

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
July 9, 2009

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

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 Thursday, July 9, 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
Thomas E. Boop
David W. Schreffler
David J. Putnam
Robert W. Schlemmer

Approval of Minutes of Meeting held April 21, 2009

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §135.41.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 21, 2009 meeting, proposed the following change:

Amend §135.41 (relating to state game lands) to specifically prohibit the use or possession of drug paraphernalia on State game lands.

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

Action:

EXHIBIT "A"

CHAPTER 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 The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§780-101—780-143).

* * * * *

B. Adoption of proposed amendments to §135.48.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 21, 2009 meeting, proposed the following change.

Amend §135.48 (relating to state game lands roads open to vehicular traffic for disabled persons) to remove the one-way travel limitation affecting the limited travel permitted on designated State game lands roads and replace it with an open travel allowance that 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 FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "B."

Action:

EXHIBIT "B"

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 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.

* * * * *

C. Adoption of proposed amendments to §135.103.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 21, 2009 meeting, proposed the following change.

Amend §135.103 (relating to registration for controlled goose hunting areas) 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 where there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area.

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

Action:

EXHIBIT "C"

CHAPTER 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) Except as otherwise provided in subparagraph (i), each person is permitted to hunt only 1 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, a person who has previously been a registration holder or the guest of a registration holder may apply for an unclaimed blind in the manner provided for in paragraph (8).

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

D. Adoption of proposed amendments to §§141.47, 141.49, and 147.701, and to add Subchapter Y, §§147.901—147.905 to Chapter 147.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 21, 2009 meeting, proposed the following changes.

Amend §§141.47 and 147.701 (relating to elk; and general), remove §141.49 (relating to elk guide permits) and add Chapter 147, Subchapter Y (relating to guiding permit) to relocate, consolidate and more clearly define the permitting process for persons interested in guiding other hunters or trappers for certain designated species.

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 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) Drive or herd elk.

(5) * * *

(6) * * *

§141.49. (Reserved).

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 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 wildlife.

Guiding—

(i) The act assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize such assistance taking the form of any overt act directly connected with harvesting wildlife by discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

§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 must include the name, address, telephone number and date of birth of the applicant, as well as the specific eligible species of 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 permit will be \$25 for residents and \$50 for nonresidents for each respective eligible species of wildlife to be covered by the permit.

§147.904. Permit.

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

(b) *Additional permits.* Possession of a guiding permit issued under this subchapter does not diminish an individual's obligation to obtain any other applicable Federal, State or local permits concerning the 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 wildlife.

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

E. Adoption of proposed amendments to §147.142.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 21, 2009 meeting, proposed the following change.

Amend §147.142 (relating to possession of wildlife accidentally killed by a motor vehicle) to expand the section's coverage to apply to wildlife disposition generally pursuant to a consumption permit.

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 147. SPECIAL PERMITS

Subchapter H. PROTECTED SPECIMEN

§147.142. Wildlife disposition.

(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 wildlife carcass. A permit issued under this subsection will be valid for a period not to exceed 120 days from the date of issuance. The whole or any part of any wildlife possessed under 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. Inedible portions of any wildlife possessed under 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 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 this Commonwealth. A person taking possession of a deer or turkey carcass under 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 under this subsection during the closed season for the taking of same shall contact the Commission to make notification of the 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 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 provisions of this section.

(d) *Inapplicability.* This section does not 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).

PROPOSED RULE MAKING

F. Amend 58 Pa. Code §§139.4, 141.43 and 141.44.

Commentary: The use of crossbows in the archery seasons has been a difficult issue for the Board of Commissioners to address. The crossbow was included in all archery seasons by the Board of Commissioners in January 2009. Since that time, the composition of the Board has changed and some Commissioners believe the vote in January does not reflect the views of the current board. As a result, the agenda item below has been introduced to change the season in which the crossbow can be used. This will result in less time available for the use of crossbows in the archery season.

CHAPTER 139. SEASONS AND BAG LIMITS

§139.4. Seasons and bag limits for the license year.

(See 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**

* * * * *

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
<u><i>Deer, Crossbow (Antlered & Antlerless)</i></u> ² <u><i>(Statewide)</i></u>	<u>Oct. 3</u>	<u>Oct. 17</u>	<u>One antlered and an antlerless deer with each required antlerless license.</u>

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.43. Deer.

(a) *Archery deer season.*

(1) *Permitted devices.* ~~[H]~~ Except as otherwise provided in paragraph (2), it is lawful to hunt deer during the archery deer season with any of the following devices:

* * * * *

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

* * * * *

(iii) Except in Wildlife Management Units 2B, 5C and 5D, hunt or take deer with a crossbow without a valid disabled persons permit.

(a.1) *Crossbow deer season.*

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

(i) *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 with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(ii) *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 with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

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

(i) Use or possess a firearm, except a person may possess certain firearms during the crossbow deer season under the authorizations of 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.

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with ~~[a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open sights and be a .44 caliber or larger single barrel long gun or a .50 caliber or larger single barrel handgun that propels single projectile ammunition.]~~ any of the following devices:

(i) A muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single projectile ammunition.

(ii) 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 with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

* * * * *

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer seasons with ~~[a muzzleloading firearm. The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single projectile ammunition.]~~ any of the following devices:

(i) A muzzleloading firearm. The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single projectile ammunition.

(ii) 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 with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

* * * * *

§141.44. Bear.

(a) *Archery bear season.*

(1) *Permitted devices.* ~~[It]~~ Except as otherwise provided in paragraph (2), it is lawful to hunt bear during the archery bear season with any of the following devices:

* * * * *

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

(v) Except in Wildlife Management Units 2B, 5C and 5D, hunt or take bear with a crossbow without a valid disabled persons permit.

* * * * *

Recommendation: This is a Commissioner directed agenda item.

Action:

G. Amend 58 Pa. Code, Chapter 143, by adding §143.203a.

Commentary: On October 9, 2008, House Bill 747 (Act 101, '08) was signed into law. This legislation effectively amended section 2706.2 of the act (relating to elk hunting licenses) to authorize the Commission to auction off one elk license per license year through an eligible wildlife conservation organization. Due to the intermediary role the wildlife conservation organization serves in the sale of this license, the Commission has determined that the implementation of the voucher procedures set forth in section 2712 of the act (relating to vouchers for licenses and permits) will streamline and simplify the process of transferring the license to the winning bidder of the auction. Pursuant to this process, the wildlife conservation organization will issue the winning bidder of the auction a voucher which then may be redeemed at any of the Commission's issuing agent locations for the official elk license. To this end, the Commission is proposing to add §143.203a to establish the special elk conservation license auction and license issuance process.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter K. ELK LICENSES

§143.203a. Special elk conservation license auction.

(a) Each year the Commission may contract with an eligible wildlife conservation organization to conduct an auction sale of one special elk conservation license in accordance with the mandates under section 2706.2 of the act (relating to elk hunting licenses).

(b) Upon conclusion of the auction, the wildlife conservation organization shall issue the winning bidder a license voucher which may be redeemed for a special elk conservation license under section 2712 of the act (relating to vouchers for licenses and permits).

Recommendation: The Executive Director and staff recommend the Commission approve this addition to 58 Pa. Code, Chapter 143.

Action:

H. Amend 58 Pa. Code, Chapter 141, §141.20, and Chapter 147, §§147.101-147.114.

Commentary:

A dual State and Federal permitting system has been in place since the initial implementation of Federal regulations governing falconry. Notwithstanding the separation and independence of these dual permitting structures, the states have always been required to operate their falconry programs within the bounds of the Federal regulations. On October 8, 2008, the United States Fish and Wildlife Service published new changes to the Federal falconry regulations. Most significantly, the new language eliminated the requirement for a Federal permit to practice falconry. The new language also established a deadline of January 1, 2014, at which time the Federal permit program will be discontinued. In order for Pennsylvania's falconry program to continue beyond this deadline, it must adopt and implement regulations that meets the standards in the new Federal regulations. Once these standards are met, falconers will only be required to possess a state permit. To this end, the Commission is proposing to amend §§141.20 and 147.101—147.114 to meet these new Federal standards as well as simplify, reorganize and enhance current state regulations.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.20. Protective material required.

* * * * *

(b) Permitted acts. It is lawful to:

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

* * * * *

(iv) ~~[Small game]~~ Any game or wildlife that can be lawfully harvested under the authority of a valid falconry permit.

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§147.101. Definitions.

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

Bate – Attempt to fly.

Eyases – A young bird not yet capable of flight.

* * * * *

Falconry – ~~[The sport of hunting with trained raptors including the training of raptors.]~~ The wild capture, husbandry and training of raptors for the pursuit of game and wildlife, and the hunting of game and wildlife with raptors.

Hacking – The controlled release of a raptor to the wild.

Hybrid – The offspring of birds listed as two or more distinct species in 50 CFR 10.13, offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 CFR 10.13 and the offspring of any hybrid birds.

Imprint – For the purposes of falconry, a bird that is hand-raised in isolation from the sight of other raptors until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

* * * * *

Passage birds –

(i) Raptors in their first year of life, postfledging and possessing no more than two adult feathers.

(ii) Golden Eagles taken as a juvenile must possess at least one subadult feather.

Raptors – Live migratory birds of the order Falconiformes or the order Strigiformes ~~[other than]~~ including the Bald Eagle – *Haliaeetus leucocephalus* – ~~[or]~~ and the Golden Eagle – *Aquila chrysaetos*, wherever its place of origin, whether or not raised in captivity or a hybrid of those species.

* * * * *

§147.102. [Examination] Application, examination and fees.

~~[(a) — New falconers shall begin at the apprentice class and are required to pass a supervised examination with a grade of 80%. Falconry examinations will be provided or approved by the United States Fish and Wildlife Service. Examinations will be given from January 1 to June 30 of each year at each regional headquarters building. The examination may relate to basic biology, care and handling of raptors, literature, regulations and other appropriate subject matter.~~

~~(b) — The basic permit fee — whether a raptor is possessed or not — is \$25, which authorizes the permittee to possess one raptor. Each additional raptor held shall require an extra fee of \$25. A raptor acquired during the permit year requires an added fee of \$25 payable within 10 days after receipt of the falconry bird.]~~

(a) Application. Applications for falconry permits issued under this subchapter shall be made through the regional office on the appropriate form provided by the Commission.

(1) Applications will only be accepted from persons who possess a valid hunting license or qualify for license and fee exemptions under section 2706 (relating to license and fee exemptions).

(2) Applications must include the name, address, and telephone number of the applicant, a photocopy of the applicant's valid Pennsylvania hunting license and a nonrefundable examination fee of \$25.

(3) Applicant who are 17 years of age or younger are additionally required to have a parent or legal guardian co-sign the application and assume legal responsibility for the applicant's falconry activities.

(b) Examination.

(1) New applicants shall pass a supervised examination with a minimum grade of 80%.

(2) Examinations must cover the following subjects:

(i) Laws and regulations.

(ii) Raptor biology and raptor identification.

(iii) Trapping methods.

(iv) Facilities requirements.

(v) Care of raptors held for falconry.

(vi) Disease and health problems of raptors.

(vii) Training methods.

(3) Examinations are administered by the Commission at each regional office between January 1 to June 30 each year.

(c) Validation. A new applicant's falconry permit is validated at the apprentice class only upon passage of the supervised examination, passage of facility inspection, and payment of the falconry permit fee set forth in section 2904 of the act (relating to permit fees).

(d) Lapsed permit. A falconer whose permit lapses for 2 or more years shall apply as a new applicant.

§147.103. Classes [~~of permits~~].

~~[(a) Apprentice. A permittee shall be 16 years of age or older.~~

~~(1) A sponsor, who is the holder of a valid Federal and Pennsylvania general or master falconry permit, is required for a permittee in the apprentice class. An apprentice permittee shall notify the Commission in writing within 5 days after sponsorship has been withdrawn.~~

~~(2) A permittee may not have more than one raptor and may not obtain more than one raptor for replacement during a permit year. A first year permittee may take only one raptor with no replacement.~~

~~(3) A permittee shall possess only an American Kestrel — *Falco sparverius*, a Red Tailed Hawk — *Buteo jamaicensis*, or a Red Shouldered Hawk — *Buteo lineatus*.~~

~~(4) The raptor held by an apprentice shall be taken from the wild.~~

~~(b) General. A permittee shall be at least 20 years of age.~~

~~(1) A permittee who has been licensed at least 2 years as an apprentice falconer and has had a raptor in possession for at least 12 months of that time may be moved to the next higher classification. A sponsor for an apprentice shall certify in writing that the apprentice is qualified to become a general falconer.~~

~~(2) A permittee may not have more than two raptors in his possession and may not take more than two raptors for replacement birds during a permit year. For the first permit year at the general class, a permittee may take one raptor in addition to the one possessed as an apprentice and also take one replacement.~~

~~(3) A permittee may not take, transport or possess a Golden Eagle or a species listed as endangered or threatened by the United States Department of Interior or the Commission.~~

~~(c) Master. A permittee shall be at least 25 years of age.~~

~~(1) A permittee who has at least 5 years of falconry experience in the practice of falconry at the general class and had a raptor in possession for 30 months of this time may be moved to the master classification.~~

~~(2) — A permittee may not possess more than three raptors, and may not take more than two raptors for replacements during a permit year. For the first permit year at the master class, one raptor may be taken in addition to the two which may be possessed as a general falconer and one raptor may be taken as a replacement.~~

~~(3) — A permittee may not take, transport or possess a species listed as endangered on a United States Department of Interior or Commission list.~~

~~(4) — A permittee may not take, transport or possess a Golden Eagle for falconry purposes unless authorized in writing by both the United States Fish and Wildlife Service and the Commission.~~

~~(5) — A permittee may not take, transport or possess as part of the three bird limitation, more than one raptor listed as threatened on United States Department of Interior or Commission list and then only in compliance with all Federal requirements and written permission of the Commission.~~

(a) *Apprentice.* Permittees of the apprentice class shall be subject to the following requirements and limitations:

(1) Permittees shall be 12 years of age or older.

(2) Permittees shall be sponsored, at all times, by a Pennsylvania general or master class falconry permit holder. If a permittee's sponsorship is withdrawn or lost for any reason, the permittee shall provide written notification of the loss to the Commission within 5 days and shall be required to replace the sponsorship within 15 days.

(3) A first year permittee of this class may take and possess only one raptor with no replacement during the first permit year. Other permittees of this class may take and possess only one raptor with only one replacement during each permit year.

(4) Permittees are limited to taking and possessing only wild passage (no eyases) raptors of the following species:

(i) American Kestrel (*Falco sparverius*).

(ii) Red-tailed Hawk (*Buteo jamaicensis*).

(5) Permittees are required to trap their first passage raptor under the direct supervision of a Pennsylvania general or master class falconry permit holder.

(b) *General.* Permittees of the general class shall be subject to the following requirements and limitations:

(1) Permittees shall be 18 years of age or older.

(2) General class permit applicants shall have maintained their apprentice class permit status in good standing for a minimum of 2 years and during that period shall have maintained a raptor for a minimum of 12 months. An application to advance to the general class shall be accompanied by a written letter of recommendation from the permittee's sponsor representing that the permittee possesses the competency and skills necessary to become a member of the general class.

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of two raptors with only one replacement during the first permit year. Other permittees of this class may possess up to a total of three raptors with two replacements during each permit year. Captive-bred raptors shall be included in these quota limits.

(4) Except as further limited by §147.109 (relating to restrictions on taking raptors), permittees are authorized to take and possess any wild passage or eyas raptors except the following species:

(i) Golden Eagle (*Aquila chrysaetos*).

(ii) Bald Eagle (*Haliaeetus leucocephalus*).

(iii) White-tailed Eagle (*Haliaeetus albicilla*).

(iv) Steller's Sea-eagle (*Haliaeetus pelagicus*).

(v) Other raptor species listed or classified as threatened or endangered by the United States Department of Interior or the Commission.

(c) *Master*. Permittees of the master class shall be subject to the following requirements and limitations:

(1) Permittees shall be 23 years of age or older.

(2) Master class permit applicants shall have maintained their general class permit status in good standing for a minimum of 5 years and during that period shall have maintained a raptor for a minimum of 3 years.

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of four raptors with only one replacement during the first permit year. Other permittees of this class may possess up to a total of five raptors with two replacements during each permit year. Captive-bred raptors will not be included in these quota limits.

(4) Except as otherwise provided by §147.109 and paragraph (5), permittees are authorized to take and possess any wild passage or eyas raptors except the following species:

- (i) Golden Eagle (*Aquila chrysaetos*).
- (ii) Bald Eagle (*Haliaeetus leucocephalus*).
- (iii) White-tailed Eagle (*Haliaeetus albicilla*).
- (iv) Steller's Sea-eagle (*Haliaeetus pelagicus*).

(v) Other raptor species listed or classified as threatened or endangered by the United States Department of Interior or the Commission, unless authorized in writing by the United States Department of Interior or the Commission, or both, to possess up to a maximum of one threatened or endangered raptor as part of their total possession allowance.

(5) Upon additional written authorization provided by the Commission, permittees may possess up to a maximum of three eagles, regardless of captive-bred or wild caught, limited to golden eagles, white-tailed eagles and Steller's sea-eagles, as part of their total possession allowance. An application to possess eligible Eagles shall be accompanied by two written letters of recommendation from persons with experience handling or flying, or both, large raptors, such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*) or great horned owls (*Bubo virginianus*). Each letter of reference must contain a concise history of the author's experience with large raptors and an explicit representation that the permittee possesses the competency and skills necessary to possess eagles.

§147.104. [Facilities] Shelter, care and protection.

~~[(a) — The primary consideration for raptor housing facilities, whether indoors or outdoors, is protection from the environment, predators and undue disturbance. Each falconer or applicant shall have indoor or outdoor facilities, or both, as described in paragraphs (1) and (2). The facilities shall be constructed so that the raptor being housed is provided with adequate protection at all times.~~

~~(1) — *Indoor facilities.* Mews shall be sufficient to allow easy access for caring for the raptors in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered, or separated by partitions, and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The mews floor shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.~~

~~(2) — *Outdoor facilities.* Weathering areas shall be fenced and covered with netting or wire, or roofed to protect birds from disturbance and attack by predators. Perches more than 6 1/2 feet high need not be covered or roofed. The enclosed area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind and inclement weather shall be provided for each bird. Adequate perches shall be provided.~~

~~(b) — If a falconer has only a single facility of an outdoor type where the bird is kept permanently tied, the facility shall be entirely enclosed with fencing material, regardless of the height of the perch, and the facility shall be constructed so that the raptor is able to seek refuge from extreme climatic conditions and disturbance. If a falconer has only a single facility of the indoor type, the raptors may not be weathered unless the bird is weathered on the fist.~~

(a) *Housing.* Any raptor possessed under a falconry permit shall be housed in a permanent indoor or outdoor facility that provides humane and healthful living conditions, including suitable protection from the environment, predators and under disturbance.

(1) *Size.* Housing facilities shall be large enough to afford the permittee easy access to provide for the care and feeding of raptors housed within. Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings and bate without damaging its feathers or contacting other raptors.

(2) *Containment.* Housing facilities shall be totally enclosed and of a design, strength, quality and condition to provide for the adequate containment of any raptor housed within and exclusion of any predators from without. If two or more raptors are housed in the same housing facilities, each raptor shall be separated from other raptors by partitioning walls or suitable tethering. Compatible raptors may be housed together.

(3) *Protection.* Housing facilities shall provide areas of refuge that provide adequate protection from excessive sun, wind, inclement weather and disturbance to any raptor housed within.

(4) *Perches.* Housing facilities shall provide a suitable perch for each raptor housed within.

(5) *Sunlight.* Housing facilities shall provide at least one opening or window to permit the admission of sunlight. The opening or window must be protected on the inside with visible bars spaced narrower than the width of the raptor's body to deter in flight impacts.

(6) *Cleaning and drainage.* Housing facilities shall be of a design and condition to permit easy cleaning and adequate drainage.

(7) *Transportation.* Raptors may be transported to and from their permanent or temporary housing facilities provided they have a suitable perch and protection from extreme temperatures, wind and excessive disturbance.

(8) *Temporary housing.* Raptors may be housed outside of their permanent housing facilities provided they have a suitable perch and protection from extreme temperatures, wind and excessive disturbance for a period not to exceed 30 days without additional authorization from the Commission. Permittees are required to notify the district wildlife conservation officer within 5 days of the commencement of utilizing a temporary housing facility.

(b) Equipment. Permittees shall possess the following equipment suitable for the maintenance of raptors:

(1) Jesses. At least one pair of Alymeria jesses or jesses of similar type or design and constructed of pliable, high quality leather or suitable synthetic material for use when free flying the raptor. Traditional one piece jesses may only be used for hunting or free flight if they do not have slits.

(2) Leashes and swivels. At least one flexible weather resistant leash and one strong swivel.

(3) Bath container. At least one suitable container accessible to each raptor for drinking and bathing purposes. The container shall be 2 to 6 inches deep and wider than the length of one raptor.

(4) Outdoor perches. At least one suitable weathering area perch for each raptor.

(5) Weighing device. A reliable scale or balance suitable for weighing raptors. The device shall be graduated in increments of not more than 1/2 ounce or 15 grams.

(c) Maintenance, care and sanitation. Permittees shall maintain all raptors and their attendant housing facilities in a safe, sanitary and humane condition.

(1) Food. Permittees shall provide each raptor with adequate supplies of palatable, uncontaminated and nutritionally adequate food suitable to ensuring the normal health and maintenance of raptors.

(2) Water. Permittees shall provide each raptor with adequate supplies of fresh, uncontaminated water that is available at all times.

(3) Waste. Permittees shall remove fecal, food and other waste from housing facilities as needed.

(4) Care. Permittees shall provide any necessary health care or seek care through a licensed veterinarian or wildlife rehabilitator for any sick or injured raptor.

(d) Inspection. A permittee's raptors, housing facilities, equipment and records are subject to inspection by the Commission during normal business hours on any day of the week. All housing, equipment, maintenance, care and sanitation conditions are subject to the initial and ongoing approval of the Commission. Any required modifications shall be completed within 30 days after official oral or written notice of deficiency received from the Commission.

§147.105. ~~[Equipment]~~ Taking restrictions for resident falconers.

~~[The following items shall be in the possession of the applicant before a permit or license will be granted:~~

~~(1) — *Jesses.* — At least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material shall be used when a raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown.~~

~~(2) — *Leashes and swivels.* — At least one flexible weather-resistant leash and one strong swivel.~~

~~(3) — *Bath container.* — At least one suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for a raptor.~~

~~(4) — *Outdoor perches.* — At least one weathering area perch of an acceptable design shall be provided for each raptor.~~

~~(5) — *Weighing device.* — A reliable scale or balance suitable for weighing the raptor held and graduated in increments of not more than 1/2 ounce — 15 grams — shall be provided.]~~

Taking restrictions for resident falconers are as follows:

(1) A valid falconry permit is required prior to obtaining a raptor.

(2) *Eyases* — may only be taken by a General or Master falconer. No more than two wild eyases may be taken by the same permittee per permit year. Permittee may not take the last remaining eyas from the nest.

(3) A raptor, other than an endangered or threatened species, taken under a depredation permit or rehabilitated by a licensed rehabilitator determined to be unfit for return to the wild may, with written authorization of the Commission, be used by falconers as long as they do not exceed limits set by its classification and this subchapter.

(4) A bal-chatri type live trap, other live traps and nets may be used for taking raptors if they are used in a manner which minimizes the danger of injuring the raptor.

(5) Owners of escaped raptors which are banded as required by §147.107 (relating to marking of certain raptors) may recapture the banded raptors.

(6) Permittees may take no more than two raptors from the wild during any given permit year for replacement or other purposes regardless of their permit quota allowances.

§147.106. [Maintenance] Nonresident falconers.

[Facilities and equipment shall be kept at or above standards in this subchapter.]

(a) *Temporary importation.* A nonresident may temporarily import raptors into this Commonwealth for the purpose of attending a falconry meeting or to hunt provided the possession and importation of the raptors is in compliance with all applicable Federal and State laws and regulations. The temporary importation may not exceed 30 days without additional authorization from the Commission.

(b) Permanent importation. A nonresident who moves into this Commonwealth for the purpose of becoming a resident may permanently import raptors into this Commonwealth provided all of the following conditions are met:

(1) Possession and importation of the raptors is otherwise in compliance with all applicable state and federal laws and regulations.

(2) Establishes permanent housing facilities for the raptors that meet or exceed the requirements of §147.104 (relating to shelter, care and protection) within 30 days of importation.

(3) Obtain a Pennsylvania falconry permit no later than 60 days after relocation into this Commonwealth. A relocating nonresident is eligible to receive a Pennsylvania falconry permit of the same or equivalent classification. The falconry permit issued by the former state of residence will be deemed the nonresident's temporary authority to possess and exercise imported raptors until the Pennsylvania permit is issued. This temporary authority shall not be construed to permit the taking of additional raptors from the wild in Pennsylvania.

(c) Taking restrictions for nonresidents are as follows:

(1) A nonresident permittee possessing a current and active falconry permit in the General or Master classification in a state listed in 50 CFR 21.29(k) (relating to Federal falconry standards), may apply for a special permit to take one raptor from the wild in this Commonwealth if the home state of the applicant allows the taking of raptors by nonresidents.

(2) The fee for a permit to take a raptor is \$100 and is not refundable.

(3) Applications for this permit shall be submitted directly to the Bureau of Wildlife Protection with the applicant's name, address, telephone number, date of birth, and the species desired and whether a nestling (eyas) or passage bird is requested. Copies of the applicant's current state or Federal, or both, falconry permit along with a valid import permit or letter from the applicant's home state authorizing the import of the raptor being requested shall accompany the application. A certified check or money order in the amount of \$100 payable to "Pennsylvania Game Commission" shall accompany the application.

(4) Applications may only be submitted between January 1 and December 1 annually.

(5) Periods for taking raptors as authorized under a nonresident take permit are May 8 to July 15, inclusive for nestling (eyas) birds, or September 19 to December 31, inclusive for passage birds.

(6) A permittee may not take the last remaining nestling – eyas – from a nest.

(7) The number of permits issued annually will not exceed:

<u>NUMBER</u>	<u>TYPE</u>
<u>5</u>	<u>Nestling (Eyas)</u>
<u>15</u>	<u>Passage</u>

(8) Eyas Goshawk birds may not be taken.

(9) Permits will be issued under a first-come-first-served basis until the annual allocation is exhausted.

(10) The acquisition of a raptor taken from the wild as authorized by the take permit shall be reported to the United States Fish and Wildlife Service by completing a Form 3-186A (Migratory Bird Acquisition and Disposition Report) and forwarding a copy to the Bureau of Wildlife Protection within 5 days.

(11) Marking of certain raptors shall be in compliance with the requirements of the home state of the falconer.

(12) Raptors taken under the authority of this permit shall be used for falconry purposes only.

§147.107. ~~[Transportation temporary holding]~~ Marking of certain raptors.

~~[A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.]~~

(a) Banding. The following raptors possessed for falconry purposes shall be immediately banded upon capture by either a seamless numbered band or a permanent, numbered, nonreusable band supplied by the United States Fish and Wildlife Service or the Commission:

(1) Peregrine Falcons (*Falco peregrinus*).

(2) Goshawks (*Accipiter gentilis*).

(3) Gyrfalcons (*Falco rusticolus*).

(4) Harris Hawks (*Parabuteo unicinctus*).

(5) Captive bred raptors and/or hybrid raptors.

(b) Replacement bands. The Commission will replace any band required by subsection (a) that has become mutilated, illegible or lost. The permittee shall report any damage or loss requiring replacement to the Bureau of Wildlife Protection within 72 hours of the damage or lost band. A band which is mutilated or no longer legible shall be returned to the Commission prior to replacement.

(c) Return of bands.

(1) Removal and return of used bands. Permittees shall remove bands from any raptor that expires, is released into the wild, or no longer requires banding under subsection (a). Golden Eagles banded prior to January 1, 2010, may retain their leg bands. Permittees shall return any removed bands to the Bureau of Wildlife Protection within 5 days.

(2) Return of unused bands. Permittee shall return any unused bands in their possession by June 30 to the Bureau of Wildlife Protection.

(d) Radio transmitters. Permittees shall attach two radio transmitters on any hybrid raptor that is flown for falconry purposes or for a falconry demonstration for the purpose of relocation if lost.

(e) Unlawful acts. It is unlawful for any person to transfer, alter or deface a lawfully issued band or to use or possess a counterfeit band. This subsection shall not be construed in any manner to prohibit a permittee from removing the rear tab or smoothing rough or imperfect surfaces if the integrity of the band and numbering is not diminished.

§147.108. ~~[Inspection]~~ Reporting requirements.

~~[Falconry equipment shall be inspected and certified annually by a representative of the Commission. Equipment shall meet or exceed standards in this subchapter.]~~

(a) Raptor acquisition, transfer or disposition report. Permittees shall complete and submit a Form 3-186A (Migratory Bird Acquisition and Disposition Report) to the United States Fish and Wildlife Service and forward a copy to the Bureau of Wildlife Protection within 5 days for the following types of transactions or events:

(1) The acquisition of a raptor taken from the wild or received by transfer from another person.

(2) The loss of a raptor previously held through release, escape, theft or death.

(3) The transfer of a raptor to another person.

(4) The banding or rebanding of any raptor which requires banding.

(5) The loss or removal of banding from any raptor that does not presently require banding.

(b) Annual report. Permittees shall complete and submit an annual report to the Bureau of Wildlife Protection by July 31 on forms supplied by the Commission. These reports shall include an accurate accounting of all activities conducted under the authority of their falconry permit during the preceding permit year. Permittees shall complete and submit a similar report within 30 days of the termination of their permit.

§147.109. ~~[Restrictions on taking raptors]~~ Hunting and training with raptors.

~~[(a) Taking restrictions for residents are as follows:~~

~~(1) A valid falconry permit is required prior to obtaining a raptor.~~

~~(2) Young wild birds not yet capable of flight eyases may only be taken by a general or master falconer, and only during the period April 1 to April 7 inclusive and May 8 to July 15 inclusive. Great Horned Owl eyases may be taken from March 15 to March 21 inclusive. No more than two wild eyases may be taken by the same permittee during specified periods.~~

~~(3) First year wild passage birds may be taken during the period September 19 to December 31, inclusive.~~

~~(4) Adult American Kestrels (*Falco sparverius*) and Great Horned Owls (*Bubo virginianus*) may be taken during the period September 19 to December 31, inclusive.~~

~~(5) A raptor, other than an endangered or threatened species, taken under a depredation permit or rehabilitated by a licensed rehabilitator determined to be unfit for return to the wild may, with written authorization of the Commission, be used by falconers as long as they do not exceed limits set by its classification and this subchapter.~~

~~(6) A bal chatri type live trap, other live traps and nets may be used for taking raptors if they are used in a manner which minimizes the danger of injuring the raptor.~~

~~(7) Owners of escaped raptors which are banded as required by the United States Fish and Wildlife Service may recapture the banded raptors.~~

~~(b) Taking restrictions for nonresidents are as follows:~~

~~(1) A nonresident possessing a current and active falconry permit in the General or Master Classification in a state listed in 50 CFR 21.29(k) (relating to Federal falconry standards), may apply for a special permit to take a raptor in this Commonwealth if the home state of the applicant allows the taking of raptors by nonresidents.~~

~~(2) The fee for a permit to take a raptor is \$100 and is not refundable.~~

~~(3) Applications for this permit shall be submitted directly to the Commissions' Bureau of Law Enforcement and shall state the applicants name, address, date of birth, telephone number and the species desired and whether a nestling (eyas) or passage bird is requested. Copies of the applicant's current state or Federal, or both, falconry permit along with a valid import permit or letter from the applicant's home state authorizing the import of the raptor being requested shall accompany the application. A certified check or money order in the amount of \$100 payable to "Pennsylvania Game Commission" shall accompany the application.~~

~~(4) Applications may only be submitted between January 1 and August 15 annually.~~

~~(5) Periods for taking raptors as authorized under a nonresident take permit are May 8 to July 15 inclusive for nestling (eyas) birds or September 19 to December 31, inclusive for passage birds.~~

~~(6) A permittee may not take the last remaining nestling (eyas) from a nest.~~

~~(7) The number of permits issued annually will not exceed:~~

<i>NUMBER</i>	<i>TYPE</i>
5	Nestling (Eyas)
15	Passage

~~(8) Eyas Goshawk birds may not be taken.~~

~~(9) Permits will be issued under a first come first served procedure until the annual allocation is exhausted.~~

~~(10) The acquisition of a raptor taken from the wild as authorized by the take permit shall be immediately reported to the Commission by completing a Form 3-186A (Migratory Bird Acquisition and Disposition Report) and forwarding a copy to the Bureau of Law Enforcement, Technical Services Division.~~

~~(11) Marking of certain raptors shall be as directed in 50 CFR 21.28(d)(7) (relating to falconry permits).~~

~~(12) Raptors taken under the authority of this permit shall be used for falconry purposes only.]~~

(a) Permittees may only hunt game or wildlife through the use of raptors in accordance with the requirements of the act and this part.

(b) Permittees may train raptors on propagated game birds during the period August 1 to March 31, inclusive, and are subject to the following conditions:

(1) Quarry shall be released either by hand or by means of electronic, spring or box holding devices.

(2) Game birds released shall be obtained from a licensed propagator.

(3) Released game birds which escape shall be considered wild birds, and no further attempt shall be made to pursue them except during the open season for hunting small game.

(c) Permittees shall possess their hunting license and falconry permit on their person at all times while engaged in any raptor hunting or training activities.

§147.110. [Marking of certain raptors] Educational use of raptors.

[Marking of certain raptors shall be as follows:

~~(1) — No Peregrine Falcon, Gyrfalcon or Harris Hawk may be taken, possessed or transported for falconry purposes unless the raptor is banded by either a seamless numbered band or by a permanent, numbered, nonreusable band supplied by the United States Fish and Wildlife Service. Permanent, numbered, nonreusable bands may be obtained by directing a written request to the Harrisburg headquarters of the Commission. The band shall be attached to the raptor immediately upon capture. A band is not transferable.~~

~~(2) — A band which is required for Peregrine Falcons, Gyrfalcons, Harris Hawks and captive bred raptors that has been mutilated, becomes illegible or lost shall be reported within 72 hours to the Harrisburg headquarters of the Commission. A band which is mutilated or no longer legible shall be returned with the request for replacement. Replacement bands will be issued only for Peregrine Falcons, Gyrfalcons, Harris Hawks and captive bred raptors. A rebanding shall be reported to the United States Fish and Wildlife Service on a Form 3-186A, submitted within 5 calendar days from the date of the rebanding.~~

~~(3) — A United States Fish and Wildlife Service Form 3-186A shall be completed for each other raptor which no longer requires banding when the presently attached band becomes mutilated, illegible or lost. The Form 3-186A shall be submitted directly to the United States Fish and Wildlife Service within 5 calendar days of the mutilation, illegibility or loss of the band. Bands removed as a result of mutilation or illegibility shall be returned to the Harrisburg headquarters of the Commission within 5 calendar days following their removal.~~

~~(4) — It is unlawful for a person to alter or deface a band. A permittee may remove the rear tab and smooth an imperfect surface, if the integrity of the band and numbering is not affected. It is unlawful to use or possess a counterfeit band.~~

~~(5) — A band shall be removed from a raptor which dies or is intentionally released into the wild and shall be forwarded to the Harrisburg headquarters of the Commission, within 5 calendar days, along with a report of the probable cause of death or the area of release.~~

~~(6) — Unused bands in possession on July 16 or January 1 shall be returned to the Harrisburg headquarters of the Commission within 72 hours.]~~

(a) *Falconry and raptor lectures.* Permittees may engage in noncommercial educational lecture activities using live raptors subject to the following conditions:

(1) The educational lecture activities shall be focused on the natural history of raptors, the conservation of raptors, the sport of falconry and other related topics.

(2) The educational lecture activities shall be conducted by permittee's of the General or Master class only.

(3) Raptors used in educational lecture activities shall not have any physical contact with members of the audience or general public.

(4) Raptors used in educational lecture activities shall be maintained either tethered and on the permittee's gloved hand or in a transport carrier. No flight is permitted.

(5) The permittee may not receive any form of compensation for the lecture.

(6) The permittee is encouraged, but not required, to notify the regional office in advance of conducting any scheduled educational lecture activities.

(b) *Falconry demonstrations.* Permittees may engage in noncommercial falconry demonstrations using live raptors subject to the following conditions:

(1) Falconry demonstrations shall be conducted by permittees of the General or Master class only.

(2) Raptors used in falconry demonstrations activities shall not have any physical contact with members of the audience or general public.

(3) Outdoor raptor free-flight demonstrations may be conducted by permittees of the Master class only.

(4) Indoor raptor flight demonstrations shall be conducted with the raptor tethered in such a manner to prevent physical contact with the audience or general public or with physical structures such as walls, windows or furniture. Indoor raptor free-flight demonstrations are strictly prohibited.

(5) The permittee may not receive any form of compensation for the falconry demonstration.

(6) The permittee shall notify the regional office in writing at least 5 days in advance of conducting any scheduled falconry demonstration activities.

(c) *Other education uses of raptors.* Permittees may engage in other forms of noncommercial educational activities using live raptors, such as photography or filming, subject to the following conditions:

(1) The activities shall be focused on the natural history of raptors, the conservation of raptors, the sport of falconry and other related topics.

(2) The permittee may not receive any form of compensation for the activity.

(3) The permittee may not use raptors for entertainment, advertisements, promotion or endorsements of any products, merchandise, goods, services, meetings, fairs or as a representation of any business, company, corporation or other organization.

§147.110a. [~~Raptor acquisition, transfer or disposition reporting.~~] (Reserved).

~~[A United States Fish and Wildlife Service Form 3-186A (migratory bird acquisition and disposition report) shall be completed and submitted directly to the United States Fish and Wildlife Service within 5 calendar days following the date of a transaction as follows:~~

~~(1) — The acquisition of a raptor taken from the wild or received by transfer from another person.~~

~~(2) — The loss of a raptor held through its release, escape, theft or death.~~

~~(3) — The transfer of a raptor to another person.~~

~~(4) — The rebanding of a raptor which requires banding.~~

~~(5) — The loss, mutilation or illegibility of a previously attached band for a raptor held which does not presently require banding.]~~

§147.111. [~~Hunting with raptors~~] Miscellaneous.

~~[(a) — Wild birds and animals may be hunted only in accordance with the act and this part.~~

~~(b) — The training of raptors by holders of valid falconry permits on liberated propagated game birds during the period August 1 to March 31, inclusive, is permitted, subject to the following conditions:~~

~~(1) — Quarry shall be released either by hand or by means of electronic, spring or box holding devices.~~

~~(2) — Game birds released shall be obtained from a licensed propagator.~~

~~(3) — Released game birds which escape shall be considered wild birds, and no further attempt shall be made to pursue them except during the open season for hunting small game.~~

~~(4) — Raptors may be used to take game birds on a licensed regulated hunting grounds.]~~

(a) Permittees are prohibited from propagating raptors held under the authority of a falconry permit unless they possess a joint State/Federal raptor propagation permit.

(b) A permittee whose permit lapses or is otherwise suspended or revoked shall return any raptors possessed into the wild by hacking-back, transfer the raptors to another permitted falconer or forfeit the raptors to the Commission. Propagated, hybrid and non-indigenous raptors may not be released into the wild.

(c) A permittee may not sell, purchase, barter or offer to sell, purchase or barter a propagated raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the United States Fish and Wildlife Service or the Commission.

(d) If a permittee's raptor unintentionally injures or kills any game or wildlife during a closed season while engaged in falconry activities, the permittee shall comply with the notification and reporting requirements set forth in section 2306 of the act (relating to killing game or wildlife by mistake). The permittee shall not be required to pay any restitution fees unless the injury or taking is determined to be the result of carelessness or negligence. The permittee is not required to put the carcass of the injured or killed wildlife in a place of safekeeping, but rather may leave the carcass in the field and allow the raptor to feed upon it. Once the raptor is finished feeding, it shall not be hunted the rest of that day.

(e) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by a properly completed United States Fish and Wildlife Service Form 3-186A designating the permittee as the possessor of record and by a signed, dated statement from the permittee. If the period of care will exceed 30 days, written permission shall be obtained from the Commission. Illness or disability of the permittee would be cause for temporary transfer of the raptors to another authorized person for care. The Commission shall be notified of this action within 5 days following the temporary transfer. Final disposition of the raptors will be at the discretion of the Commission.

(f) Molted feathers, or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only. Molted feathers and retrices from a golden eagle must be collected and used for imping purposes or submitted to the National Eagle Repository.

(g) Carcasses of dead raptors shall be disposed in a proper waste receptacle or buried underground unless otherwise authorized by the Commission. The entire carcass of dead golden eagles, including all feathers, talons and other parts shall be submitted to the National Eagle Repository.

(h) Propagated, hybrid and non-indigenous raptors may not be intentionally released into the wild without prior written approval of the Commission.

(i) A sponsor may not have more than three apprentices at one time.

§147.112. [Nonresident falconers] Violations.

~~[(a) A nonresident of this Commonwealth who possesses Federal falconry permits or falconry permits issued by states designated as participants in a joint Federal/State falconry permit system may bring a raptor legally possessed by the nonresident under authority of the falconry permit into this Commonwealth to attend falconry meets or to hunt if:~~

~~(1) No laws or regulations of other states are violated.~~

~~(2) No Federal laws are violated.~~

~~(3) A nonresident Pennsylvania hunting license is obtained and hunting regulations are observed.~~

~~(b) — A nonresident of this Commonwealth who possesses Federal falconry permits or falconry permits issued by states designated as participants in a joint Federal/State falconry permit system who moves into this Commonwealth for the purpose of becoming a resident may bring legally possessed raptors if required facilities are constructed within 30 days, and the nonresident applies for a Pennsylvania falconry permit no later than 60 days after moving to this Commonwealth. A permit in the same classification as held in the previous state of residence may be issued without a written examination. The falconry permit issued by the former state of residence will be authority to possess and exercise raptors until a Pennsylvania permit is obtained, if no raptors are taken from the wild and raptors are not used to take quarry without a valid Pennsylvania hunting license.]~~

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

§147.113. [Miscellaneous.] (Reserved).

~~[(a) — A person holding raptors under authority of a falconry permit shall possess a current hunting license. The hunting license shall be displayed while hunting wildlife with raptors. The falconry permit, or a facsimile thereof, shall be carried by the permittee when engaged in the sport of falconry.~~

~~(b) — Captive breeding attempts, using raptors held under authority of falconry permits, are prohibited unless otherwise permitted under Federal law and then only under authority of a joint Federal/State permit.~~

~~(c) — No permit will be renewed if the facilities do not meet the requirements of §147.105 (relating to equipment).~~

~~(d) — A person having a raptor in his possession whose falconry permit is not renewed or is revoked with cause has 30 days to return the birds to the wild by hacking back or shall forfeit the raptors to the Commission. A raptor not indigenous to this Commonwealth shall be transferred to a licensed falconer or forfeited to the Commission.~~

~~(e) — A permittee may not sell, purchase, barter or offer to sell, purchase or barter a raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the United States Fish and Wildlife Service.~~

~~(f) — If a person, while engaged in the sport of falconry, unintentionally injures or kills wildlife which could not legally be killed at that time, the person shall notify the regional office servicing the area within 12 hours of the injury or killing. The wildlife injured or killed shall be put in a place of safe keeping and may be disposed of only as specified by a Commission officer.~~

~~(g) — A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by a properly completed United States Fish and Wildlife Service Form 3-186A designating the permittee as the possessor of record and by a signed, dated statement from the permittee. If the period of care will exceed 30 days, written permission shall be obtained from the Commission. Illness, disability or death of the permittee would be cause for temporary transfer of the raptors of the permittee to another authorized person for care. The Commission shall be notified of this action within 5 calendar days following the temporary transfer. Final disposition of the raptors will be at the discretion of the Commission.~~

~~(h) — Molted feathers, or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only.~~

~~(i) — A permittee may transfer a raptor to another permittee if the transfer occurs entirely within this Commonwealth and a properly completed Form 3-186A is submitted to the United States Fish and Wildlife Service by each permittee as required and a copy of the Form 3-186A is forwarded to the Commission within 5 calendar days following the transaction.~~

~~(j) — A permittee may transfer a raptor to or receive a raptor from another permittee in an interstate transaction if a properly completed Form 3-186A is submitted to the United States Fish and Wildlife Service by each permittee as required and a copy of the Form 3-186A is forwarded to the Commission within 5 calendar days following the transaction.~~

~~(k) — Raptors which die shall be reported on a properly completed Form 3-186A submitted to the United States Fish and Wildlife Service as required. A copy of the Form 3-186A shall also be submitted to the Commission within 5 calendar days following the death of a raptor. Carcasses of dead raptors shall be buried unless otherwise authorized by the Commission.~~

~~(l) — A raptor which is not indigenous to the Commonwealth may not be intentionally released to the wild without prior written approval of the Commission.~~

~~(m) — Captive bred and hybrid raptors used for falconry shall be included as part of the permittee's possession limit.~~

~~(n) — Raptors held under authority of a falconry permit may be used for falconry. They cannot be used for another purpose except falconry demonstrations, which shall include the actual flying of the raptor. A notice of scheduled falconry demonstrations shall be submitted in writing to the regional office in charge of that area at least 5 days prior to the event. The notice shall set forth the location, date and time of the falconry demonstration.~~

~~(o) — A permittee who refuses sponsorship of an applicant shall report the reasons for refusal to the Commission in writing within 10 days upon written request of the Commission.~~

~~(p) — A sponsor may not have more than three apprentices at one time.~~

~~(q) — This subchapter does not prohibit activities which are otherwise permitted.~~

§147.114. [Annual report.] (Reserved).

~~[An annual report shall be submitted on forms supplied by the Commission and approved by the United States Fish and Wildlife Service by July 31 of each year whether or not renewal is requested. A similar report is required upon termination of the permit. This report shall be an accurate account of all activities carried on under authority of the permit.]~~

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

Action:

I. Amend 58 Pa. Code §§147.559 and 147.560.

Commentary:

The Agricultural Deer Control Permit (commonly referred to as the "Red Tag") is a very useful program that assists landowners in achieving their land use goals by managing deer densities on their respective properties through the use of licensed hunters. Traditionally, this program has required landowners to individually manage the application, reporting and deer control activities themselves. This higher level of individual responsibility has proven to be an impediment for some landowners that are greatly interested in controlling deer densities on their properties, but are not capable of dedicating the necessary resources to manage the program on their property. In an effort to enhance public access to this program, the Commission is proposing to amend §§147.559 and 147.560 to authorize political subdivisions to make application for an agricultural deer control permit for the limited purpose of managing the agricultural deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision. This structure will not only reduce demands on each respective landowner, but it will enhance the effectiveness of a larger deer control plan promoted by the community by consolidating the management of the deer control activities into one central location.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

AGRICULTURE

§147.559. ~~[Violations]~~ Political subdivisions as applicants.

~~[The Director may revoke a permit for a violation of this subchapter, conditions of a permit or for failing to submit a report as required, upon written notice to the permittee.]~~

(a) Eligibility. Political subdivisions are authorized to make application for an agricultural deer control permit under this subchapter for the limited purpose of managing the agricultural deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision. Any lands, other than those publicly owned, which lie immediately adjacent to and are connected with otherwise individually eligible lands may be included in the conglomeration of properties with the written consent of the owner or lessee thereof.

(b) Application. Political subdivisions making application for an agricultural deer control permit are responsible for the collection and submission of all application records required by §147.552 (relating to application) for each of the properties included in the conglomeration.

(c) Management. Political subdivision permittees shall manage the distribution of agricultural deer control subpermits to qualified individuals in accordance with the eligibility criteria and quota limitations provided in §§147.553 and 147.554 (relating to permit; and subpermit). Political subdivision permittees shall appoint an officer or employee of the political subdivision to manage all permit activities and serve as a point of contact for affected land owners and the Commission.

(d) Reporting. Political subdivision permittees are responsible for the collection and submission of all reporting records required by §147.557 (relating to reporting of deer taken) for each of the properties included in the conglomeration.

§147.560. Violations.

The Director may revoke a permit for a violation of this subchapter, conditions, of a permit or for failing to submit a report as required, upon written notice to the permittee.

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

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisition

Contract No. 3551, State Game Land No. 93, Somerset County

Commentary: The Conservation Fund is offering three tracts of land totaling 217 +/- acres in Shade Township, Somerset County adjacent to State Game Land No. 93 (Exhibit RED 1). The option price is \$130,000 lump sum to be paid by third party commitments for compensation of habitat and recreational losses from previously approved Commission actions. The sale is subject to a reservation of all coal, oil, coal bed methane and gas underlying the property; however, there shall be no above-ground operations on the property to remove the same. Acquiring this property will join two previously acquired detached parcels of existing State Game Land No. 93, which were acquired and named in honor of the Flight 93 crew and passengers. This property adjoins the Flight 93 Memorial Boundary established by the National Park Service and authorized by The Flight 93 Memorial Act. Approximately 115 acres of the tract is vegetated in grassland from a previously reclaimed surface mine operation, while the remaining portion is forested with mixed northern hardwoods. The grassland is beneficial to wildlife species requiring large continuous blocks of undisturbed habitat such as Henslow Sparrow and Upland Sandpiper. Access is provided off Johnson Bottom Road.

Contract No. 3552, State Game Land No. 331, Clearfield County

Commentary: The Western Pennsylvania Conservancy is offering two tracts of land totaling 1,095 +/- acres in Huston Township, Clearfield County, adjoining State Game Land No. 331 (Exhibit RED 2). The option price is \$438,000 lump sum to be paid in part with funds from the Estate of Blanche Pollum and the remainder by third party commitments for compensation of habitat and recreational losses from previously approved Commission actions. The option is pending upon final approval from Western Pennsylvania Conservancy's Board of Directors and excepts and reserves all timber for twenty (20) years from the date of settlement. The timber will be managed in close coordination with the Commission and follow established best management practices. The first tract, referred to as the Bark Camp Run tract is 736 +/- acres and adjoins the northeast boundary of State Game Land No. 331. Bark Camp Run, designated as a cold water fishery runs through the mostly forested tract comprised of mixed northern hardwoods and multiple wetlands associated with the stream corridor. The second tract referred to as the Bennett Branch tract is 359 +/- acres and is an indenture into the northwest boundary of State Game Land No. 331. This tract is predominantly forested with mixed northern hardwoods. This tract has frontage on the upper reaches of the Bennett Branch of the

Sinnemahoning Creek with emergent wetlands along the lower laying areas.

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:

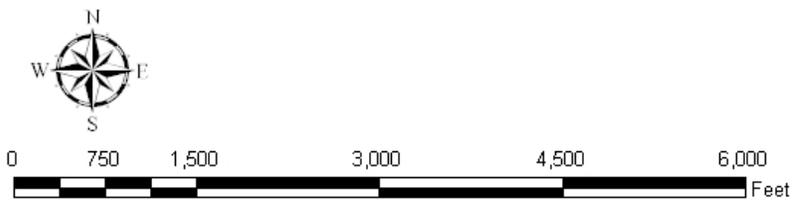
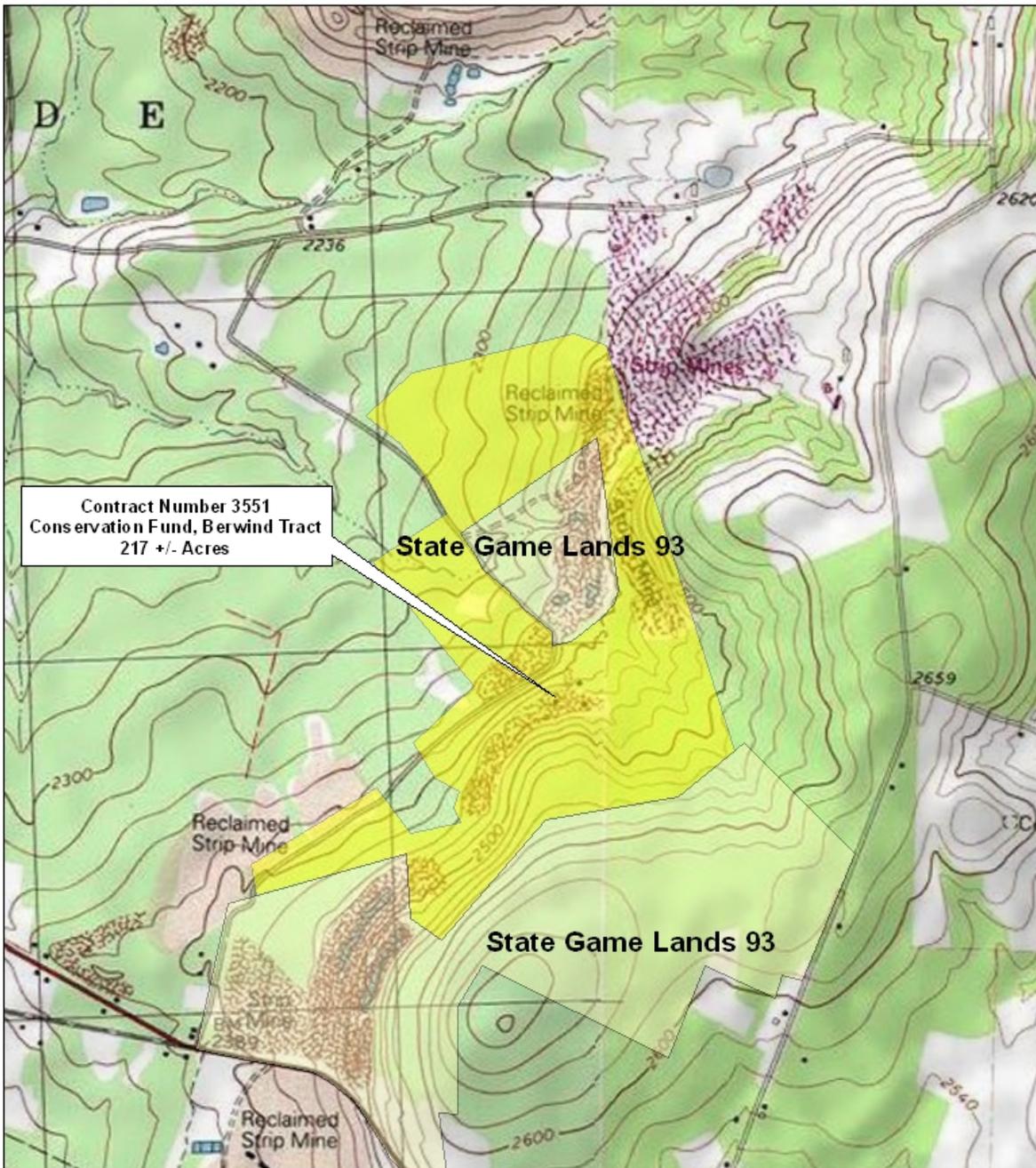


EXHIBIT RED 1
State Game Land No. 93
The Conservation Fund to PGC
217+/- Acres
 Shade Township, Somerset County
 Southwest Region

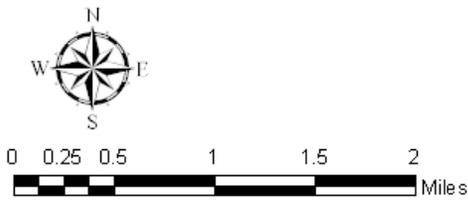
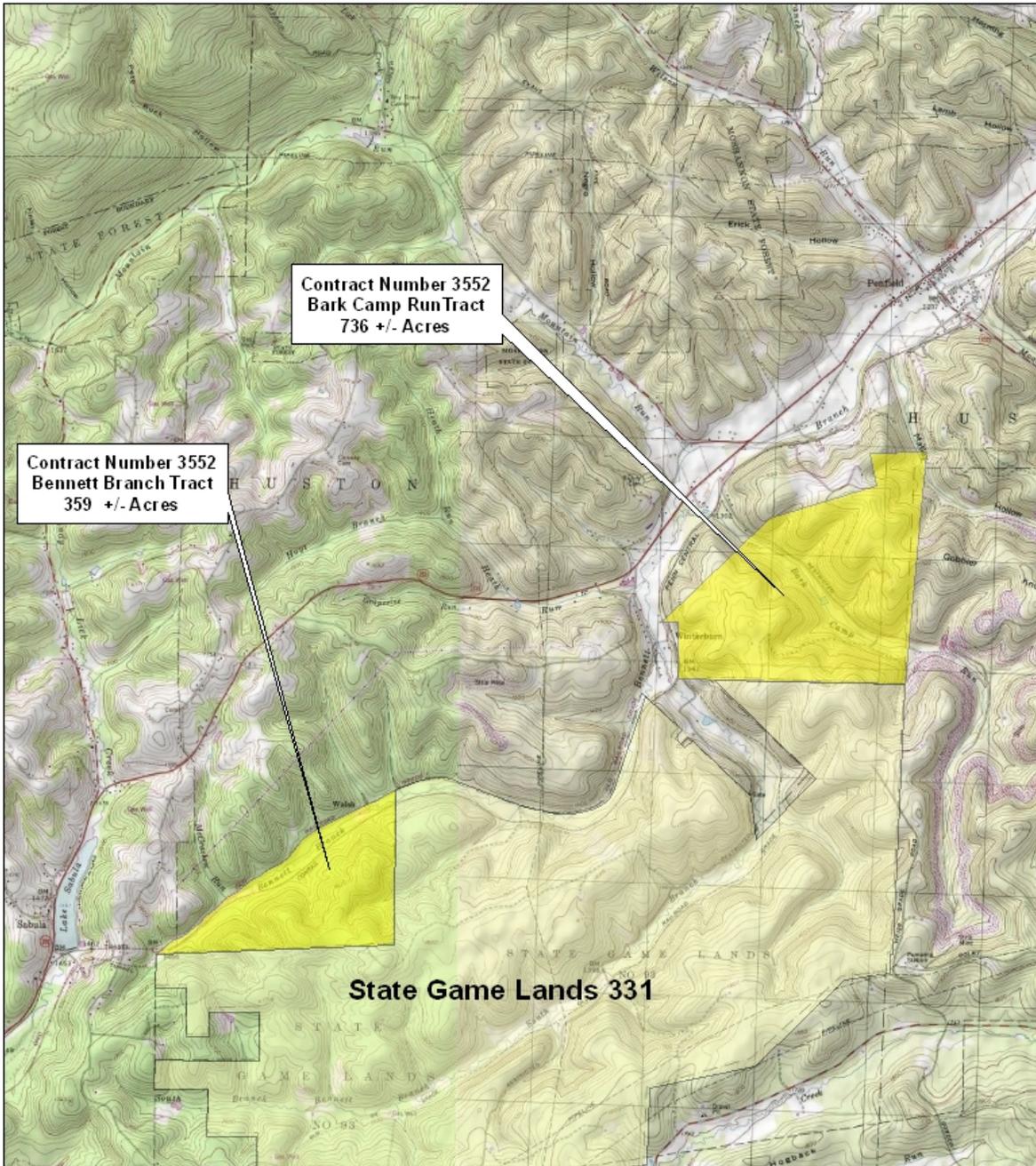


EXHIBIT RED 2
State Game Land No. 331
Western Pennsylvania Conservancy
to PGC
1095+/- Acres
 Huston Township, Clearfield County
 Northcentral Region

B. Land Exchange

Contract No. 3553, State Game Land No. 152, Erie County
State Game Land Nos. 86, 143, 306, Warren County

Commentary:

Clear Lake Timber, Inc. was previously the high bidder on three of the Commission's timber sales, all of which are in varied stages of herbicide treatment and infrastructure development. The timber sales are 063-06-1, 64-06-01 and 184-06-01 with an accumulated bid value of \$1,148,112. In lieu of initial block cut payments due to the Commission, Clear Lake Lumber Inc. is offering six tracts of land totaling 452.04 +/- acres. The six tracts are as follows: 134.75 +/- acres Elk Creek Township, Erie County, adjoining State Game Land No. 152 (Exhibit RED 3); 16 +/- acres in Deerfield Township, Warren County, adjoining State Game Land No. 86 (Exhibit RED 4); three tracts adjoining State Game Land 143 in Pittsfield Township, Warren County totaling 239.69 +/- acres (Exhibit RED 5); and 61.60 +/- acres in Freehold Township, Warren County, adjoining State Game Land No. 306 (Exhibit RED 6). The Commission is interested in acquiring all of these tracts after reviewing their attributes and appraised values. The Commission and Clear Lake Timber, Inc. have agreed to a total value of \$484,000 for all six parcels, allowing for a reservation on all timber 13" DBH and above, excluding conifers for one year from the date of settlement on four of the six tracts.

The value of \$484,000 is to be credited against the timber sales until the value has been exhausted. All residual monies owed to the Commission from the timber sales will be deposited directly into the Game Fund. This exchange will provide additional hunting acreage contiguous to State Game Land Numbers 86, 143, 152 and 306. All the tracts are forested with a good diversity of both hard and soft mast producing tree and shrub species. Acquiring the tracts adjoining State Game Land No. 143 will increase protection of the biologically diverse Brokenstraw Creek. Acquiring the tract adjoining State Game Land No. 306 will provide additional protection to the biological diversity of Benson Swamp by securing numerous spring seeps and unnamed tributaries that flow into this diverse wetland. All tracts provide additional access to State Game Lands.

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

Recommendation:

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

Action:

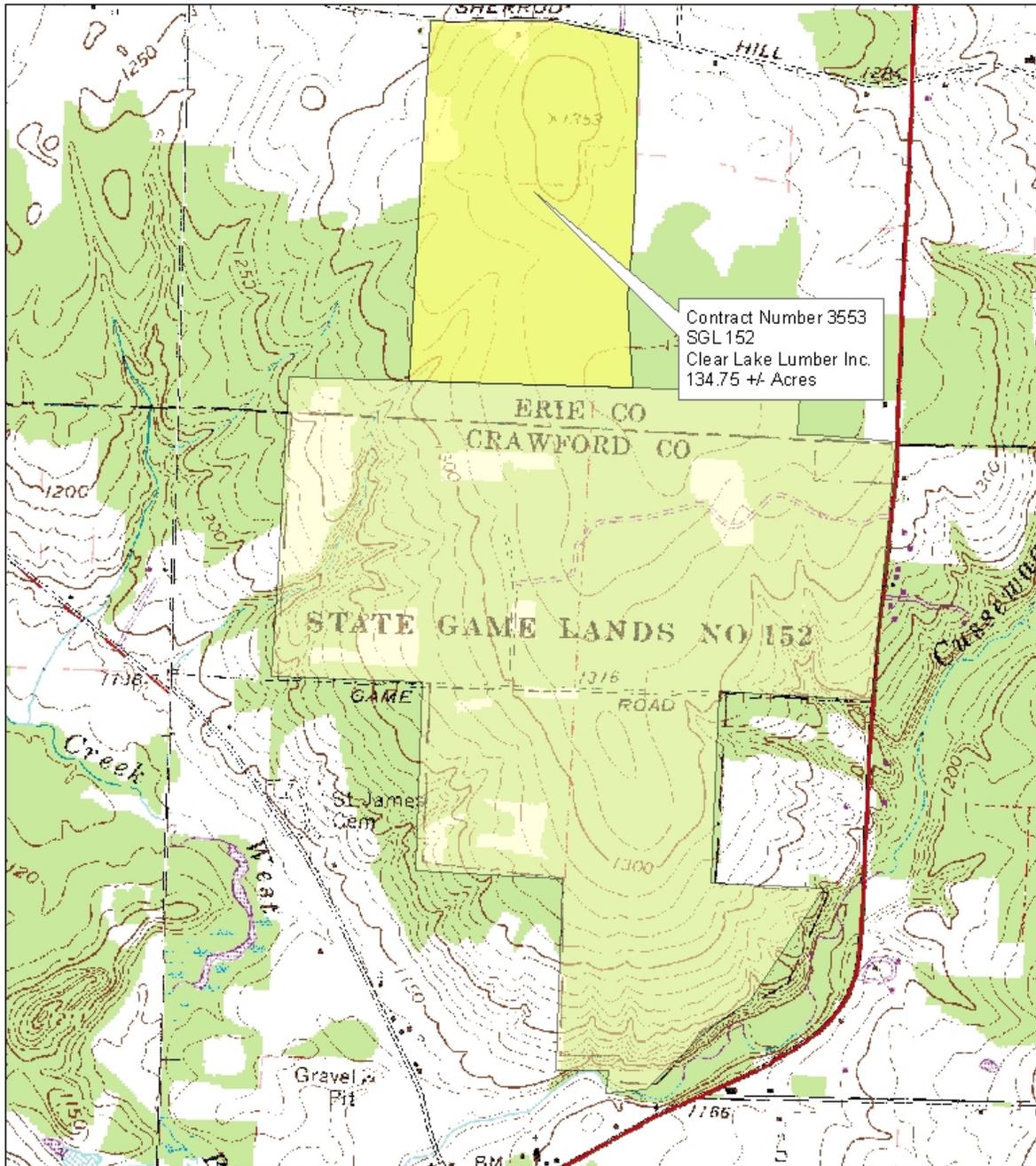


EXHIBIT RED 3
State Game Land No. 152
 Clear Lake Lumber Inc. to PGC
 134.75 +/- Acres

Elk Creek Township, Erie County
 Northwest Region

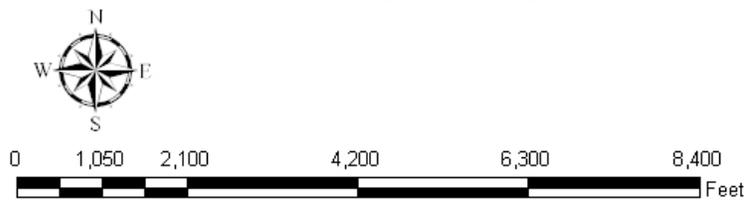
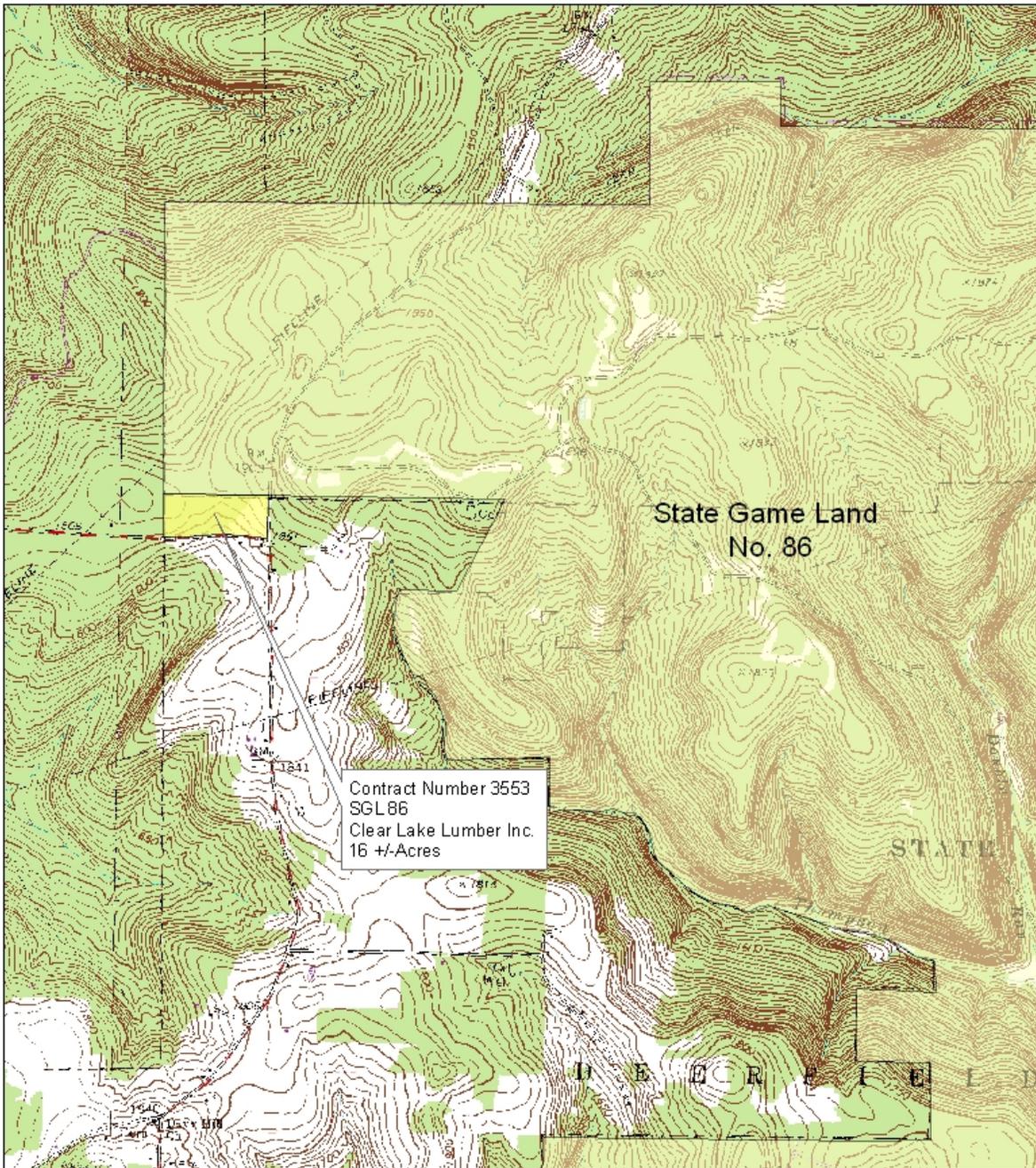


EXHIBIT RED 4
State Game Land No. 86
Clear Lake Lumber Inc. to PGC
16 +/- Acres

Deerfield Township, Warren County
Northwest Region

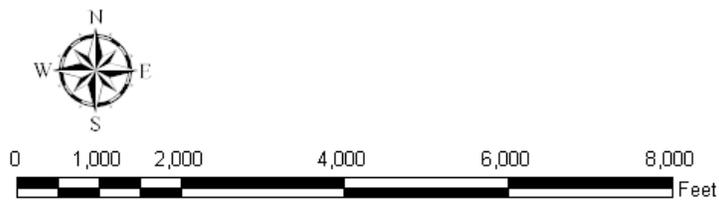
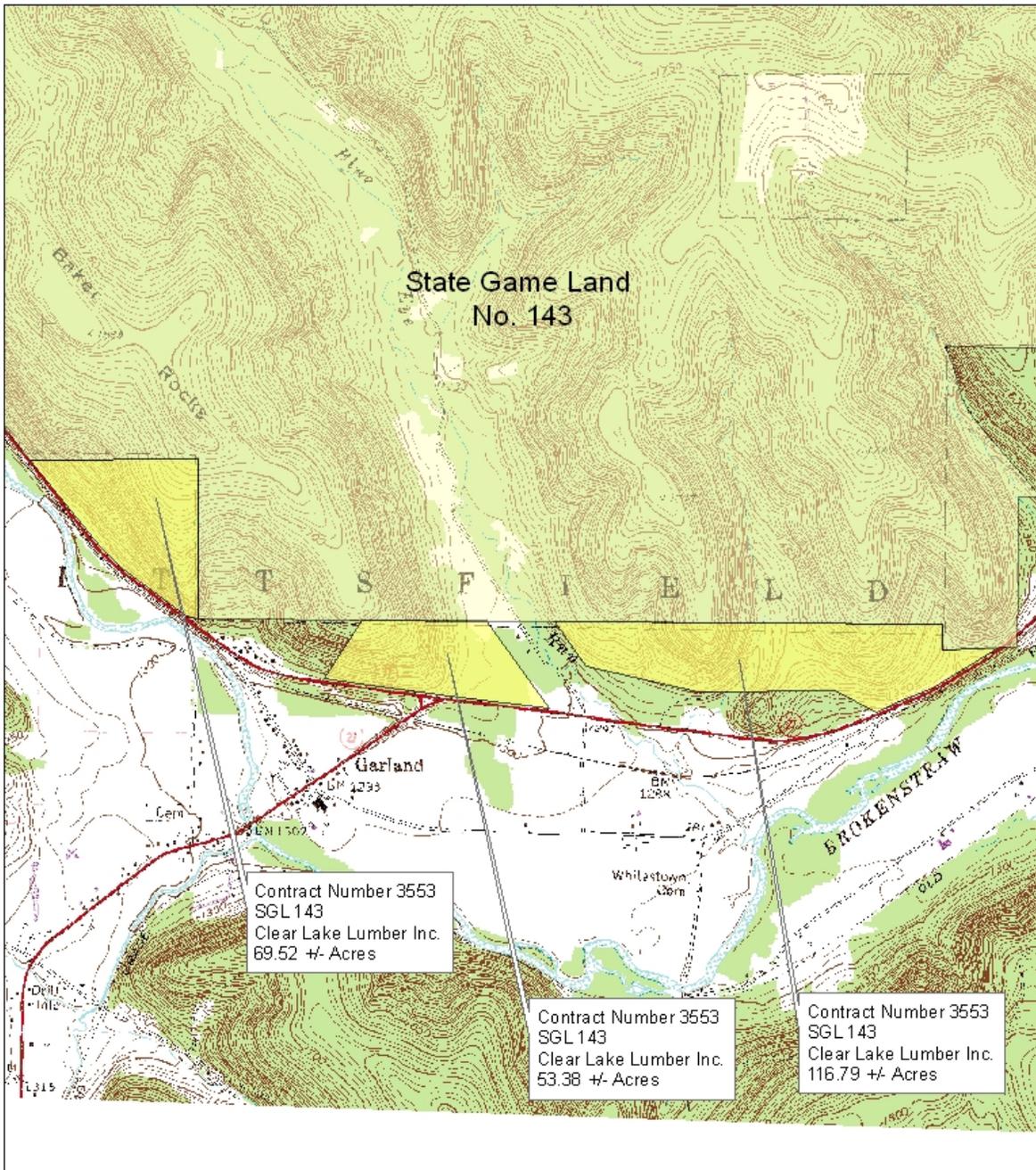


EXHIBIT RED 5
State Game Land No. 143
Clear Lake Lumber Inc. to PGC
239.69 +/- Acres

Pittsfield Township, Warren County
Northwest Region

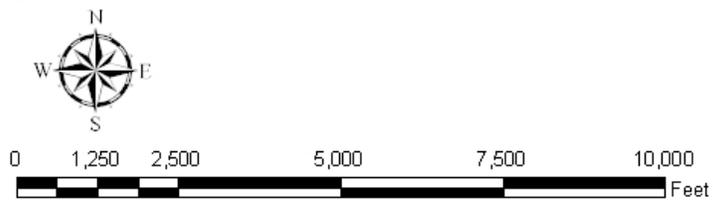
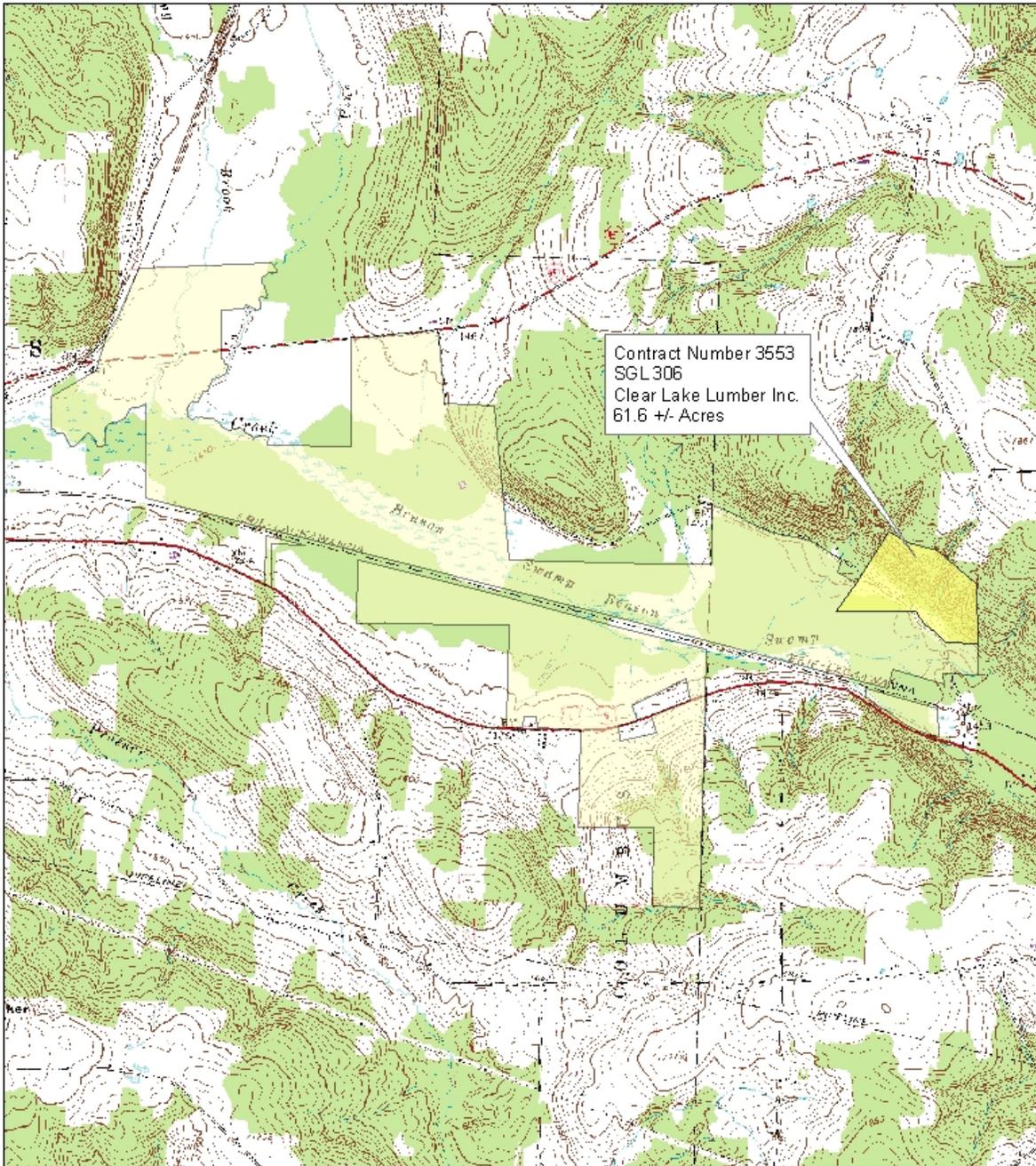


EXHIBIT RED 6
State Game Land No. 306
 Clear Lake Lumber Inc. to PGC
 61.6 +/- Acres

Freehold Township, Warren County
 Northwest Region

C. Interagency Transfer

On May 15, 2008, The Game Commission entered into a Cooperative Interagency Agreement for Interdepartmental Land Transfer and Establishment of State Game Land Banks with the Pennsylvania Department of Transportation and the Federal Highway Administration. The State Game Land Banking Agreement will streamline transportation development projects by allowing PennDOT Districts to establish State Game Land Banks in advance of highway projects impacting less than five acres of State Game Lands. This agreement will expedite the mitigation process where impacts can be debited from existing land banks instead of being addressed on a case-by-case basis. The following two tracts have been identified as being acceptable sites for use as a State Game Land Bank Site in accordance with the agreement.

Contract No. 3554, State Game Land No. 313, Tioga County

Commentary: PennDOT has agreed to transfer exclusive jurisdiction and control of 104.6 +/- acres of land located in Chatham Township, Tioga County to the Game Commission and retain a right to enter the wetland mitigation portion of the site to conduct monitoring and maintenance. The property called the Hoffman Wetlands Bank Site is a detached parcel located approximately eight miles southeast of State Game Land No. 313. The property consists of 50 acres to be reserved in the Wetland Banking Program and 54.6 acres to be placed in the State Game Lands Banking Program (Exhibit RED 7). The following habitat communities are located on the property: 18 acres of constructed wetlands, 10 acres of natural wetlands, 12 acres of constructed upland-wetland buffers, 10 acres of natural riparian-wetland buffers, 13 acres of mature deciduous forest, 6.6 acres of pole-sapling deciduous forest, 12 acres of mature hemlock forest 11 acres of bottomland forest-scrubland and 12 acres in herbaceous old fields.

Contract No. 3555, State Game Land No. 325, Northumberland County

Commentary: PennDOT has agreed to transfer exclusive jurisdiction and control of the 45.3 +/- acres of land located in Lewis Township, Northumberland County to the Game Commission and retain a right to enter the wetland mitigation portion of the site to conduct monitoring and maintenance. The property, called the Vargo Wetlands Bank Site, is a detached parcel located approximately 4 miles north of State Game Land No. 325. The property consists of 37.3 acres to be reserved in the PennDOT Wetland Banking Program with 8 acres to be placed in the State Game Lands Banking Program (Exhibit RED 8). The following habitat communities are located on the property: 16 acres of constructed wetlands, 1 acre of natural wetlands, 17 acres of constructed upland-wetland buffers, 3.3 acres of natural riparian-wetland buffers, 5 acres of mature riparian deciduous forest and 3 acres of herbaceous old fields.

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

Action:

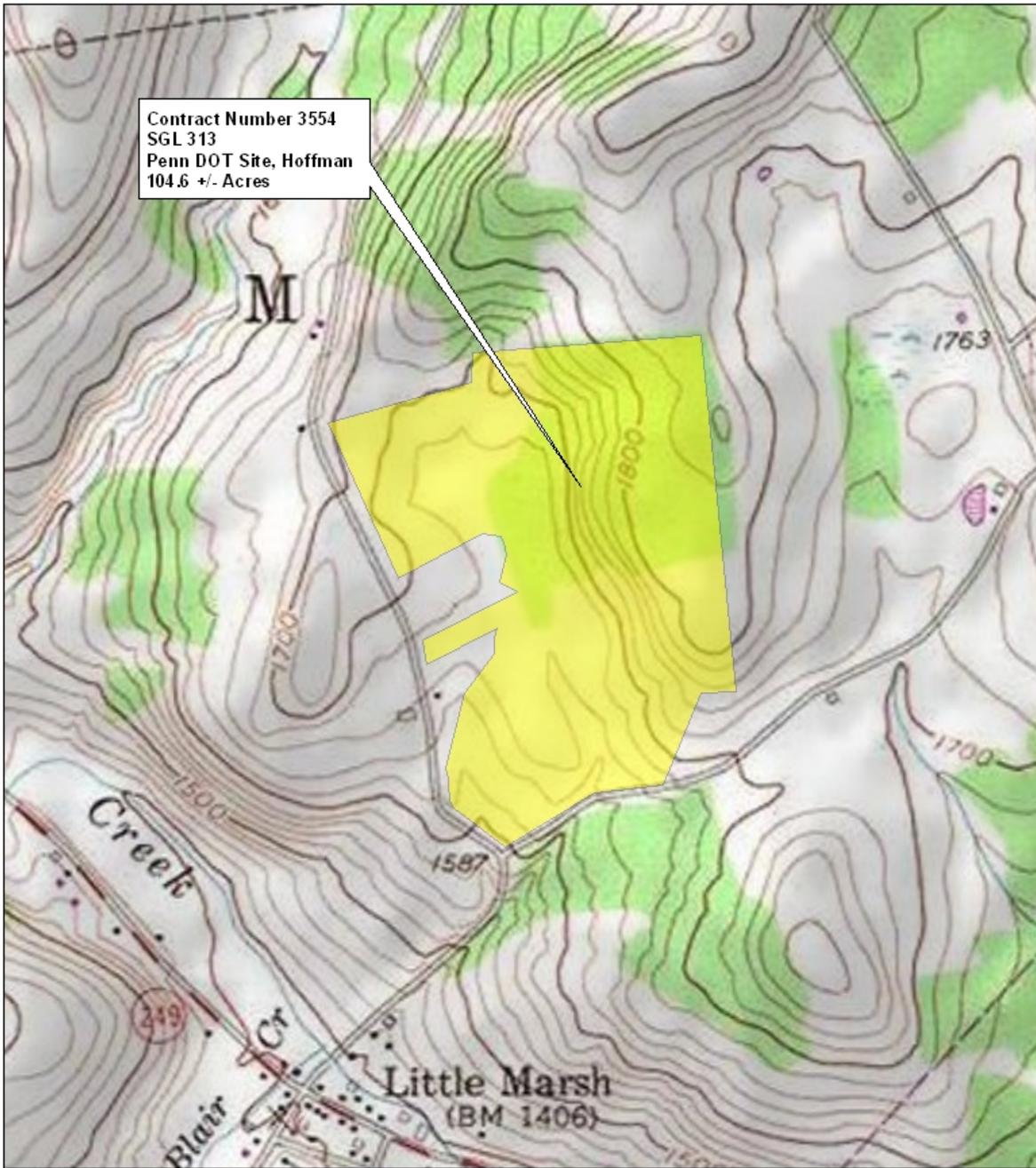
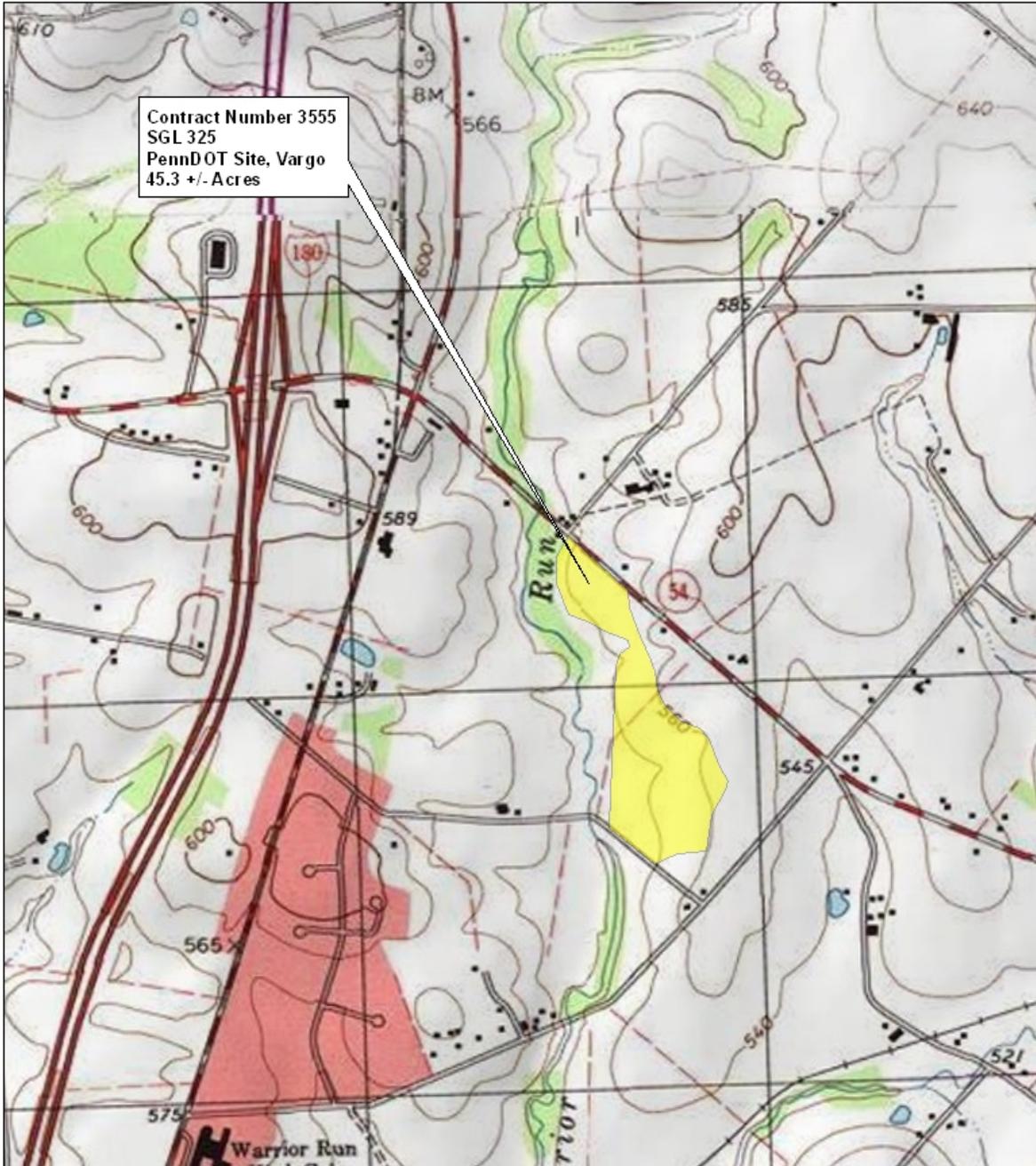


EXHIBIT RED 7
State Game Land No. 313
PennDOT to PGC
104.6+/- Acres

Chatham Township, Tioga County
Northcentral Region



Contract Number 3555
 SGL 325
 PennDOT Site, Vargo
 45.3 +/- Acres



EXHIBIT RED 8
 State Game Land No. 325
 PennDOT to PGC
 45.3 +/- Acres

Lewis Township, Northumberland County
 Northeast Region

OIL/GAS & MINERALS

D. Surface Mining Coal Lease

State Game Land No. 174, Indiana County

Commentary: P & N Coal Company, Inc. of Punxsutawney, PA has requested a lease to surface mine and remove approximately 15,000 tons of coal from a 10 acre portion of State Game Land No. 174 (Exhibit OGM-1). The Commission does not own the coal but is the owner of the surface support rights on this tract of land.

P & N Coal Company is currently surface mining on private lands adjacent to State Game Land No. 174 and desires to extend its mining operations onto the state game land. The proposed re-mining operation will have a total surface impact of approximately 7 acres for the actual coal removal and approximately 3 additional acres for erosion and sedimentation controls and operational support. The proposed surface mine area has been previously deep and surface mined resulting in a scarred landscape containing many dangerous subsidence holes, abandoned mine spoil piles and high walls which will be removed and reclaimed. The project will also include a permanent relocation of a township road approximately 100 to 150 feet to the south of its current location. The road relocation will allow for existing coal reserves to be removed from under the road, and will eliminate a sharp curve. All timber to be impacted as a result of the proposed project will be assessed by the Game Commission forestry staff at double stumpage rate.

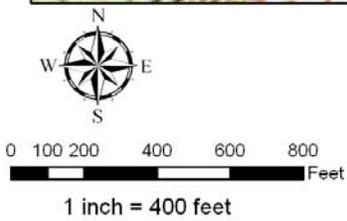
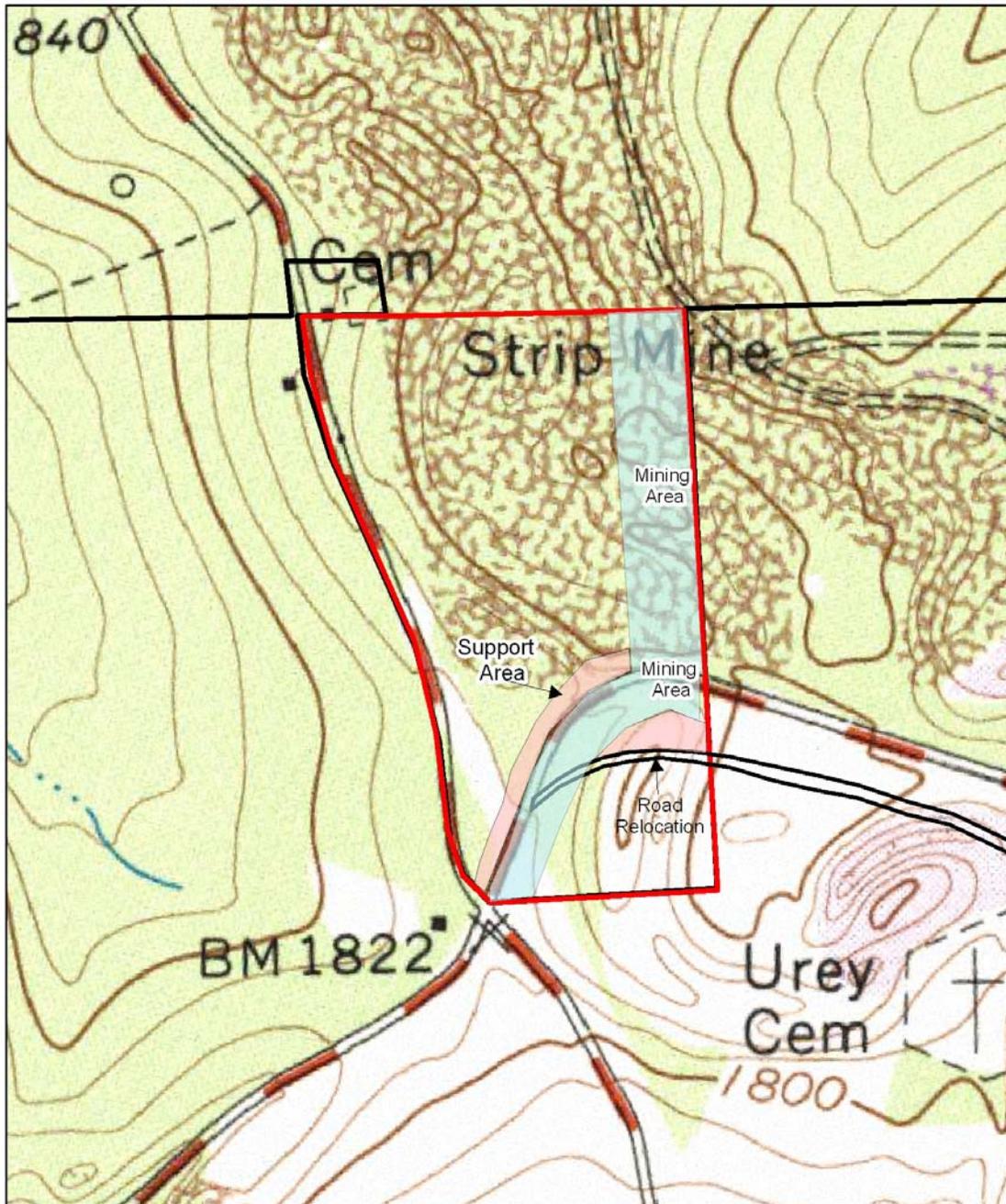
In exchange for the lease from the Commission, P & N Coal Company, Inc., will pay the Commission on a monthly basis, a royalty rate 6% of the then current F.O.B. pit price, whichever the greater, for each marketable ton of coal removed from the lease area. A royalty value of approximately \$41,000 is estimated for this project and all royalty will be directly deposited into the Game Fund.

Mining will be regulated by the Commonwealth Surface Mining Regulations and the Commission's standard surface mine lease agreement. The five year surface mining lease will include the standard performance bond and environmental protection measures. In addition, the lease will include a wildlife habitat reclamation and revegetation plan developed by the local Land Management Group Supervisor.

The staff has reviewed this proposal and has determined that the total value of the coal royalty, timber, as well as the proposed reclamation is equal to or greater than the accumulated value for the lease.

Recommendation: The Executive Director and staff recommend the proposed lease be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

Action:



Legend

- Mining Area
- Support Area
- Road Relocation
- Tract 174A-09
- SGL 174

**EXHIBIT OGM 1
State Game Land No. 174**

Coal Surface Mining Lease
P&N Coal Company
Lease Tract 174A-09
Banks Township, Indiana County
Southwest Region

Other New Business

The Time and Place for the next Commission Meeting will be October 5 and 6, 2009, at the Holiday Inn Philadelphia Stadium, 900 Packer Avenue, Philadelphia, PA 19148. Phone number 215-755-9500.

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

Adjournment