

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
JUNE 29, 2010

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

Carl G. Roe
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, June 29, 2010 at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

James J. Delaney, Jr., President
Ronald A. Weaner, Vice President
David W. Schreffler, Secretary
Gregory J. Isabella
Thomas E. Boop
David J. Putnam
Robert W. Schlemmer
Ralph A. Martone

Approval of Minutes of Commission Meeting held April 20, 2010

EXECUTIVE OFFICE

ADOPTED RULE MAKING

A. Adoption of proposed amendments to Chapter 131, by adding §131.9.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 20, 2010 meeting, proposed the following change:

Amend Chapter 131, by adding §131.9 (relating to disclosure of certain records) to establish and define the manner that the Commission will respond to certain types of record requests.

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 131. PRELIMINARY PROVISIONS

§131.9. Disclosure of certain records.

In accordance with the Right-to-Know Law (65 P.S. §§ 67.101-67.3104), public access to the following records, wherever located, will only be made as set forth in paragraphs (1)-(4):

(1) *Wind power records.* Commission annual reports and Pennsylvania Natural Heritage Program clearance correspondence respecting existing or proposed windpower facilities will be provided upon request, but redacted as necessary. All other records are predeliberative, proprietary or tending to identify the location of threatened or endangered species and will not be disclosed.

(2) *Pennsylvania Natural Heritage Program records.* Pennsylvania Natural Heritage Program clearance correspondence will be provided upon request, but redacted as necessary. All other records are predeliberative, proprietary or tending to identify the location of threatened or endangered species and will not be disclosed.

(3) *License records.* All annual accounts of license sales, all fiscal reports of license sales revenues and all summary wildlife harvest report records will be provided upon request. Under the limitations of section 325 of the act (relating to limitation on disclosure of certain records), individual license information or related harvest information will not be disclosed.

(4) *Personal Identifying Information.* Any request, the response to which includes personal identifying information will be redacted so as to only provide that information necessary to identify the person to the Commission. Personal identifying information will not be disclosed as predeliberative, proprietary or tending to result in a substantial and demonstrable risk of physical harm to the person or the personal security of an individual and will not be disclosed without due process of law authorizing and ordering such disclosure.

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §141.28.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 20, 2010 meeting, proposed the following change:

Amend §141.28 (relating to wild pheasant recovery area) to create and define the geographic location of the Hegins-Gratz Valley wild pheasant recovery area and prohibit the hunting of small game and dog training activities from the first Sunday in February through July 31st within any area designated as a wild pheasant recovery area.

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 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§141.28. Wild pheasant recovery areas.

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

* * * * *

(4) *Hegins-Gratz Valley WPRA.* That portion of WMU 4E in Schuylkill and Dauphin Counties from Matterstown Road (Rt. 1007) to PA Rt. 901 at Taylorsville. The WPRA is bounded on the north by the Mahantango Creek. Beginning at the town of Pillow in Dauphin County, proceeding east on Market Street (Rt. 1026) to the Mahantango Creek, which is the Northumberland and Dauphin County border until entering Schuylkill County at Klingerstown. Continuing northeast along the Mahantango Creek in Schuylkill County to Taylorsville Road (Rt. 4039) at Haas, to Taylorsville and then proceeding south on PA Rt. 901. Proceeding south and southeast on PA Rt. 901 to I-81. Proceeding southwest on I-81 and then west on PA Rt. 25, then from PA Rt. 25, proceeding south and west on Dell Road and then northwest and west on Pine Drive (State Hwy. 4009), continuing west on Pine Drive, T593 and north on T592 to Pine Creek. The southern boundary then follows Pine Creek west along the northern side of Broad Mountain to Spring Glen. From Spring Glen, continuing west on PA Rt. 25, crossing into Dauphin County to Gratz, then proceeding southwest from Gratz on Specktown Road (State Hwy. 1014) to South Crossroads Road (PA Rt. 1009). Proceeding south on South Crossroads Road (PA Rt. 1009) to PA Rt. 209 and southwest to Elizabethville. From Elizabethville continue west on Main Street (PA Rt. 209), then turn north onto Botts Road (T462). At the first intersection, turn north onto Feidt Road (T461), then turn east onto West Matterstown Road (Rt. 4008), turn north onto Matterstown Road (Rt. 1007). Turn right or east onto Berrysburg Road (PA Rt. 25) which turns into Market St. Turn left or north onto Lykens St. Turn right or east onto Mountain Road (T639). Turn left or north on PA Rt. 225 into Pillow on PA Rt. 225, ending at Market St. (Rt. 1026).

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

* * * * *

(2) Train dogs in any manner or hunt small game from the first Sunday in February through July 31 within any area designated as a WPRA.

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §141.20.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 20, 2010 meeting, proposed the following change:

Amend §141.20 (relating to protective material required) to require that all hunters hunting during any firearms season for deer, elk or bear post a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of a blind meeting the requirements of section 2308(b)(3) of the code (relating to unlawful devices and methods) in a manner that is visible within a 360 degree arc in addition to requirement of the wearing of protective material on their persons.

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 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.20. Protective material required.

(a) The following requirements apply:

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

(2) *Additional requirements.* It is unlawful to hunt during any firearms season for deer, elk or bear from any blind meeting the requirements in section 2308(b)(3) of the act (relating to unlawful devices and methods) without placing a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet from the blind so it is visible in a 360 degree arc.

(b) *Permitted acts.* It is lawful to:

* * * * *

PROPOSED RULE MAKING

B. Amend 58 Pa. Code §§147.101 and 147.103.

Commentary: On October 6, 2009, the Commission finally adopted comprehensive changes to the various standards and conditions concerning falconry permits within this Commonwealth. These amendments were primarily intended to bring Pennsylvania into compliance with new Federal permitting standards concerning falconry that becomes fully effective January 1, 2014. Since the adoption of these amendments, the Commission has come to the recognition that the standards concerning whom is eligible to sponsor new falconers are insufficient to ensure that sponsors themselves have enough experience to properly guide new falconers. To this end, the Commission is proposing to amend §147.101 to require that a sponsor for a new falconer be a general or master class falconer having at least 2 years experience as a general class falconer. The Commission is also proposing to amend §147.103 to expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered under the Migratory Bird Treaty Act.

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§147.101. Definitions.

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

* * * * *

Sponsor – The holder of a general or master falconry permit with at least 2 years experience as a general class falconer, who has accepted the responsibility for the conduct and training of an apprentice falconer.

* * * * *

§147.103. Classes.

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

* * * * *

(2) Permittees shall be sponsored, at all times, by a Pennsylvania general or master class falconry permit holder who has at least 2 years experience as a general class falconer. 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.

* * * * *

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

* * * * *

(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 or any other eagle not covered by the Migratory Bird Treaty Act, 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 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 possess the competency and skills necessary to possess eagles.

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

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donations

Contract No. 3570, State Game Land No. 301, McKean County

Commentary: Jeffrey K. Young has offered to donate a .53-acre +/- tract of land in Eldred Township, McKean County, adjoining State Game Land No. 301 (Exhibit RED 1). The tract is forested with aspen, maple, silky dogwood and arrowwood. The property lies north of Larabee and west of Township Road T-386, known as Larabee Road. The owner excepts and reserves all oil and gas rights, together with the right to explore for, produce and remove said oil and gas, providing that no surface use occurs by way of the exploration, development, storage production and/or removal of oil and gas.

Contract No. 3571, State Game Land No. 158, Blair County

Commentary: Sandy Ridge Wind, LLC has offered to donate a 7-acre +/- tract of land in Snyder Township, Blair County, adjoining State Game Land No. 158 (Exhibit RED 2). The property borders Route 453 and this acquisition will secure access through an existing access road to portions of State Game Land No. 158 and State Game Land No. 60. The property is forested with northern hardwood in pole to young saw timber. The previous owners reserved the subsurface oil, mineral and gas rights, without the right to ingress and egress. Sandy Ridge Wind, LLC will retain a non-exclusive access easement over the property with rights for ingress, egress and regress on, over, across and through the property to their adjacent wind farm facility.

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

Action:

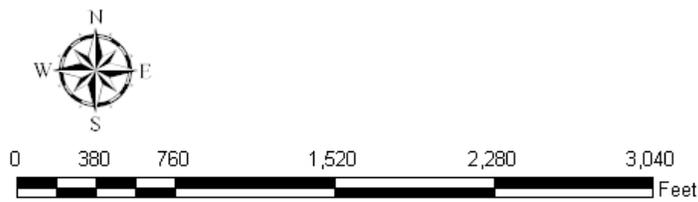
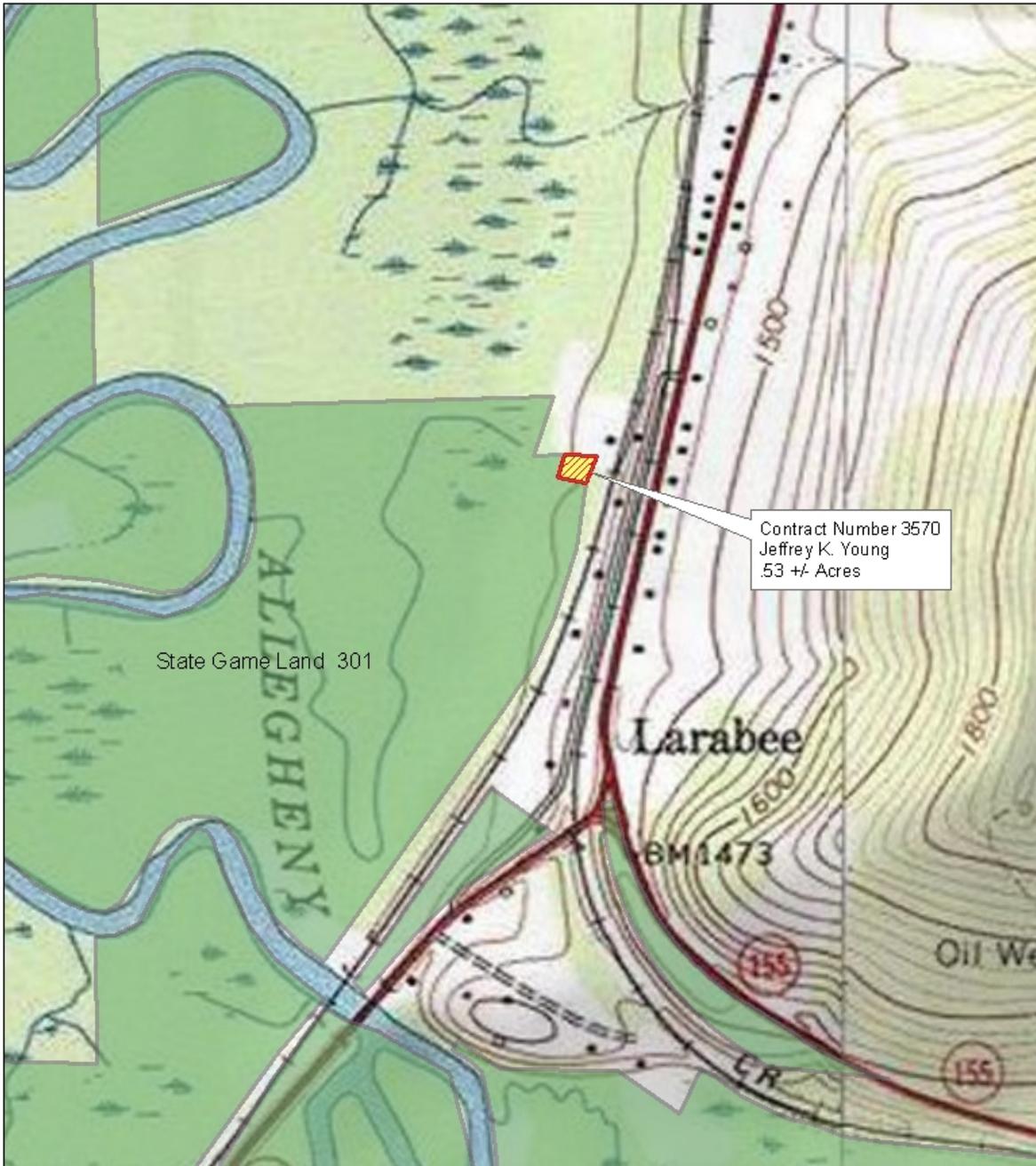


EXHIBIT RED 1
State Game Land No. 301
 Jeffrey K. Young
 .53 +/- Acres
 Eldred Township
 Mckean County
 Northcentral Region

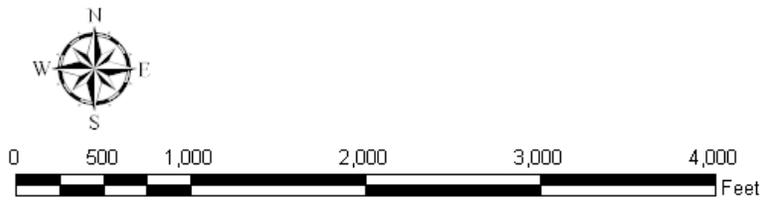


EXHIBIT RED 2
State Game Land No. 158

Sandy Ridge Wind, LLC
 5.5 +/- Acres

Snyder Township
 Blair County
 Southwest Region

B. Acquisition

Contract No. 3572, State Game Land No. 301, McKean County

Commentary: Land Management Systems, Inc. is offering a 37.5-acre +/- tract of land in Eldred Township, McKean County adjoining State Game Land No. 301 (Exhibit RED 3). The option price is \$400 per acre. Approximately 15 acres of the property is forested with silver maple and swamp white oak and has willows, arrowwood and alders in the understory. There is an acre of reverting old fields and another acre of grassland. The remainder of the property is comprised of wetlands and riparian habitat associated with the Allegheny River that borders the property on the southwest corner. The property lies north of Larabee and west of State Route 0446 and Township Road T-386, known as Larabee Road. Land Management Systems, Inc. excepts and reserves all oil and gas rights, together with the right to explore for, produce and remove said oil and gas, providing that no surface use occurs by way of the exploration, development, storage production and/or removal of oil and gas.

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

Action:

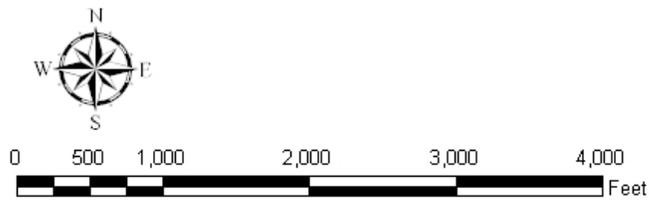
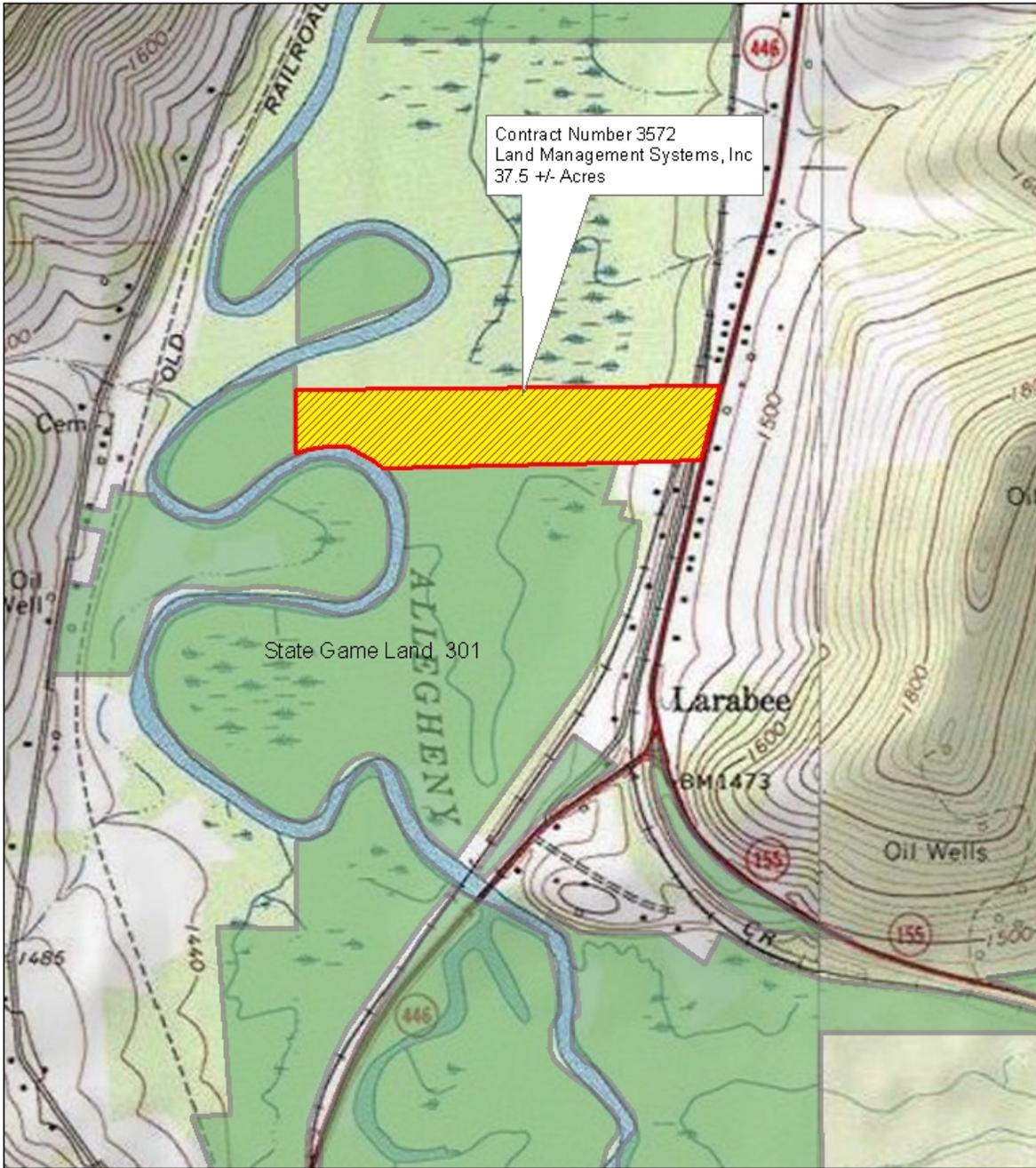


EXHIBIT RED 3
State Game Land No. 301
 Land Management Systems, Inc
 37.5 +/- Acres
 Eldred Township
 Mckean County
 Northcentral Region

C. Land Exchange

Contract No. 3573, State Game Land No. 153, Indiana County

Commentary: PennDOT is offering three tracts of land totaling 53.8 acres +/- in exchange for replacement lands for a highway easement. PennDOT is requesting 39.65 acres from State Game Land No. 276 to realign, widen and correct a dangerous stretch of SR 0022, Section 491 in Burrell, West and East Wheatfield Townships, Indiana County. The tracts that are being conveyed from PennDOT are an indenture into State Game Land No. 153 in West Wheatfield Township, Indiana County (Exhibit RED 4). The tracts are mostly forested with mixed hardwoods and include one acre of wetlands.

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

Action:

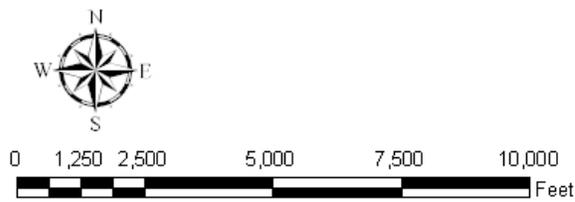
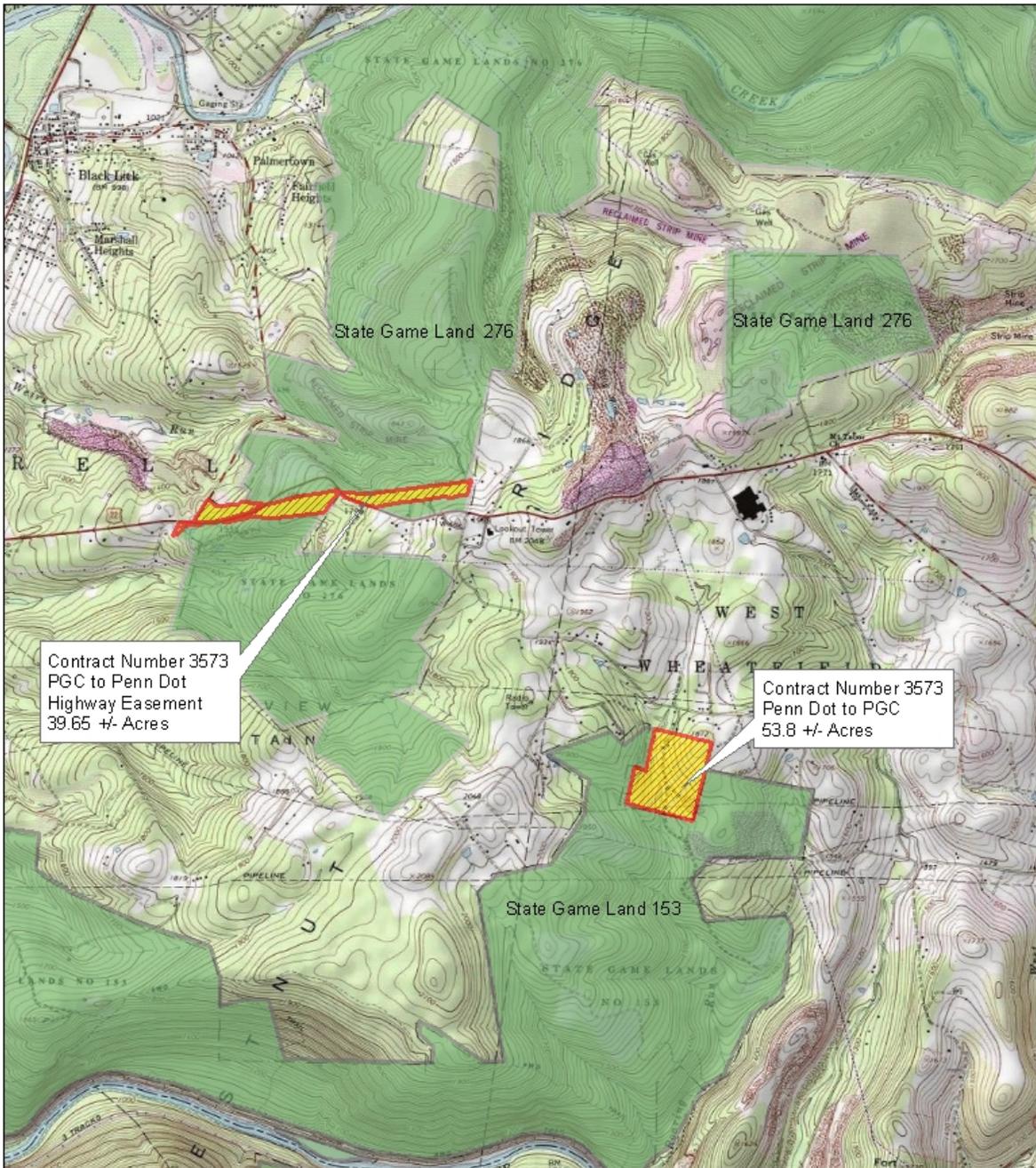


EXHIBIT RED 4
State Game Land No. 276 & 153
 PGC to Penn Dot
 39.65 +/- Acres
 Penn Dot to PGC
 53.8 +/- Acres
 Burrell & West Wheatfield Township
 Indiana County
 Southwest Region

OIL/GAS & MINERALS

D. Report of Notational Vote

Non-Surface Use Oil and Gas Agreement – Land Exchange

The following item was voted on notationally and was unanimously approved.

Contract No. 3569, State Game Land No. 135, Lackawanna County

Commentary:

Chesapeake Appalachia, LLC of Oklahoma City, OK requested the Commission offer its oil and gas ownership under a portion of State Game Land No. 142 and all of State Game Land No. 237 for production. The proposed tract, containing a total of 439.53 acres, is located in Asylum and Terry Townships, Bradford County, and is more clearly shown on the attached Exhibits OGM-1 and OGM-2.

The terms of the agreement are a paid up, five year Non surface Use Oil and Gas Agreement, a \$5,500 per acre bonus payment and a 21% royalty. Chesapeake Appalachia, LLC has already initiated a well drilling/development program on privately owned grounds adjacent to State Game Lands and has the ability to unitize all portions of the PGC's gas ownership by directional drilling without disturbing the Game Lands surface. The staff has expeditiously negotiated with Chesapeake Appalachia, LLC in an effort to safeguard the prudent development of the Commissions oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No.142 and 237. Further, Chesapeake Appalachia LLC currently has a privately owned oil/gas lease on a 90.9 acre portion of State Game Land No. 142. Although Chesapeake could utilize the surface acreage of the Game Lands via the privately owned oil/gas rights, they have also agreed to restrict their surface use on this 90.9 acres of Game Lands.

In exchange for the Agreement, Chesapeake Appalachia, LLC shall cause to convey to the Pennsylvania Game Commission an approximately 95 +/- acre tract of land known as the Abraham tract as shown on Exhibit OGM-3 and/or other tracts of land acceptable to the Commission providing that such conveyance shall come in the form of direct payment to the Grantors of these tract(s) for the purchase of the land as directed by the Commission, and further providing that such total accumulated purchase price of the land(s) does not exceed \$450,000. The total value of the bonus payment made by Chesapeake for the purchase of the Abraham tract and/or other lands shall be subtracted from the total bonus payment.

The total bonus payment/land value is \$2,417,415 of which \$450,000 will be used for the conveyance of lands acceptable to the Commission and \$1,967,415 will be directly deposited into the Game fund. Oil/gas development will be regulated by the Commonwealth's oil and gas regulations and the Commissions standard oil/gas agreement.

Recommendation: The Executive Director and staff recommended the proposed non-surface use oil and gas agreement be approved and for the Commission to authorize the Bureau of Wildlife Habitat Management to proceed with the agreement as listed above.

Action: The Board voted unanimously to approve this item by way of notational vote on May 11, 2010.

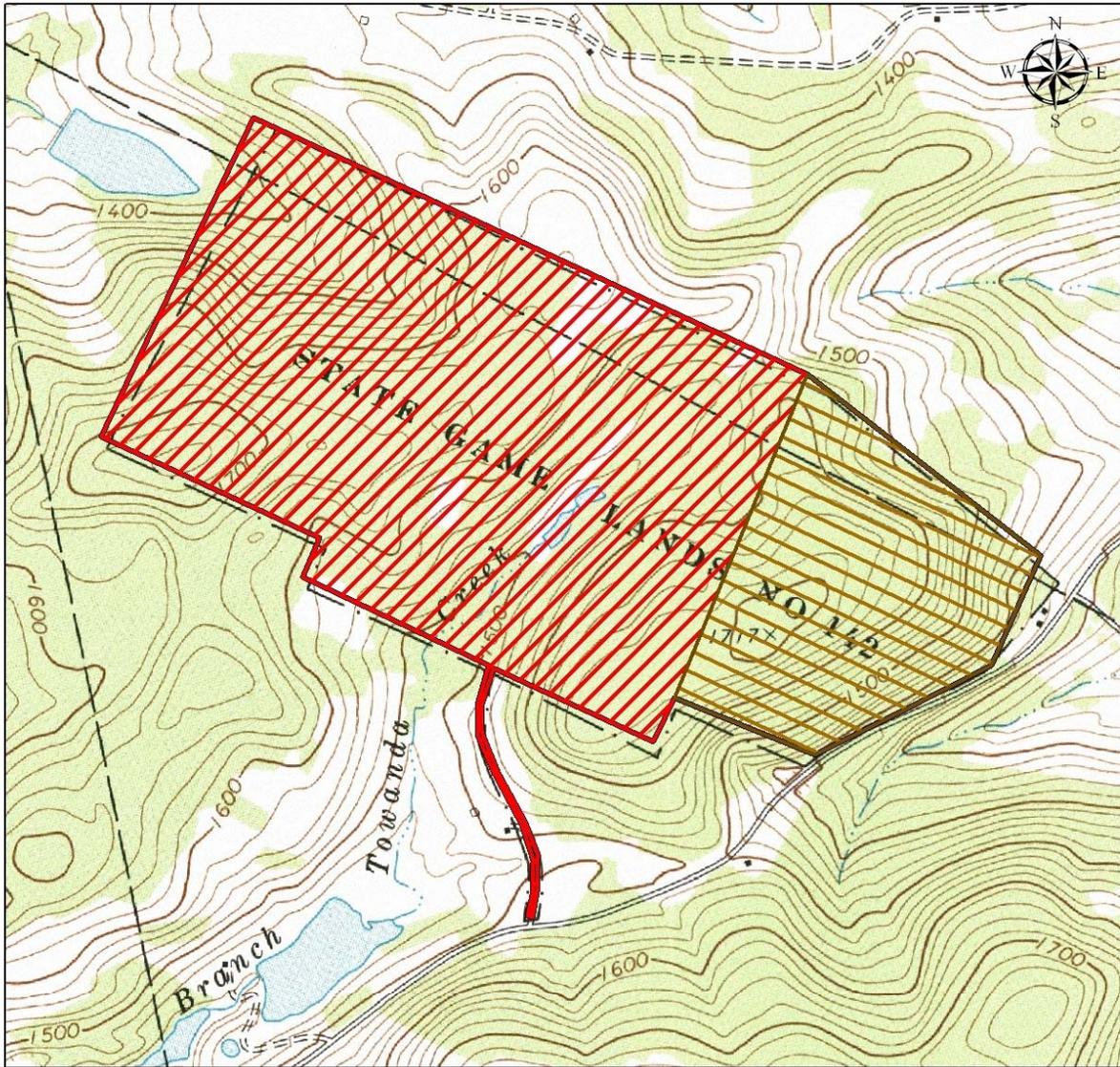


EXHIBIT OGM 1

Pennsylvania Game Commission

OIL & GAS LEASE MAP

STATE GAME LAND 142

TRACT 142-237 A-10

Non Surface Use Lease

TERRY TWP.

BRADFORD COUNTY



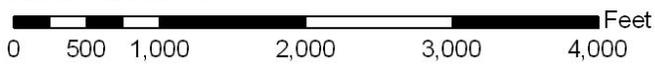
PGC Oil/ Gas
277.7 Acres

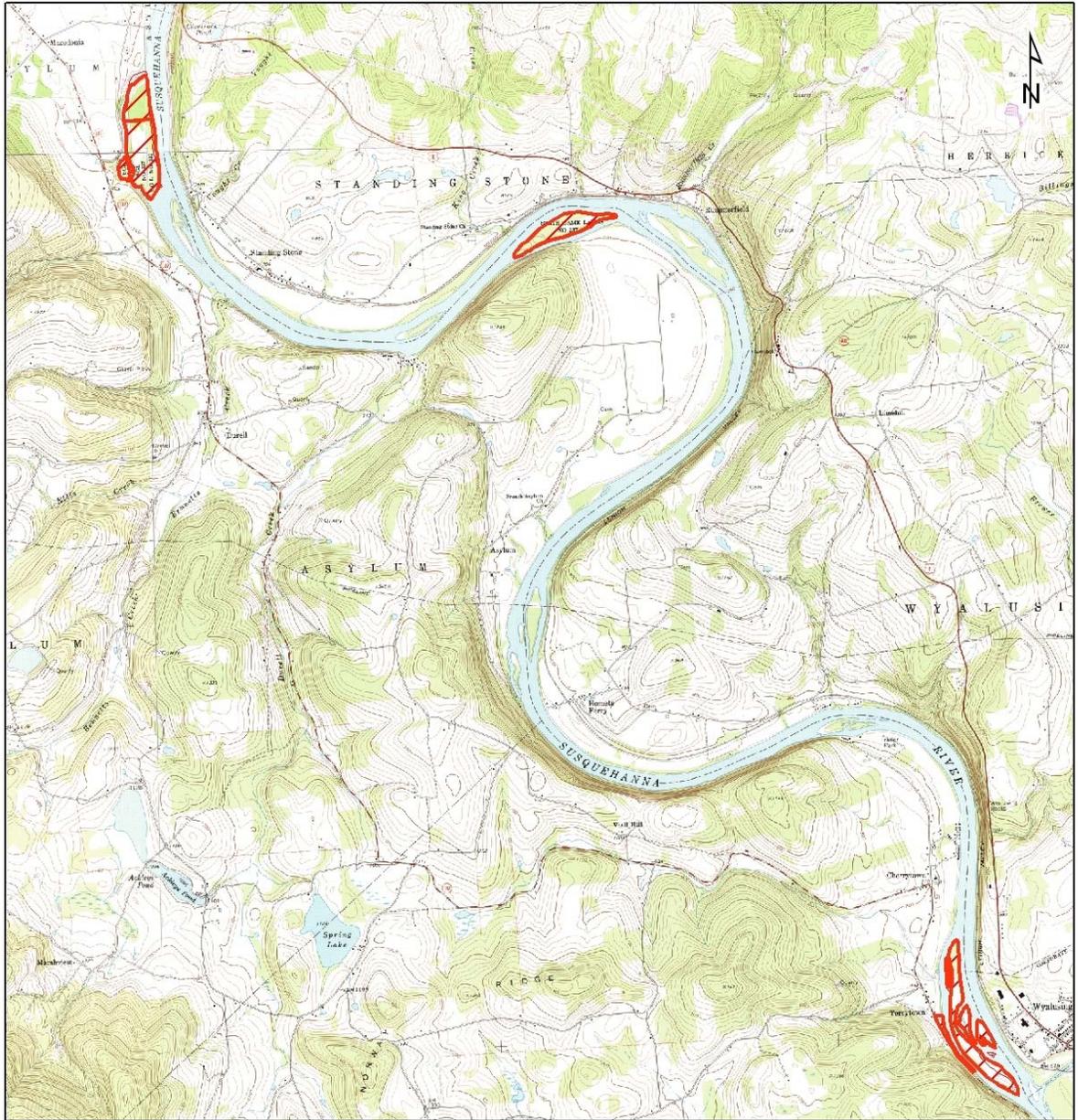


Non Surface Use PGC Does not own Oil/gas
90.9 Acres

Non Surface use for 368.6 Acres

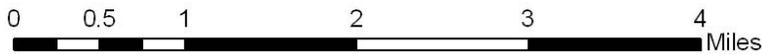
1 inch = 1,000 feet





 PGC Oil/ Gas
161.63 Acres

EXHIBIT OGM 2
 Pennsylvania Game Commission
OIL & GAS LEASE MAP
 STATE GAME LAND 237
TRACT 142-237 A-10
 Non Surface Use Lease
 ASYLUM & TERRY TWP.
 BRADFORD COUNTY



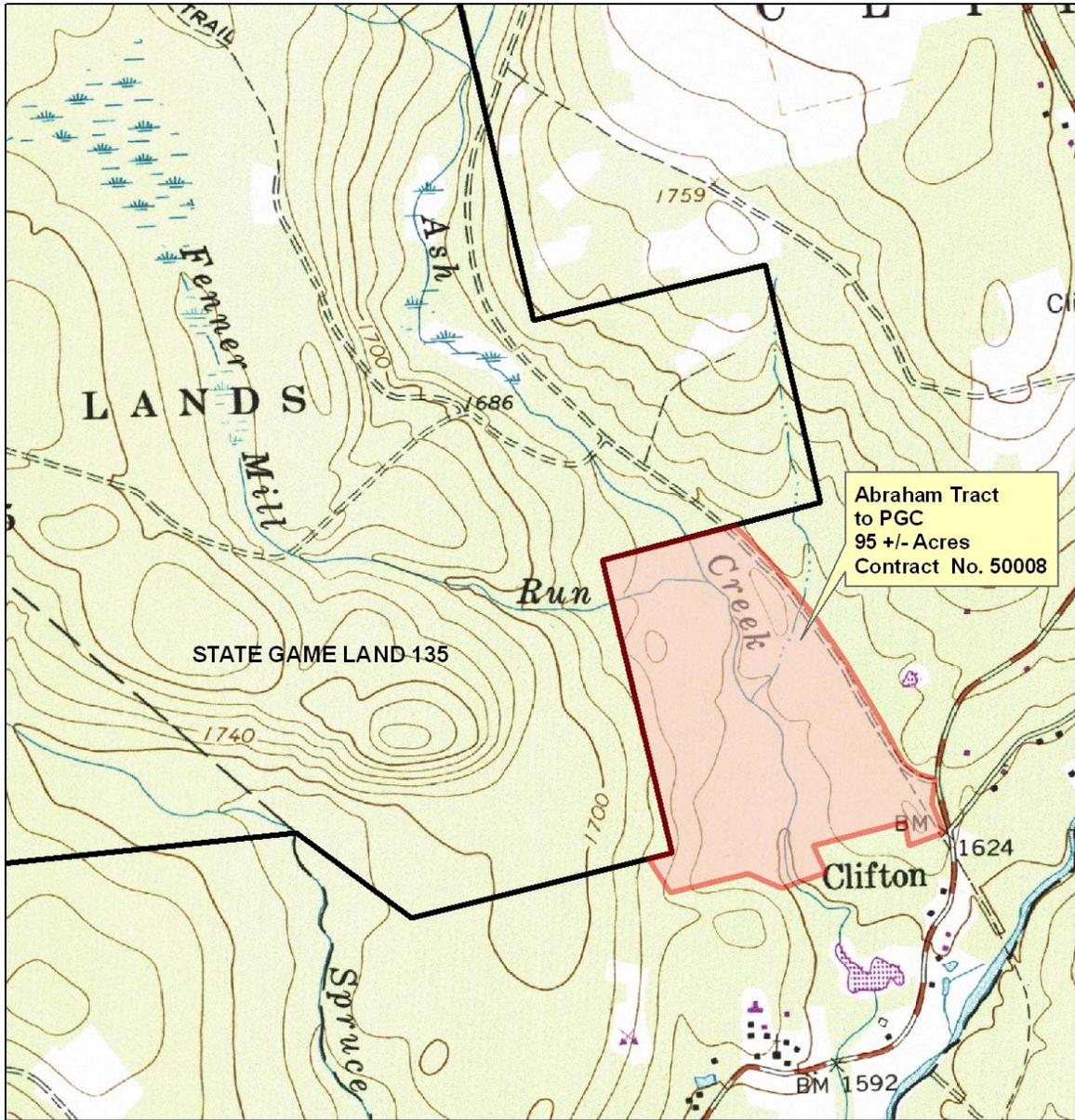


EXHIBIT OGM 3
 STATE GAME LAND 135
ABRAHAM TRACT
to PGC
 95 +/- Acres

CLIFTON TWP.
 LACKAWANNA COUNTY

Other New Business

Time and Place for Next Meeting - The Commission previously established October 4 and 5, 2010, starting at 8:30 a.m. on Monday and Tuesday to be held at the Quality Inn, 880 Kidder Street, Wilkes-Barre, PA 18702.

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

Adjournment