

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
June 28, 2011**

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

Carl G. Roe
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, June 28, 2011 at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

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

Approval of Minutes of Commission Meeting held April 12, 2011.

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code §137.34.

Commentary: The recent discovery of Chronic Wasting Disease in a free-ranging deer in Allegany County, Maryland, just over 10 miles from the Pennsylvania border, prompted a review and updating of the Commonwealth's Interagency Chronic Wasting Disease Response Plan. This update necessitates amending §137.34 to bring the terminology and procedures in the regulation in line with the Response Plan.

CHAPTER 137. WILDLIFE

§137.34. Chronic Wasting Disease and emergency authority of Director.

~~[(a) The Director has emergency authority to remove protection on cervids, prohibit any new permits to possess live cervids in containment areas, and order the disposal of certain cervids or their parts in containment areas, if the Director determines the spread of Chronic Wasting Disease (CWD) poses a threat to human safety, farm animals, pets or other cervids within or adjacent to this Commonwealth in accordance with the CWD response plan.~~

~~(1) If the Director removes the protection on cervids in containment areas, except for animals or their parts submitted for laboratory analysis, it is unlawful to:~~

~~(i) Remove any cervid carcasses or certain parts from the containment areas.~~

~~(ii) Possess or transport any live cervids contrary to 3 Pa.C.S. Chapter 23, Subchapter C (relating to detection, containment or eradication of certain diseases) within the containment areas.~~

~~(2) Nothing in this subsection prevents removal of dried or cured skins of cervids from the areas where the protection has been removed, only if removal poses no threat to other areas of this Commonwealth.~~

~~(b) The Director has emergency authority to control the spread of CWD by banning the importation of certain cervid parts from other states or nations.~~

~~(c) The Director has emergency authority to ban the feeding of cervids within the containment area to prevent the congregation or habituation to an area by cervids that could spread CWD.]~~

(a) The Director has emergency authority to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of Chronic Wasting Disease (CWD), if the Director concludes that the spread of CWD poses a threat to human safety, farm animals, pets or other cervids within or adjacent to this Commonwealth, as follows:

(1) The Director has emergency authority to:

(i) Prohibit the importation of high risk cervid parts from areas that are known to harbor CWD.

(ii) Define and designate Disease Management Areas (DMAs) in this Commonwealth.

(2) The Director has emergency authority within designated DMA's to:

(i) Allow the taking of cervids without regard to established seasons and bag limits and methods of take.

(ii) Require mandatory checking of hunter-killed cervids.

(iii) Prohibit the removal of high risk cervid parts.

(iv) Prohibit the rehabilitation of cervids.

(v) Prohibit the use, collection, possession and exportation of cervid urine-based attractants.

(vi) Prohibit the feeding of cervids.

(vii) Prohibit any new permits to possess or transport live cervids.

(b) It is unlawful for any person to violate any provision of an Executive Order issued by the Director under the authority of this section.

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

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §147.804.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its April 12, 2011 meeting, to amend §147.804 (relating to general) to allow a mentor to transfer a valid antlerless license issued to him to an eligible mentored youth upon the harvest of an antlerless deer.

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 147. SPECIAL PERMITS

Subchapter X. MENTORED YOUTH HUNTING PROGRAM PERMIT

§147.804. General.

* * * * *

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

* * * * *

(e) A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (c) and are subject to the same antler restrictions that apply to junior license holders in §131.2 (relating to definitions).

* * * * *

(g) Notwithstanding the prohibitions of section 2711(3) and (5) of the act (relating to unlawful acts concerning licenses), a mentor is authorized to transfer an antlerless license issued to him to an eligible mentored youth. The antlerless license shall be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the antlerless license may not occur until after the mentored youth has harvested the antlerless deer, but before tagging the carcass. A mentored youth may receive by transfer no more than one antlerless deer license each license year. A mentored youth is ineligible to make direct application for an antlerless license.

PROPOSED RULE MAKING

B. Amend 58 Pa. Code §147.701.

Commentary: The Convention on International Trade in Endangered Species (CITES) is a comprehensive conservation treaty signed by 175 countries, including the United States. This international agreement regulates the commercial trade of wildlife species and works to ensure that international trade of species is sustainable and does not threaten their survival. In relevant part, CITES requires permanent tags to be affixed to carcasses or parts of species being exported internationally. The bobcat while not threatened with extinction is listed in CITES and trade is controlled in order to protect endangered cats that have fur and parts similar in appearance; therefore, CITES applies to international exportation of this species. CITES does not currently apply to fishers.

Current Commission regulations take this requirement a step further by requiring permittees to obtain and the Commission to issue CITES tags for every bobcat and fisher harvested that will be exported beyond this Commonwealth. The Commission has determined that this requirement is unnecessarily restrictive on permittees, over burdensome on the Commission and simply not applicable to fishers. The Commission is proposing to amend §147.701 (relating to general) to reduce the applicability of the CITES tag to bobcats and international exports only.

CHAPTER 147. SPECIAL PERMITS

Subchapter S. FURBEARER HUNTING-TRAPPING PERMITS

§147.701. General.

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

* * * * *

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat or fisher shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a ~~[permanent tag is provided]~~ Convention on International Trade in Endangered Species (CITES) tag is attached, if applicable, or the animal is mounted, tanned, made into a commercial fur or prepared for consumption.

* * * * *

(iii) ~~[A permanent tag for a bobcat or fisher taken under this permit shall be provided by the Commission and locked immediately upon receipt of the tag. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth. The tag shall remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.]~~ A CITES tag for a bobcat taken under this permit will be provided by the Commission in the event that the bobcat or any parts thereof will be exported internationally or upon request of the permittee. The CITES tag shall immediately be locked through the eyes of the pelt or, in the event of any other part, locked through and attached to the part or parts. The CITES tag shall remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

* * * * *

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

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisition

Contract No. 3586, State Game Land No. 294, Mercer County

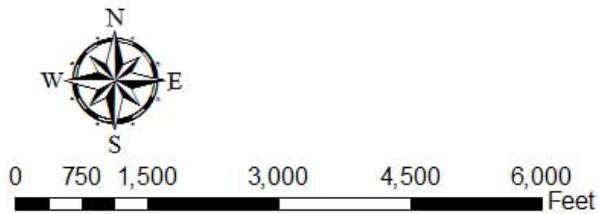
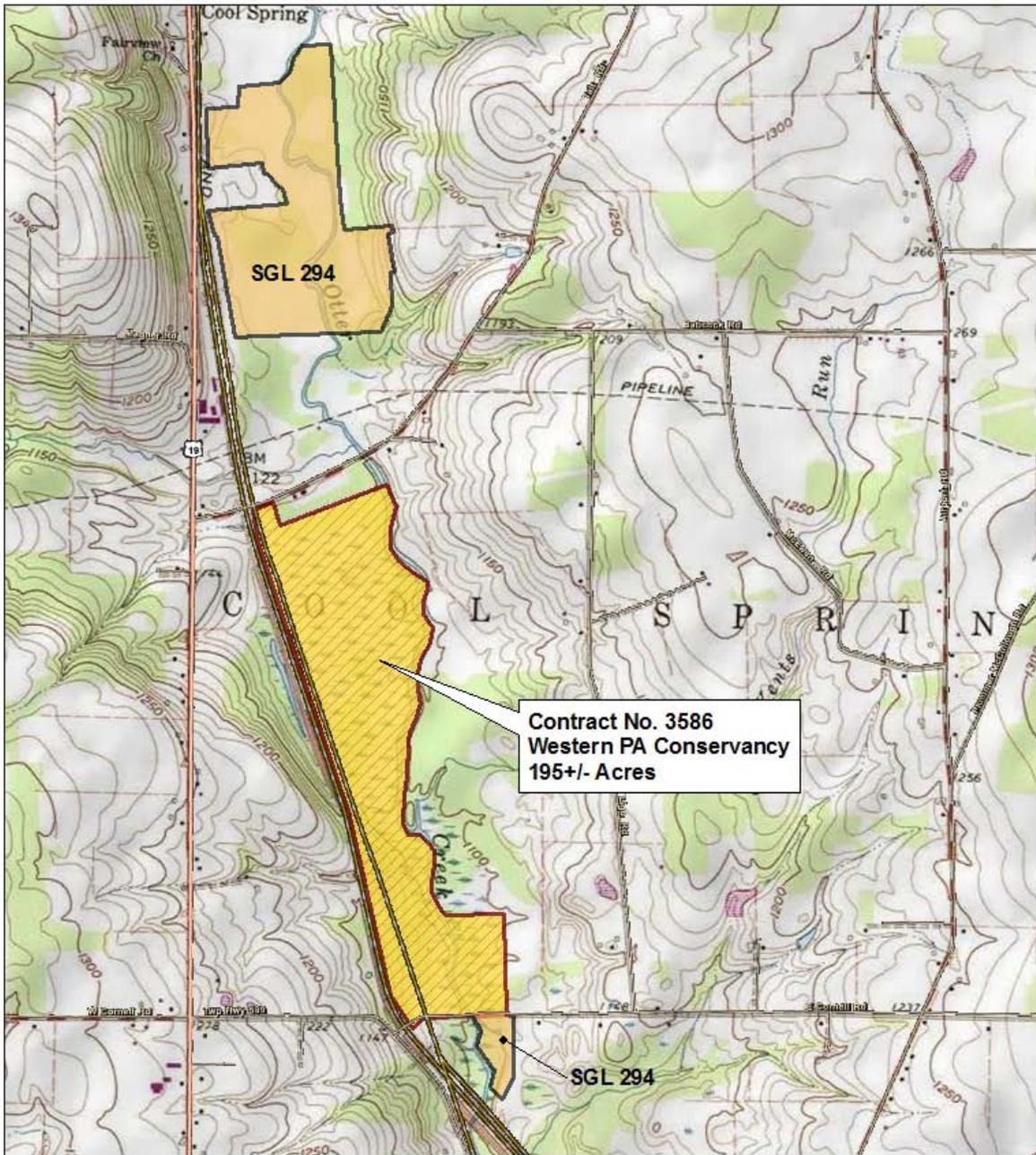
Commentary: Western Pennsylvania Conservancy, Inc. (WPC) is offering for sale 195 +/- acres of land in Cool Spring Township, Mercer County adjoining State Game Land No. 294 (Exhibit RED 1). The option is subject to an existing reservation of oil, gas and mineral rights, excluding peat. The option price is \$90,000 lump sum with the Game Fund obligation limited to \$62,487.89 and the remaining \$27,512.11 being a donation from the Estate of Margaret Metcalfe. The property is mostly wetlands with approximately 130 acres in emergent, scrub-shrub and forested wetlands. The upland portion of the property is 60 acres of woodland comprised of oak, maple, cherry and ash. The remaining five acres is reverting farmland. Otter Creek flows through the property, as well as an unnamed tributary to Otter Creek. A Pennsylvania Natural Diversity Inventory review indicates the presence of the eastern massasauga rattlesnake, a state-listed endangered species within the vicinity of this property. Acquiring this property will fill in gaps between two separate tracts of State Game Land No. 294. This contract is contingent upon the WPC being able to secure an option with the owners of the property and approval by the WPC Board of Directors. If the WPC is unable to secure an option on this property a cooperative agreement between the Commission and the WPC will allow the \$90,000 to be used to acquire other lands acceptable to the Commission.

Contract No. 3587, State Game Land No. 314, Erie County

Commentary: Western Pennsylvania Conservancy, Inc. (WPC) is offering for sale 81.5 +/- acres in Springfield Township, Erie County, adjacent to State Game Land No. 314 (Exhibit RED 2). The option price is \$400 per acre to be paid from the Game Fund. The acquisition is subject to the WPC purchasing the property. This property is mainly forested with sugar maple, red maple, red ash, American beech, white pine and black cherry with small pockets of open wetlands and old fields reverting back to early succession. Raccoon Creek flows through the southern portion of the property. Access is from Old Lake Road.

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.

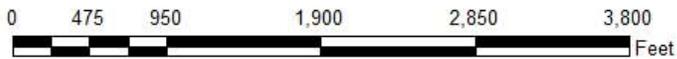
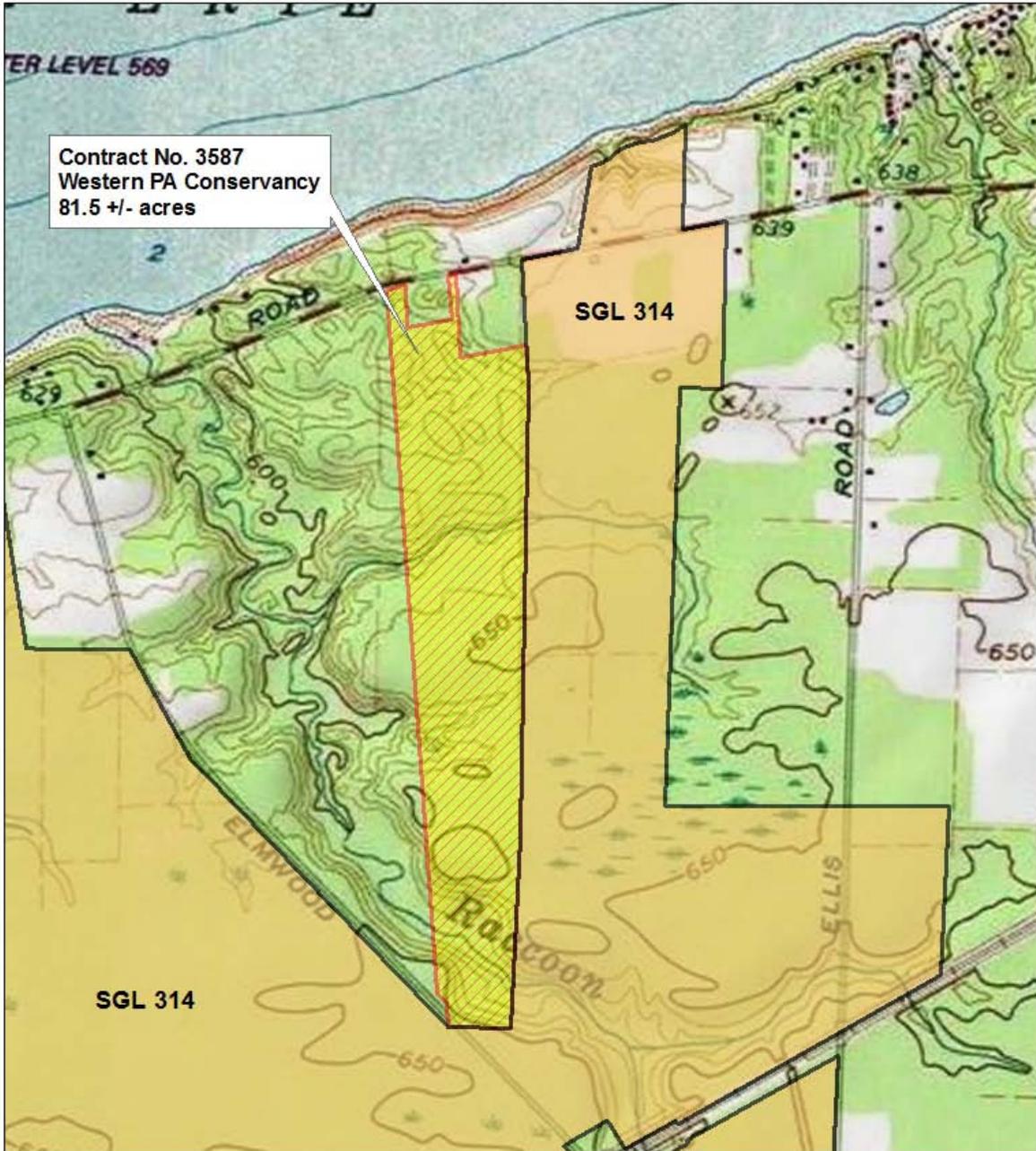
Action:



RED 1
State Game Land No. 294

Western PA Conservancy
 "Cal Penn"
 195 +/- Acres

Cool Spring Township
 Mercer County
 Northwest Region



RED 2

State Game Land No. 314

Western PA Conservancy
 "Colussi Tract"
 81.5 +/- Acres

Springfield Township
 Erie County
 Northwest Region

Other New Business

The October Commission Meeting will be held on October 3 and 4, 2011. Does the Commission wish to proceed with these dates?

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

Adjournment