

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION**



**AGENDA  
HARRISBURG, PENNSYLVANIA  
October 4, 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, October 4, 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 June 28, 2011.

## **BUREAU OF WILDLIFE MANAGEMENT**

### **ADOPTED RULE MAKING**

A. Adoption of proposed amendments to §137.34.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its June 28, 2011 meeting, to amend §137.34 (relating to Chronic Wasting Disease and the emergency authority of Director) to update its terminology and procedures to be consistent with the Commonwealth's Interagency Chronic Wasting Disease Response Plan.

Action:

## EXHIBIT "A"

### CHAPTER 137. WILDLIFE

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

(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.

(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 DMAs 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 a person to violate a provision of an Executive Order issued by the Director under the authority of this section.

## **BUREAU OF WILDLIFE PROTECTION**

### **ADOPTED RULE MAKING**

A. Adoption of proposed amendments to §147.701.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its June 28, 2011 meeting, to amend §147.701 (relating to general) to reduce the applicability of the CITES tag to bobcats and international exports only.

Action:

**EXHIBIT "A"**

**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 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 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 are 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. The CITES tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

\* \* \* \* \*

## **BUREAU OF WILDLIFE HABITAT MANAGEMENT**

### **REAL ESTATE**

#### **A. Acquisition**

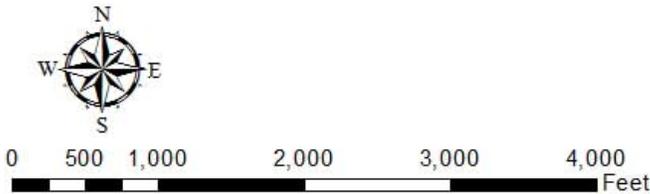
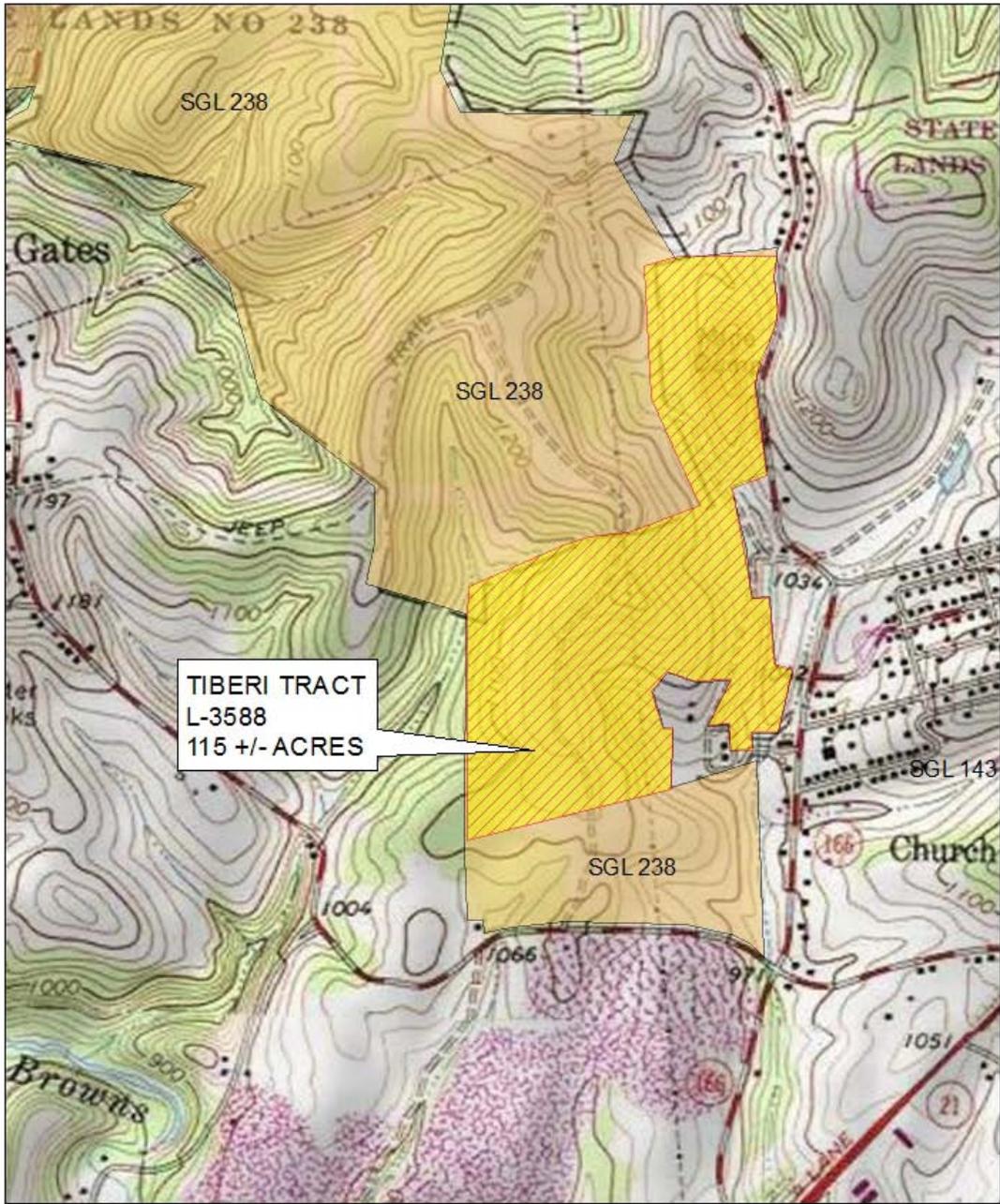
Contract No. 3588, State Game Land No. 238, Fayette County

Commentary: The Estate of Tito Tiberi is offering for sale 115 +/- acres of land in German Township, Fayette County adjoining State Game Land No. 238 (Exhibit RED 1). The option price is \$100,000 lump sum to be paid with funds from third party commitments for compensation of habitat and recreational losses associated with installing an above ground temporary waterline on an existing right-of-way across State Game Lands. Approximately 100 acres of the property is forested primarily with northern hardwood. There are multiple forest openings covering approximately ten acres with an additional five acres of shrub lands and reverting old fields. The northeast portion of the parcel has significant frontage on SR 166. This tract joins two separate parcels of State Game Land No. 238 and has an internal road network that connects to existing State Game Land roads.

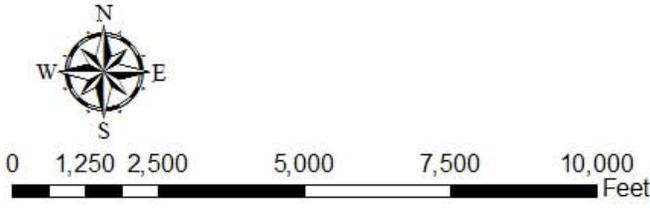
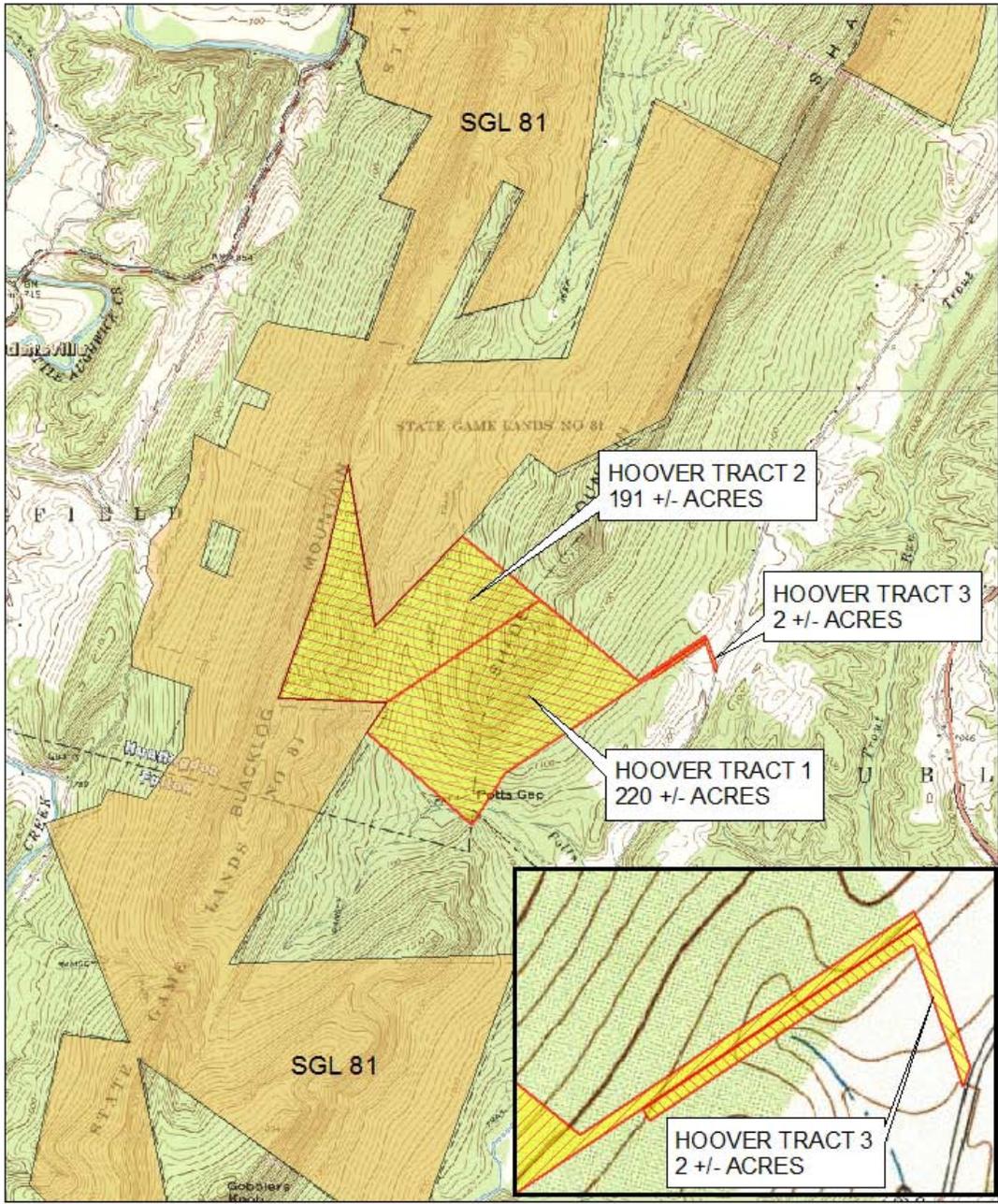
Contract No. 3589, State Game Land No. 81, Huntingdon County

Commentary: Menno Z. and Martha H. Hoover are offering three tracts of land for sale totaling 413 +/- acres of land in Dublin and Springfield Townships, Huntingdon County adjoining State Game Land No. 81 (Exhibit RED 2). The option price is \$745,000 lump sum to be paid with escrowed funds from the land exchange on State Game Land No. 176 with the Pennsylvania State University and will require approval from the United States Fish and Wildlife Service. The property is forested with mixed oak, hickory and white pine in various stages of regeneration. The entire property will fill-in a large indenture and provides much needed access into State Game Land No. 81 from Township Road 301.

Action:



**RED 1**  
**State Game Land No. 238**  
**Tiberi Tract**  
**L-3588**  
**115 +/- Acres**  
**German Township**  
**Fayette County**  
**Southwest Region**



**RED 2**  
**State Game Land No. 81**  
 Hoover Tracts  
 L-3589  
 413 +/- Acres  
 Dublin & Springfield Townships  
 Huntingdon County  
 Southcentral Region

B. Land Exchange

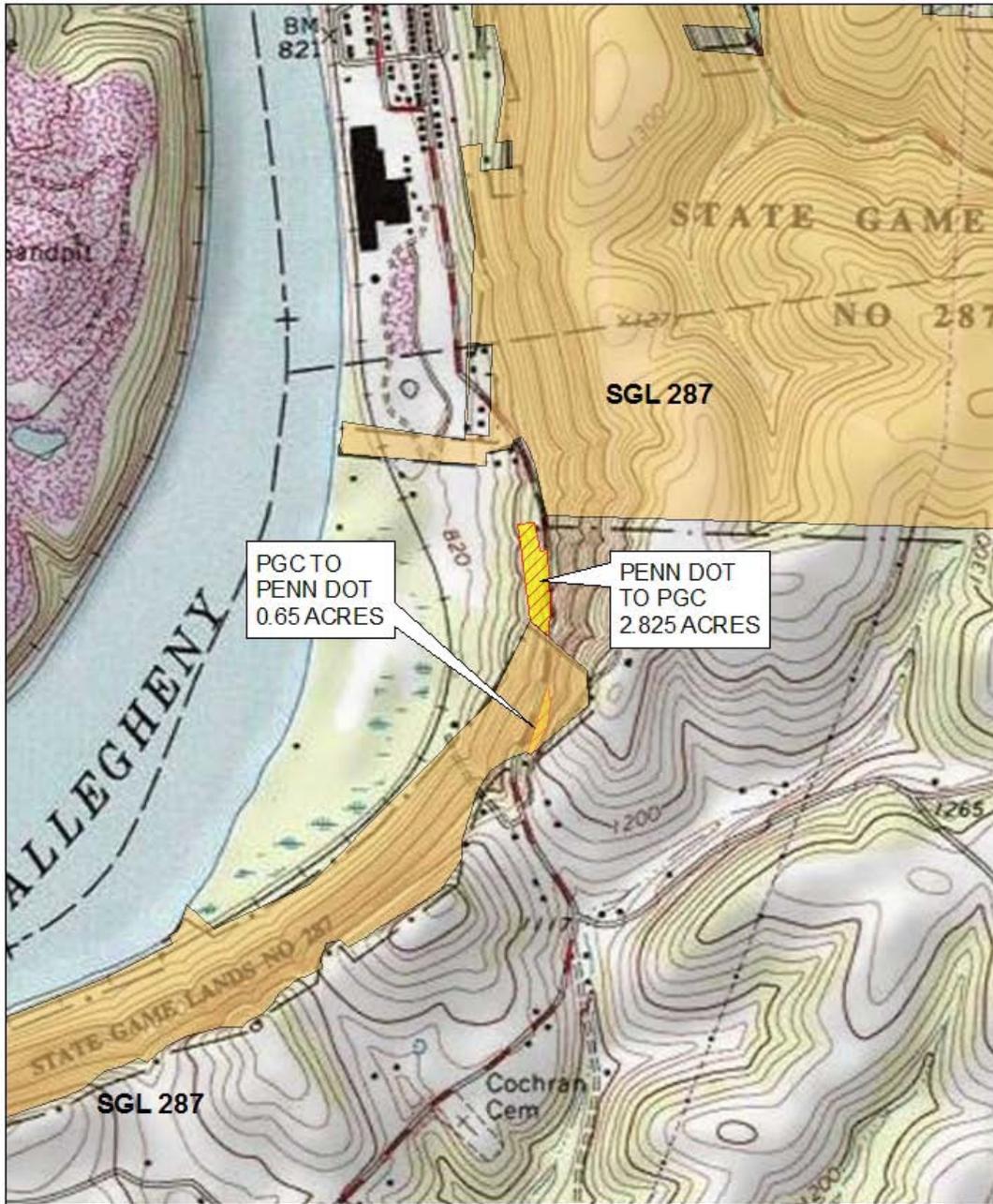
Contract No. 3590, State Game Land No. 287, Armstrong County

Commentary: The Pennsylvania Department of Transportation is offering 2.825 +/- acres of land adjacent to State Game Land No. 287 as replacement land for 0.65 +/- acres of State Game Land No. 287, both located within Boggs Township, Armstrong County (Exhibit RED 3). The 0.65 acres of State Game Land No. 287 was needed during an emergency road repair to correct a landslide on SR 1031 Section 5S1 referred to as the Limeback Slide Area Project. The replacement land is forested and is located just north of the project area.

Contract No. 3591, State Game Land No. 79, Cambria County

Commentary: The Nanty Glo Water Authority has agreed to a land exchange involving a right-of-way 6,750 feet long and 20 feet wide and another right-of-way that is 54 feet long and 20 feet wide in exchange for a 2.65 +/- acres of land in Jackson Township, Cambria County adjoining State Game Land No. 79 (Exhibit RED 4). The Authority shall reserve, from the tract being conveyed to the Game Commission, a 25 foot wide easement along the current border of State Game Land No. 79 and also a 25 foot wide easement along that part of the tract which adjoins Ogden Road. The tract is forested with young cherry, maple and beech and has hemlock in the bottomland. Stewart Run, a stocked trout stream bisects the property.

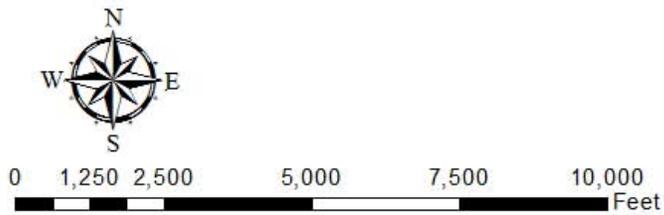
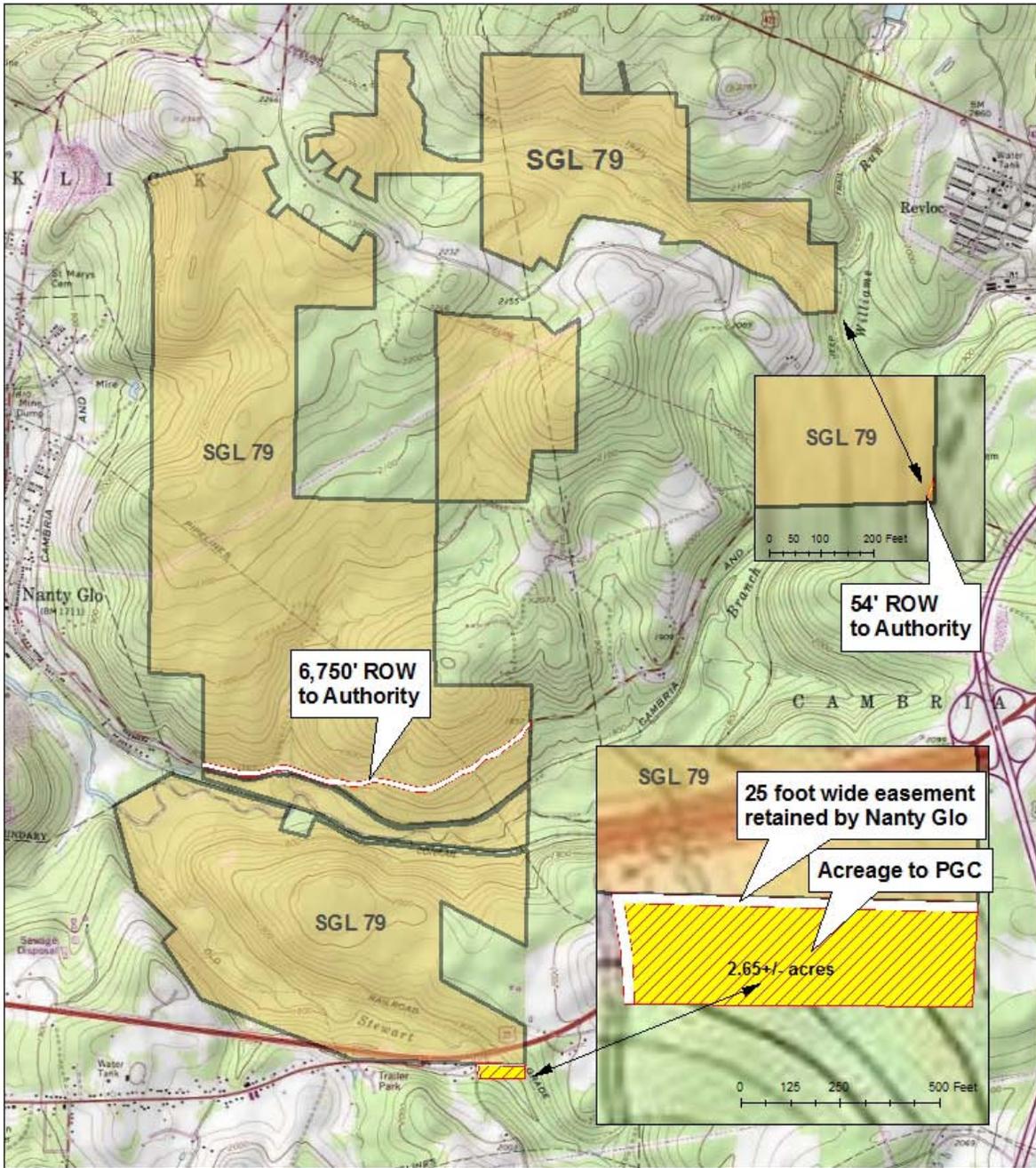
Action:



**RED 3**  
**State Game Land No. 287**

Penn Dot To PGC Exchange  
 L-3590

Boggs Township  
 Armstrong County  
 Southwest Region



**RED 4  
State Game Land No. 79**

L-3591  
Nanty Glo Water Authority  
ROW Land Exchange

Jackson Township  
Cambria County  
Southwest Region

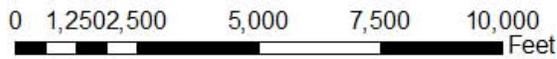
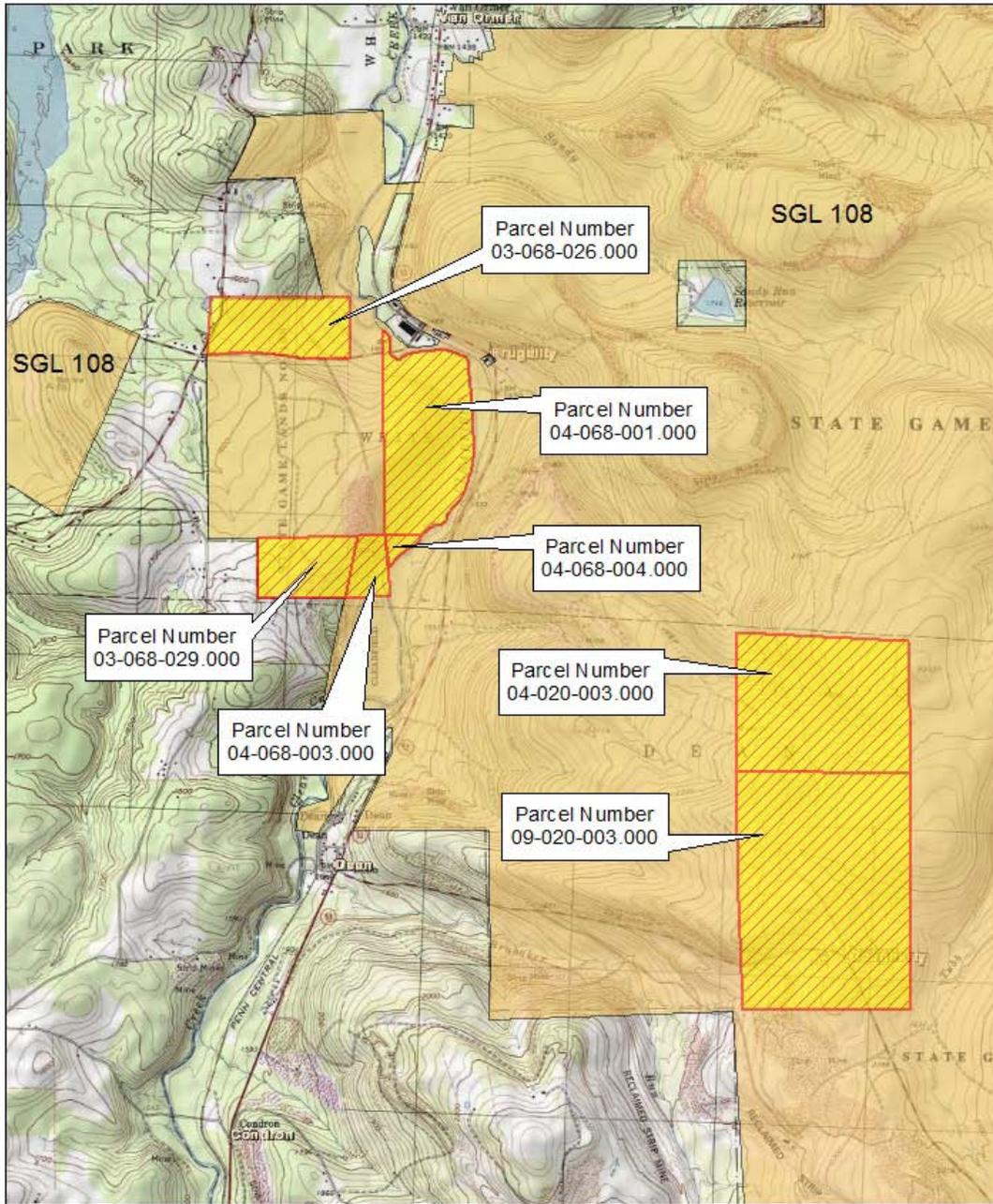
C. Purchase of Properties at Auction and Tax Sales

Contract No. 3592, State Game Land No. 108, Cambria County

Commentary: Subject to certain limitations, §135.241 of 58 Pa. Code authorizes the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction. Successful bids must be made known to the general public at the next regularly scheduled meeting of the Board of Commissioners.

On May 20, 2011, the Game Commission was the successful bidder at a tax sale held at the Cambria County Courthouse and purchased the mineral rights or fractional interests thereof on seven tracts located in Dean and White Townships, Cambria County under State Game Land No. 108 (Exhibit RED 5). Tax Parcel No. 04-068-001, with 22 acres of coal rights was acquired with a bid of \$1,650. Tax Parcel No. 04-068-003, with 22 acres of coal rights was acquired with a bid of \$375. Tax Parcel No. 04-068-004, with 2 acres of coal rights, was acquired with a bid of \$575. Tax Parcel No. 09-020-003, with 400 acres of coal rights, was acquired with a bid of \$9,575. Tax Parcel No. 04-020-003, with 300 acres of coal rights, was acquired with a bid of \$4,150. Tax Parcel No. 03-068-026, with 88 acres of coal rights, was acquired with a bid of \$1,725. Tax Parcel No. 03-068-029, with 62 acres of coal rights, was acquired with a bid of \$1,550. A total of 896 fractional mineral interest acres were purchased for a total amount of \$19,600.

Action: This is an information item, no action is required.



**RED 5**  
**State Game Land No. 108**

L-3592  
 Mineral Rights Only  
 White & Dean Townships  
 Cambria County  
 Southwest Region

## **OIL/GAS & MINERALS**

### **D. Coal Refuse Pile Reclamation Project, State Game Land No. 100, Centre County**

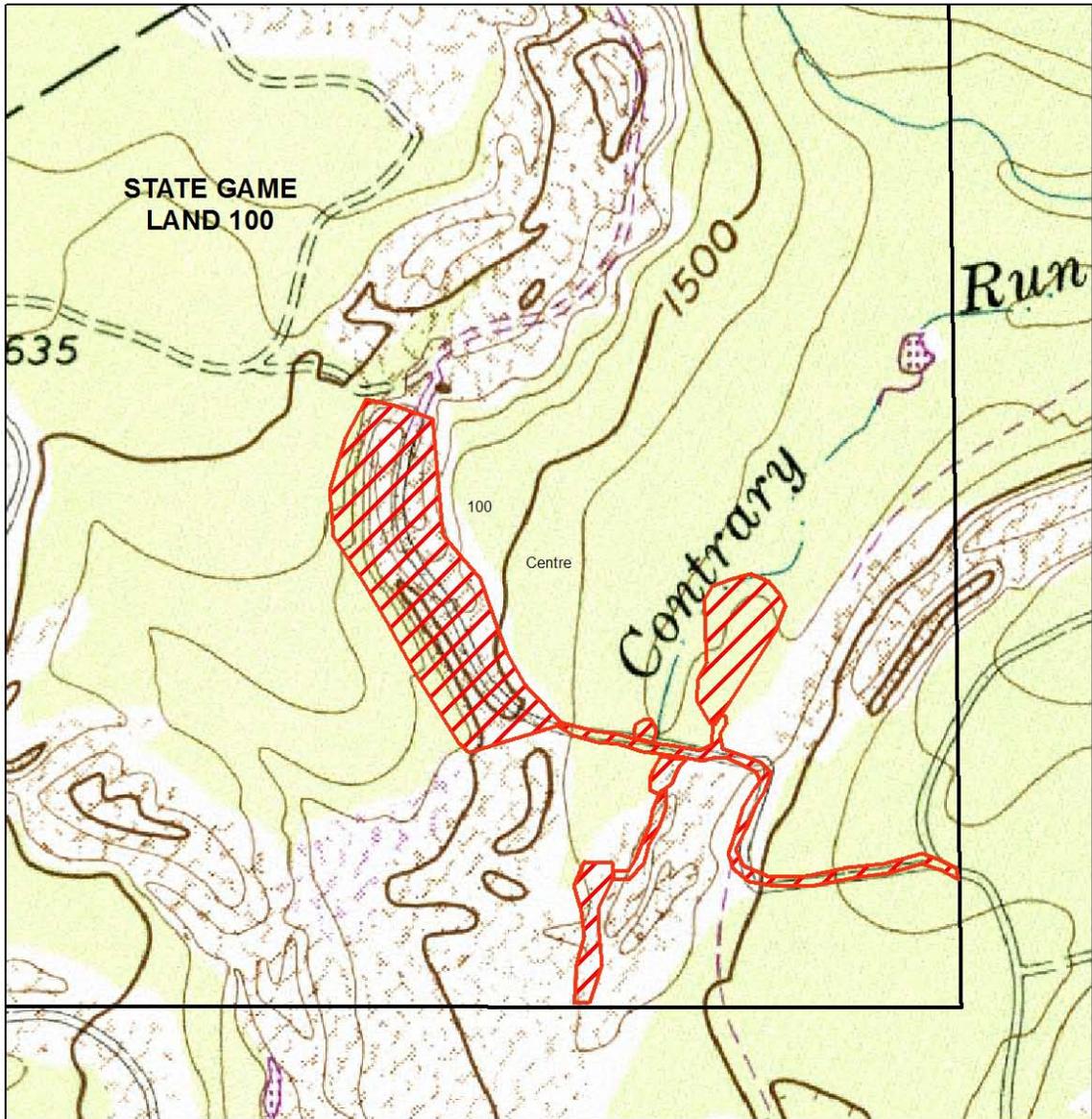
Commentary:

Waroquier Coal, Inc. of Clearfield, Pennsylvania has requested a lease to mine and remove abandoned coal refuse on a portion of State Game Land No. 100 (Exhibit OGM 1). The proposed coal refuse removal and reclamation project will entail approximately 15.5 acres of which 3.7 acres consist of un-reclaimed coal refuse spoil piles to be removed. The remaining project acreage will be utilized for access to the coal refuse removal site, reclamation of an abandoned surface mine pit and highwall, construction of erosion and sedimentation controls and operational support.

The accumulated coal refuse royalty value of this proposed project has been estimated at approximately \$25,000. Removal and reclamation of the spoil piles will reduce ongoing pollution into Contrary Run, provide for improved water quality and also provide potential wetland restoration along Contrary Run. The project will be regulated by the Commonwealth's surface mining regulations and the Commission's coal refuse removal and reclamation lease agreement. Further, Waroquier Coal, Inc. will implement a site specific wildlife habitat and reclamation plan as per the direction of the local Land Management Group Supervisor. No merchantable timber is to be affected by this reclamation operation.

In exchange for the coal refuse removal and reclamation project, Waroquier Coal, Inc. will pay the Commission a royalty of 10% FOB pit price or a minimum of \$0.50 per ton, whichever the greater for each and every ton of coal refuse mined and removed from the site. Monies received for the sale of coal shall be credited to the reclamation cost of the abandoned high wall and mine spoils within the project area. Any remaining royalties shall be deposited into the game fund.

Action:



 Tract 100A-11  
(Approximately 15.5 Acres)

 State Game Land Boundary

**EXHIBIT OGM 1**  
**State Game Land No. 100**  
 Coal Refuse Reclamation Project  
 Waroquier Coal, Inc.  
 Tract 100A-11  
 Snow Shoe Township, Centre County  
 Northcentral Region

Old Business

A. Born Free USA request

Other New Business

The January Commission Meeting will be held on January 22, 23 and 24, 2012, in Harrisburg, Pennsylvania. 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