended to provide mentors who are dedicated to promoting and sharing this Commonwealth'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.

§147.802. 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 guide to a mentored youth while engaged in hunting or related activities.

Mentored youth—An unlicensed person, under 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.

§147.803. Application.

(a) Applications for mentored youth hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the name, address, telephone number, date of birth and Social Security number of the applicant.

(b) Applications may be submitted on behalf of an eligible mentored youth upon presentation of a written request executed by a parent or legally constituted guardian.

(c) The fee for a mentored youth hunting permit will be \$1, plus any applicable transactional and issuing agent fees.

§147.804. General.

(a) A mentor shall 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 shall possess a valid mentored youth hunting permit prior to engaging in any mentored youth hunting activities.

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

(i) Spring gobbler season only for turkey.

(ii) Antlered deer only during any applicable deer seasons. However, mentored youth hunters are subject to the same antler restrictions that apply to junior license holders as provided in the definition of antlered deer in §131.2 (relating to definitions).

(d) A mentored youth's hunting eligibility is further constrained by 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).

(e) A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (c).

(f) A mentored youth shall tag and report all big game harvested in the manner provided for in section 2323 of the act (relating to tagging and reporting big game kills).

§147.805. Safety.

While engaged in mentored youth hunting activities:

(1) A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor 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.

§147.806. 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).

§147.807. Violations.

It is unlawful for a mentor or mentored youth to fail to comply with any of the requirements, standards or limitations of this subchapter. A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act. The Director may additionally deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

E. Adoption of proposed amendments to §§141.43 and 141.44.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, by notational vote completed on March 4, 2009, proposed the following change.

Amend §§141.43 and 141.44 (relating to deer; and bear) to remove the prohibition on the use of magnifying telescopic sights on bows and crossbows during deer and bear archery seasons.

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

Action:

EXHIBIT "E"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.43. Deer.

(a) *Archery deer season.*

* * * * *

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

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

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

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

~~[(iii) Use magnifying telescopic sights.]~~

§141.44. Bear.

(a) *Archery bear season.*

* * * * *

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

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

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

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

~~[(v) Use magnifying telescopic sights.]~~

PROPOSED RULEMAKING

F. Amend 58 Pa. Code §135.41.

Commentary: Drug use and related drug crime has been a recurring problem that has plagued State game lands (SGLs) properties across the Commonwealth for decades. The Commission has and will continue to maintain a zero tolerance policy for drug use and related drug crime on SGLs in its continuing efforts to maintain these lands for their primary purposes of providing and conserving habitat for the Commonwealth's wildlife resources as well as providing public access to open lands for recreational hunting and trapping activities. The Commission has determined that although current regulatory provisions clearly prohibit the use and possession of controlled substances, they fail to clearly prohibit the use and possession of drug paraphernalia. The Commission has also determined that the use and possession of drug paraphernalia on SGLs is just as deleterious as their related drug substances. In an effort to address this concern, the Commission is proposing to amend §135.41 to specifically prohibit the use or possession of drug paraphernalia on SGLs.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§135.41. State game lands.

* * * * *

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and §135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(10) Use or possess any controlled substance or drug paraphernalia as defined or classified ~~under~~ by the Act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§780-101—780-143).

* * * * *

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

Action:

G. Amend 58 Pa. Code §135.48.

Commentary: During the fall hunting seasons each year, the Commission enhances disabled hunter/trapper access to interior portions of its various State game land (SGL) landholdings across the Commonwealth by opening certain designated roads normally closed to public travel to limited vehicular travel by persons issued a *Use of a vehicle as a blind* Disabled Person Permit. Traditionally, travel on these designated roads has been strictly limited to one-way travel. In an effort to further expand this access, the Commission has determined that directional travel and related limitations should be determined on a location specific rather than on an across the board basis. Under this structure, some roads will remain limited to one-way travel while other roads may be expanded to two-way travel, all based upon location and specific conditions. The Commission is proposing to amend §135.48 to remove the one-way travel limitation affecting the limited travel permitted on designated SGL roads and replace it with an open travel allowance that is subject to further limitation based upon existing weather or road conditions.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§135.48. State game lands roads open to vehicular traffic for disabled persons.

(a) *Vehicular traffic permitted.* Vehicular traffic will be permitted on designated roads on State game lands for persons issued a Disabled Persons Permit under section 2923(a) of the act (relating to disabled person permits). State game lands roads open to vehicular traffic for disabled persons will be designated by the Director. The Commission will make a list of these open roads available to the permittee.

(1) ~~[Roads will be open for one-way travel, weather permitting, from 14 days prior to the opening day of archery season to the closing day of the muzzleloader/archery season.]~~ Roads designated for limited open travel will be open from 14 days prior to the opening day of archery season to the closing day of the muzzleloader/archery season. Any travel authorized by this section is subject to further limitation based upon existing weather or road conditions as indicated by conspicuous signage or postings.

* * * * *

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

Action:

H. Amend 58 Pa. Code §135.103.

Commentary:

The Commission currently maintains two controlled goose hunting areas across the Commonwealth at its Pymatuning and Middle Creek Wildlife Management Areas. As a measure to promote full and equal opportunity for all Pennsylvania goose hunters, the Commission has limited hunters to hunt only one day per season on only one controlled goose hunting area as either a reservation holder or a guest of a reservation holder. Although a rare occasion, the lack of flexibility of this restriction has had the unfortunate consequence of limiting the Commission's ability to fill unclaimed blinds when there was an absence of available first-time hunter applicants present on the morning of the designated shooting day. The Commission has determined that it can continue to promote full and equal opportunity for all Pennsylvania goose hunters while also advancing the fullest utilization of its unclaimed blinds by amending this restriction. The Commission is proposing to amend §135.103 to permit persons who have previously hunted a controlled goose hunting area to make application for unclaimed blinds on the morning of the designated shooting day, but only when there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

* * * * *

(6) ~~[An individual may hunt 1 day per season on one controlled goose hunting area as a reservation holder, a guest of a reservation holder or by applying for unclaimed reservations. An individual filling more than one application or hunting more than one time per season on a controlled goose hunting area in this Commonwealth shall be denied the privilege of hunting on these areas for 3 years.]~~ Except as otherwise provided in subparagraph (i), each person is permitted to hunt only one day per season on only one controlled goose hunting area as either a reservation holder or a guest of a reservation holder.

(i) Exception. In the absence of any applications for unclaimed blinds from persons who have not previously been a registration holder or the guest of a registration holder on the morning of the designated shooting day, any person who has previously been a registration holder or the guest of a registration holder may make application for an unclaimed blind in the manner provided for in paragraph (8).

(ii) *Penalty.* Except as otherwise authorized by subparagraph (i), any person that files more than one application or hunts more than one time per season on one or more controlled goose hunting areas with this Commonwealth shall be denied the privilege to hunt any controlled goose hunting area for a period of 3 years.

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

Action:

- I. Amend 58 Pa. Code §§141.47, 141.49, and 147.701, and to add Subchapter Y, §§147.901—147.905 to Chapter 147.

Commentary: Currently, §§141.47, 141.49 and 147.701 separately provide for the permitting of persons guiding other hunters or trappers in their pursuit of elk and bobcats. The Commission has determined that these provisions fail to adequately define and implement all of the necessary aspects of the permitted process concerning this activity. In an effort to correct this deficiency, the Commission is proposing to amend §§141.47, 141.49, and 147.701, and to add Subchapter Y, §§147.901—147.905 to Chapter 147 to relocate, consolidate and more clearly define the permitting process for persons interested in guiding other hunters or trappers for certain designated species. Some notable changes will be increases in the permit fees as well as more stringent eligibility standards.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.47. Elk.

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

* * * * *

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

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

(6) Drive or herd elk.

~~(7)~~ (5) * * *

~~(8)~~ (6) * * *

§141.49. ~~[Elk guide permits.]~~ (Reserved).

~~[The fee for elk guide permits shall be:~~

(1) ~~Resident \$10.~~

(2) ~~Nonresident \$25.]~~

CHAPTER 147. SPECIAL PERMITS

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under §139.4 (relating to seasons and bag limits for the license year).

* * * * *

~~[(9) A bobcat guide permit will be issued as follows:~~

~~(i) A person who assists another person to hunt or take bobcats in any manner shall first secure a Bobcat guide permit from the Commission.~~

~~(ii) The fee for a Bobcat guide permit is \$10 for residents and \$25 for nonresidents.]~~

Subchapter Y. GUIDING PERMIT

Sec.

147.901. Purpose and scope.

147.902. Definitions.

147.903. Application.

147.904. Permit.

147.905. Violations.

§147.901. Purpose and scope.

The purpose of this subchapter is to provide for the issuance of guiding permits to authorize eligible applicants to serve as guides for persons hunting, trapping or otherwise taking certain designated species of game or wildlife.

§147.902. Definitions.

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

Guide. A person who assists another person in any manner to hunt, trap or otherwise take certain designated species of game or wildlife.

Guiding. The act assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of game or wildlife by locating, calling or directing another person to the quarry. The term is not intended to include or authorize such assistance taking the form of any overt act directly connected with harvesting game or wildlife by discharging a firearm, bow or crossbow or setting or resetting a trap or snare.

§147.903. Application.

(a) Applications for guiding permits issued under this subchapter shall be made through the applicant's local district wildlife conservation officer on the appropriate form provided by the Commission.

(b) Each application shall include the name, address, telephone number and date of birth of the applicant, as well as the specific eligible species of game or wildlife sought to be covered by the permit.

(c) Applications for guiding permits will only be accepted from persons who possess a valid hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to license and fee exemptions) and have no prior record of violations of the act or this title or related license revocations within the previous 10 years.

(d) The fee for a guiding permits will be \$25 for residents and \$50 for nonresidents for each respective eligible species of game or wildlife to be covered by the permit.

§147.904. Permit.

(a) General rule. A guiding permit issued pursuant to this subchapter is required for any person to engage in any guiding activities for the following designated species of game or wildlife: elk and bobcat.

(b) Additional permits. Possession of a guiding permit issued pursuant to this subchapter shall not be construed in any manner to diminish an individual's obligation to obtain any other applicable federal, state or local permits concerning the his or her guiding activities.

(c) Guiding on State game lands. Notwithstanding the general prohibitions of §135.41 (relating to state game lands), a guiding permit issued pursuant to this subchapter shall authorize its holder to engage in commercial guiding activities on State game lands for an eligible species of game or wildlife.

(d) Orientation. In any year the Commission establishes an orientation program for an eligible species of game or wildlife, the continuing validity of any guiding permit issued pursuant to this subchapter covering the eligible species is premised upon the permit holder's completion of said orientation program prior to engaging in any guiding activities for the eligible species of game or wildlife.

§147.905. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

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

Action:

J. Amend 58 Pa. Code §147.142.

Commentary: The Game and Wildlife Code and its attendant regulations currently lack a specific permit classification that authorizes the Commission to authorize residents of this Commonwealth to possess and consume the edible portions of game or wildlife that do not meet the current eligibility criteria of §147.142 (relating to possession of wildlife accidentally killed by a motor vehicle), including, but not limited to, mistake kills, agricultural or property protection kills and illegal kills. Despite this absence of a specific permit classification, the Commission has found pragmatic approaches to informally authorize the possession and consumption of the edible portions of the applicable game or wildlife to make legitimate use of these valuable wildlife resources. The Commission has determined that it has become necessary to more formally and clearly define and implement a permitting process by which these distributions should occur. The Commission is proposing to amend §147.142 to expand the sections coverage application to cover wildlife disposition generally pursuant to a consumption permit.

CHAPTER 147. SPECIAL PERMITS

Subchapter H. PROTECTED SPECIMEN

§147.142. ~~[Possession of wildlife accidentally killed by a motor vehicle.]~~ Wildlife disposition.

~~[(a)—A resident of this Commonwealth may immediately take possession of a deer accidentally killed on the highway and transport it to a place of safekeeping within this Commonwealth. The person taking possession shall contact a regional office or a local Commission officer, for a permit number within 24 hours after having taken possession of the deer. The permit number shall be considered a valid permit for the purposes of the act and this part and shall be valid for a period not to exceed 120 days from the date of issuance. The whole or any part of the deer may not be given to any person nor may any edible part be removed from the recipient's place of residence. The recipient may not sell or transfer the hide to another party except the hide may be given to the deer processor. Unused parts of the deer must be disposed of lawfully.~~

~~(b)—Holders of a valid furtakers license may take possession of a furbearer, except river otters, bobcats and fishers, accidentally killed on the highway. Persons taking possession of any furbearer under this section during the closed season for taking that furbearer shall within 24 hours contact any Commission regional office to make notification of said possession.~~

~~(e) — It is unlawful:~~

~~(1) — To possess a deer accidentally killed on the highway for more than 24 hours without applying for a permit number.~~

~~(2) — To give the whole or an edible part of a deer to a person.~~

~~(3) — To fail to comply with one or more conditions of the permit.~~

~~(4) — For a nonresident to possess a deer accidentally killed on the highway.~~

~~(5) — To possess a furbearer accidentally killed on the highway during the closed season for more than 24 hours without notifying the Commission.~~

~~(6) — To possess a river otter, bobcat or fisher accidentally killed on the highway, unless otherwise permitted by the Commission.~~

~~(d) — This section is not applicable under circumstances when a person is charged with violating another statute or regulation involving deer or furbearers. This section may not be used nor will it be accepted as a defense in a legal proceeding involving these cases.~~

~~(e) — This section may not be construed in any manner to limit lawful possession of furbearers under §147.141 (relating to sale of wildlife and wildlife parts).]~~

(a) *Consumption permit.* The Commission, in its sole discretion, may issue a consumption permit to a resident of this Commonwealth to authorize the possession and consumption of the edible portions of any game or wildlife carcass. Any permit issued pursuant to this subsection shall be valid for a period not to exceed 120 days from the date of issuance. The whole or any part of any game or wildlife possessed pursuant to this subsection may not be transferred to another person nor may any edible portion be removed from the possessor's place of residence for any purpose other than processing. All inedible portions of any game or wildlife possessed pursuant to this subsection shall be surrendered to the Commission or disposed of in a manner directed by the Commission.

(1) *General procedures.* Except as otherwise provided in paragraph (2), a person shall contact the Commission to obtain a paper consumption permit prior to taking possession of the carcass of any game or wildlife.

(2) *Special procedures for deer and turkey accidentally killed by a motor vehicle.* A person is authorized to take immediate possession of the carcass of a deer or turkey evidently killed accidentally by a motor vehicle and transport it to a place of safekeeping within the Commonwealth. Any person taking possession of a deer or turkey carcass pursuant to this paragraph shall contact the Commission to obtain a permit number within 24 hours after having taken possession of the deer or turkey carcass. The issued permit number itself shall be considered a valid permit for the purposes of authorizing the continued possession of the edible portions of the deer or turkey carcass.

(b) *Furbearing species accidentally killed by a motor vehicle.* A person holding a valid Pennsylvania furtaker's license is authorized to take immediate possession of and utilize the edible and inedible portions of any furbearer, except river otters, bobcats and fishers, evidently killed accidentally by a motor vehicle. Any person taking possession of any furbearer pursuant to this subsection during the closed season for the taking of same shall contact the Commission to make notification of said possession within 24 hours.

(c) *Unlawful acts.* It is unlawful to:

(1) Possess the whole or any part of any wildlife without receiving any required permit, making any required notification or meeting any applicable eligibility standards within any applicable time restrictions.

(2) Fail to surrender the inedible portions of any game or wildlife possessed pursuant to the authorizations of subsection (a) to the Commission or to dispose of the same in the manner directed by the Commission.

(3) Violate any other provision of this section.

(d) *Inapplicability.* This section shall not be construed to limit the lawful possession of the whole or any part of any wildlife that is otherwise authorized by §147.141 (relating to the sale of wildlife and wildlife parts).

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

Action:

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

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

1. Persons denied the right to hunt or furtake in the Commonwealth, through this action, are notified by Certified Mail that the revocation will commence July 1, 2009, and continue for such period of time as set forth following the individual's name. The symbol "RA" means the revocation was added to an existing revocation.
2. In accordance with the Administrative Agency Law of April 28, 1978, P.L. 202, No. 535, 2 Pa. C.S. §502 et seq., the person placed on revocation has the opportunity for an Administrative Hearing concerning the hunting license revocation. If an Administrative Hearing is requested, a petition for review must be filed at the Commission Headquarters within thirty (30) days from the date of notice. Unless deemed in the best interest of the Commission by the Director or a designee, hearings shall be conducted at the central office. Hearings will be conducted in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code 31.1 et seq. The hearing itself will be conducted in accordance with Chapter 35 of the Rules and Chapter 145 of the Pa. Code.

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

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisition

1. Contract No. 3547, State Game Land No. 44, Elk County

Commentary: 37.5 +/- acres of land in Fox Township, Elk County, adjoining State Game Land No. 44 (Exhibit RED 1). The purchase price of \$30,600 is to be paid by third party commitments for compensation of habitat and recreational losses from previously approved Commission actions involving oil, gas and mineral recovery. The sellers shall retain all coal, oil and gas rights. The property is a reclaimed surface mine. Trees and grasses were planted as part of the reclamation requirements creating a grassland interspersed with black locust. Acquiring this property will reduce the size of an interior that was created when 1,555 acres were added to State Game Land No. 44 in June 2008, and more recently when an additional 376 acre parcel was approved for acquisition from the New Shawmut Timber Company at the January 2009 Commission meeting. A township road borders the eastern side of the property and provides excellent access to the game lands.

2. Contract No. 3548, State Game Land No. 168, Northampton County

Commentary: 12 +/- acres of land in Bushkill Township, Northampton County adjoining State Game Land No. 168 (Exhibit RED 2). This land consisting of three tracts is being offered to the Game Commission by the Wildlands Conservancy, Inc. for \$12,000 lump sum. The wooded tracts are located on the south side of the Blue Mountain and have mature mixed oaks, maples, black gum and birch growing on the property. There are a few spring seeps located on the lower portion of the property as well as a headwater stream of the Bushkill Creek. Acquiring these tracts will begin to fill in an indenture into State Game Land No. 168. The purchase price is to be paid by third party commitments for compensation of habitat and recreational losses from previously approved Commission actions involving oil, gas and mineral recovery.

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

Action:

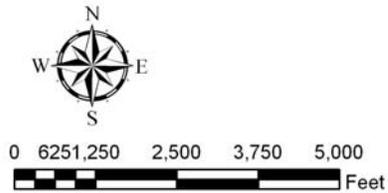
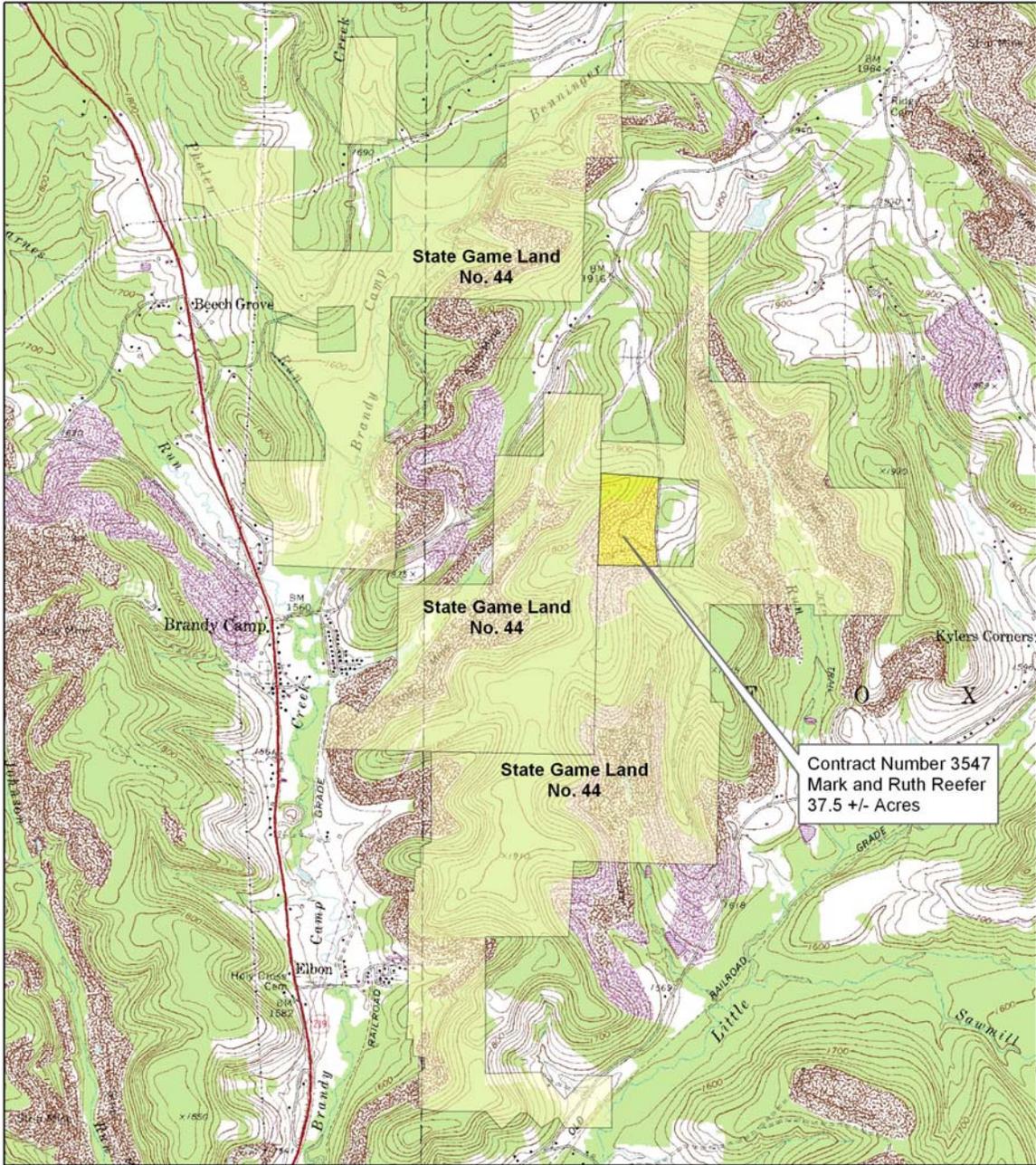


EXHIBIT RED 1
State Game Land No. 44
Mark and Ruth Reefe to PGC
37.5 +/- Acres

Fox Township
Elk County
Northcentral Region

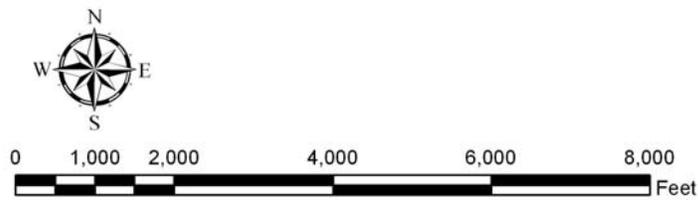
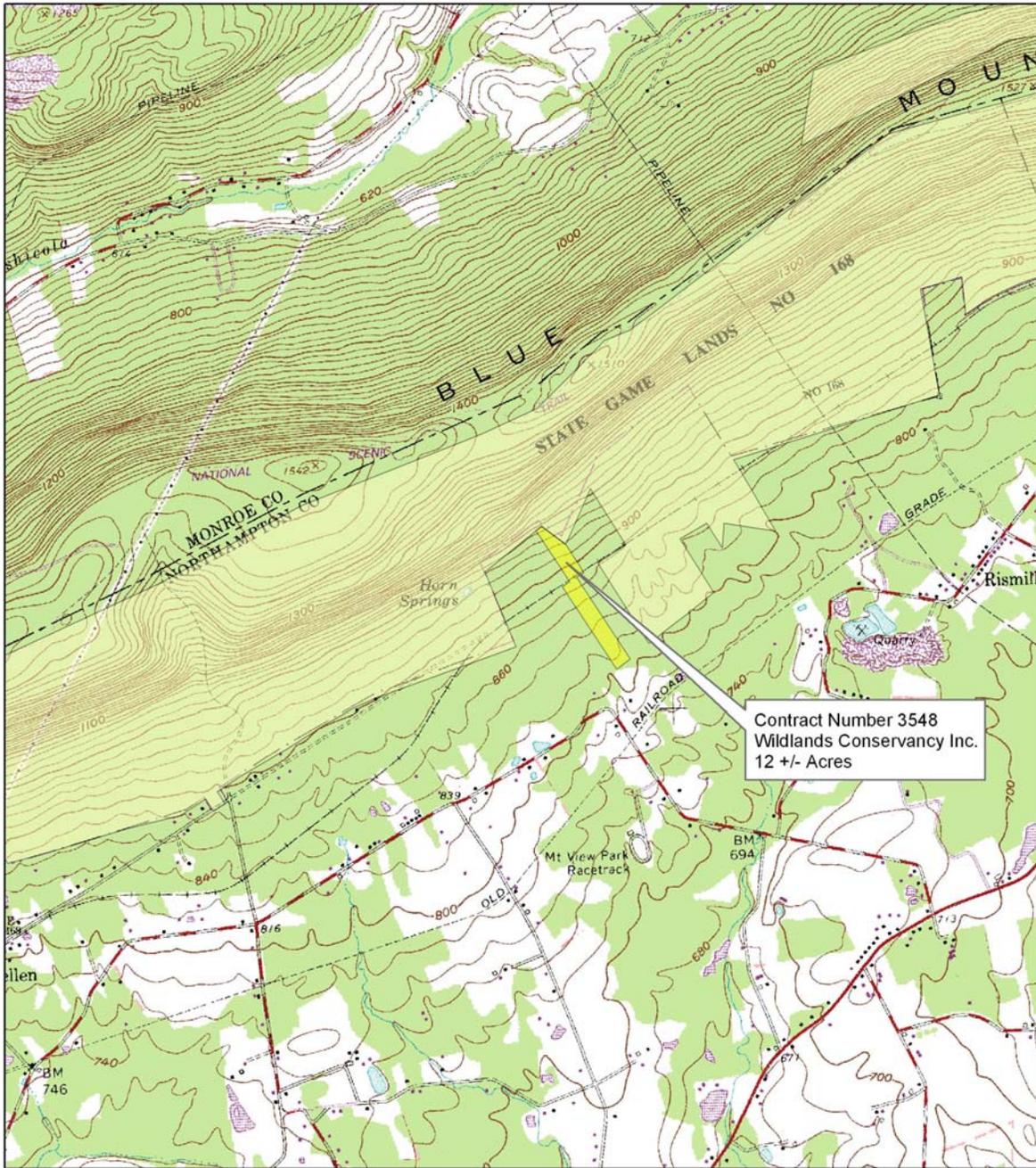


EXHIBIT RED 2
State Game Land No. 168
 Wildlands Conservancy Inc. to PGC
 12 +/- Acres
 Bushkill Township
 Northampton County
 Southeast Region

B. Land Exchange

1. Contract No. 3549, State Game Land No. 289, Bradford County

Commentary:

The Northern Tier Solid Waste Authority (NTSWA) has proposed a land exchange of 26.1 +/- acres of State Game Land No. 289 in West Burlington Township, Bradford County in exchange for tracts of land in West Burlington Township, Bradford County, one containing approximately 53.87 +/- acres and the other tract being 23.4 +/- acres (Exhibit RED 3). As part of the agreement, the Commission shall agree to a relocation of Township Road T-357 located north of the property being conveyed to NTSWA to allow for realignment of the township road. This exchange allows the NTSWA to continue and enhance operations at its landfill site in West Burlington Township, Bradford County. The 26.1 acre portion of State Game Land No. 289 being exchanged with the NTSWA is a forty-plus year old red pine plantation creating a monoculture with limited wildlife habitat value. The 53.87 acre tract is mostly wooded with mixed oaks, maples, eastern hemlock and pine species. The age class is roughly 40% mature timber, 40% pole timber and 20% seedling sapling. Approximately 10 acres are a reverting old hay field. The property is bounded by Route 6 to the south and provides access into the property. The 23.4 acre tract from NTSWA is an indenture into State Game Land No. 289 consisting of a mature stand of hemlock and white pine interspersed with mixed hardwoods. Mill Creek flows through the southwest corner of this property. This tract is surrounded on three sides by State Game Land No. 289 and acquiring this parcel will reduce future boundary line maintenance. This exchange is contingent upon approval from the Department of Conservation and Natural Resources and the National Park Service since the 26.1 +/- acres of State Game Land No. 289 was acquired in part with funding from the Land and Water Conservation Fund Act.

NTSWA also entered into a cooperative agreement with the Commission to transfer an additional 35-acre tract adjoining State Game Land No. 289 to the Commission upon settlement of the above land exchange. As part of its continued operation, NTSWA may desire to use topsoil from this 35 acre property and has retained the rights to remove said topsoil now or in the future. Northeast Region personnel have determined this property is conducive for creating a wetland complex and deem the conversion to a wetland complex acceptable mitigation for removal of topsoil. The Commission agrees to assist with the design of the wetland complex prior to the topsoil removal by offering its expertise on creating wetlands. To the extent of available and budgeted funds, the Commission will offer manpower and equipment to be used only on the portion of the property being made into wetlands. This tract is almost entirely tillable agricultural soils with a narrow wooded riparian corridor running parallel to Sugar Creek which is the southern boundary. The lower sections of the property are seasonally flooded. Access into the property is possible from Route 6,

a portion of its northern boundary and Carman Road, its western boundary.

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

Action:

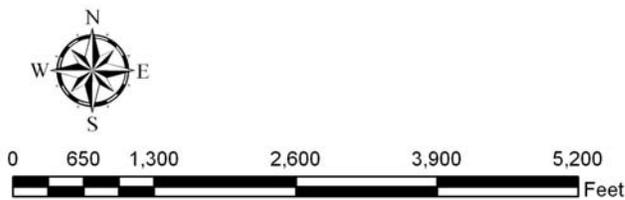
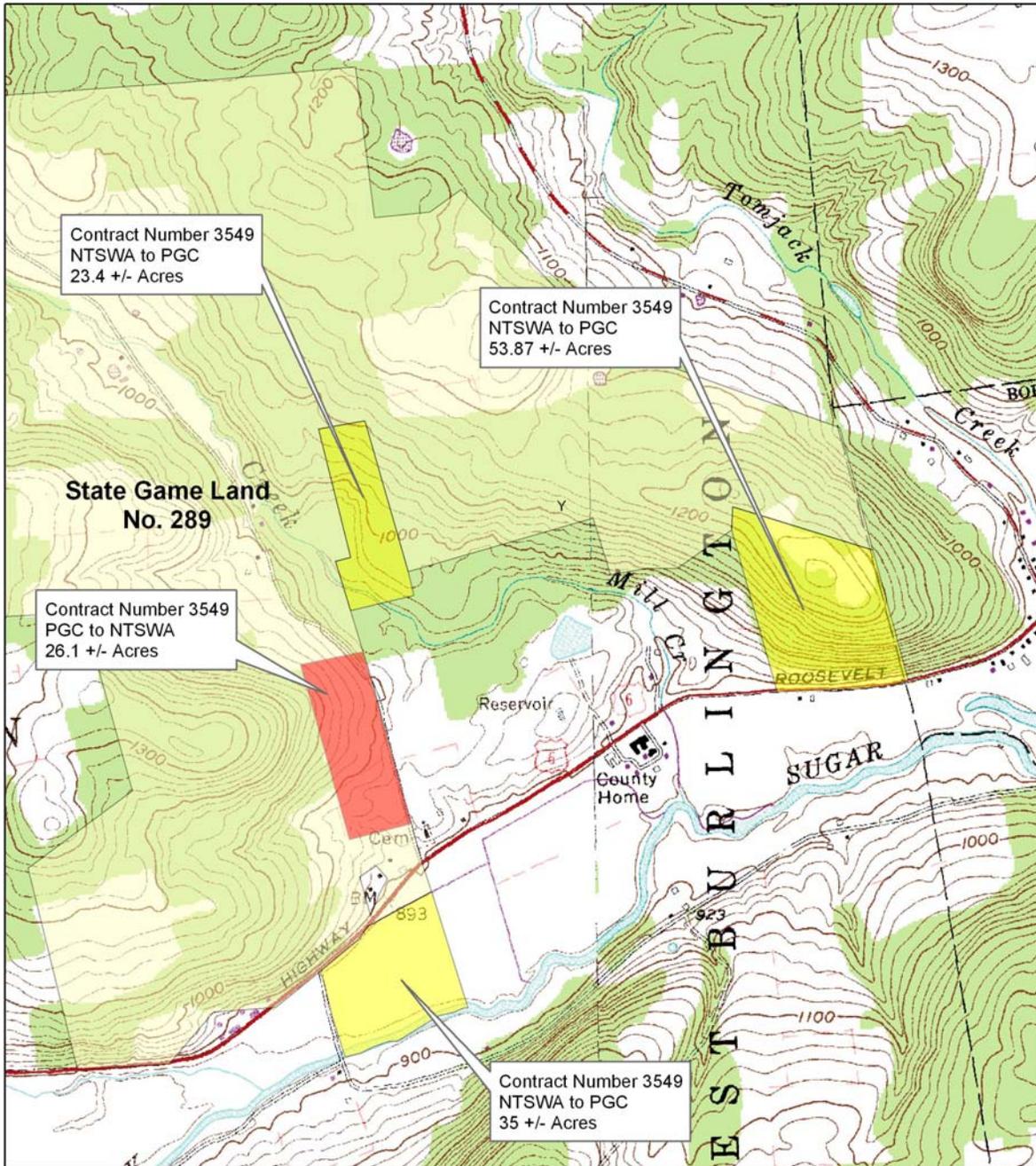


EXHIBIT RED 3
State Game Land No. 289
 Northern Tier Solid Waste Authority to PGC
 112.27 +/- Acres
 PGC to Northern Tier Solid Waste Authority
 26.1 +/- Acres
 West Burlington Township
 Bradford County
 Northeast Region

C. Settlement of Dispute

1. State Game Land No. 44, Elk County

Commentary: By deed dated June 19, 2008, the Commission acquired a tract of land comprised of 4,968.2 acres in Horton Township, Elk County from New Shawmut Timber Company. The acquisition was funded by monies set aside by a third party as security for commitments for compensation of habitat and recreational losses from previously approved Commission actions involving oil, gas and mineral recovery.

At the time of this conveyance there was an outstanding right of first refusal for a 35.53 acre parcel in favor of Ronald, Timothy and Matthew Rogos dated July 1, 2002 (Exhibit RED 4). The deed to the Commission included this 35.53 acre parcel which the Rogos' have demanded be conveyed to them.

In an effort to settle this dispute, the Commission and Rogos' have negotiated a proposed course of action. The Commission would convey a 35.53 acre property (Exhibit RED 4) to Ronald, Timothy and Matthew Rogos. Ronald, Timothy and Matthew Rogos will reimburse the third party in the amount that they paid for the property, which is \$400 per acre. The money will then be used to meet their commitments for compensation of habitat and recreational losses.

This settlement will result in clearing a cloud on title and fostering cooperation with private parties. In addition, the third party will still meet their commitments so the Commission and wildlife resources will benefit.

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

Action:

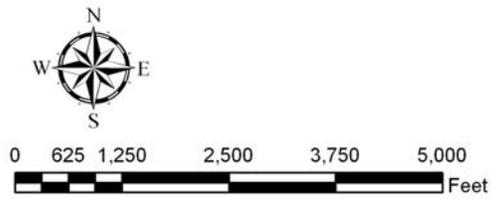
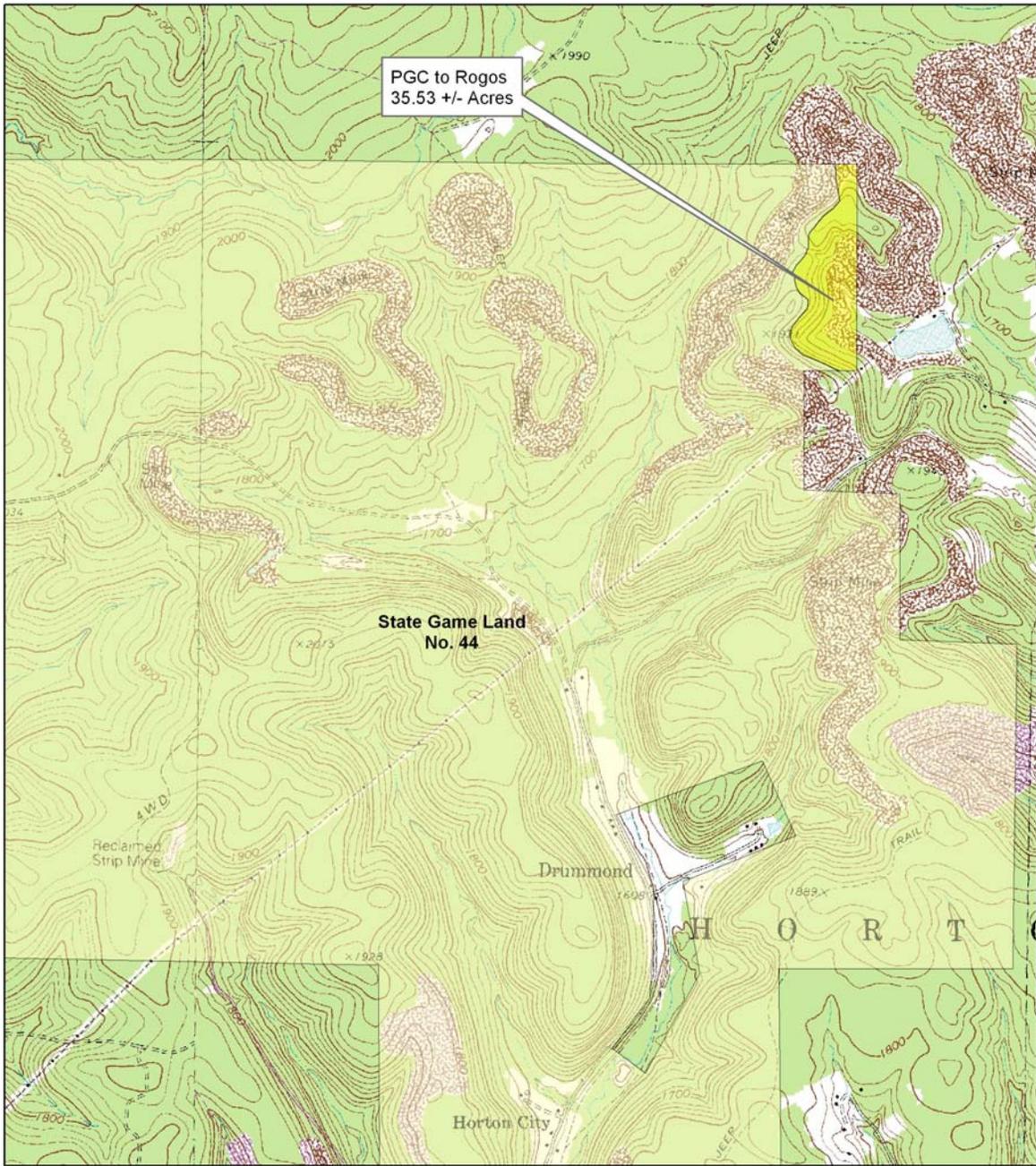


EXHIBIT RED 4
State Game Land No. 44
 PGC to Rogos
 35.53 +/- Acres
 Horton Township
 Elk County
 Northcentral Region

Other New Business

The following Commission Meeting dates were approved for 2009 and January 2010. Does the Commission wish to proceed with these dates and locations?

April 20 and 21, 2009 (Harrisburg)
July 8 and 9, 2009 (Harrisburg)
October 5 and 6, 2009 (Philadelphia -tentative)
January 24, 25 and 26, 2010 (Harrisburg)

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

Adjournment