



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA  
February 1, 2011

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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, February 1, 2011 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 Meeting held October 5, 2010.

## **BUREAU OF WILDLIFE MANAGEMENT**

### **A. State Wildlife Grants Program**

Commentary: Congress appropriated funds under the State Wildlife Grants Program (SWG) directly and exclusively to state wildlife agencies for "wildlife species of the greatest conservation concern."

Pennsylvania is eligible to receive these funds for fish and wildlife projects under the SWG program. We are recommending approval of the two projects listed in EXHIBIT "A."

Projects listed in EXHIBIT "A" will not require any net reduction in the Game Fund, since all are cooperator projects. If approved, the Game Commission will contract with the organizations and investigators of these projects, and pay SWG-eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using SWG funds. The Game Commission will receive up to 3 percent of all SWG funds to administer the program.

Recommendation: The Executive Director and staff recommend approval of the slate of State Wildlife Grant projects listed in EXHIBIT "A."

Action:

## **EXHIBIT "A"**

### **STATE WILDLIFE GRANT PROJECTS**

#### **IMPLEMENTING A FORESTLAND BMP FOR GOLDEN-WINGED WARBLER BREEDING HABITAT ON PUBLIC LANDS IN PENNSYLVANIA**

The golden-winged warbler is one of the most critically threatened, non-federally listed vertebrates in the eastern United States. Habitat implementation funds are available for lands managed by the Commission. Current agency staffing limits the acreage that can be prepared for implementation. This work would overcome bottlenecks that limit large scale habitat implementation of Best Management Practices for golden-winged warblers and other early-succession species. (Dr. Jeff Larkin, Indiana University of Pennsylvania – Research Institute - \$143,700).

#### **QUANTIFYING EMERGING ISSUE AFFECTS ON FOREST BIRDS AND HERPS: MARCELLUS SHALE EXPLORATION AND DEVELOPMENT**

Quantify the effects of emerging issues on the abundance and distribution of species is the only way to maximize the benefits of management activities. This research will focus specifically on Marcellus exploration and development and its effects on Wildlife Action Plan species of greatest conservation need (e.g. scarlet tanager, blackburnian warbler, black-throated green warbler, etc.) and quantify the effects on wildlife habitat, thus enabling predictions regarding shifts in species composition at different levels of drilling intensity. This work will enable resource professionals to make informed decisions about which species may be most vulnerable to energy extraction activities, which may benefit, how well pad density influences outcomes and what needs to be done to reduce negative impacts to species of greatest conservation need. Our pilot restoration project will provide much needed data to begin to develop best management practices for restoring well pad sites.

B. Endangered Species Great Lakes Restoration Initiative Grants Program

Commentary: The United States Fish and Wildlife Service made \$1,850,000 available for the Endangered Species Great Lakes Restoration Initiative Grants Program (FWS-ESGLRI). This competitive program was open to those individuals, groups, and government agencies engaged in voluntary conservation efforts to benefit species listed or proposed as endangered or threatened, candidate species, or other at-risk species within the Great Lakes Watershed of the United States.

In March 2010 the Commission submitted a \$100,910 proposal to the Endangered Species Great Lakes Restoration Initiative Grants Program (FWS-ESGLRI), for a project entitled, “Great Lakes Piping Plover, *Charadrius melodus circumcinctus*, habitat restoration at Presque Isle State Park, Erie Co., Pennsylvania.” We were joined in the proposal by two NGO partners. The U.S. Fish and Wildlife Service awarded funds to our agency this past fall.

Upon award of the funds recipients are expected to initiate planned research and monitoring as expeditiously as possible. A small portion of the available funds will be used to subsidize agency staff work; however, a majority of the grant funds will be used to restore habitat for Great Lakes piping plovers, a federally endangered species, and other Pennsylvania species of greatest conservation need.

We are seeking Commission approval to initiate cooperative agreements needed to formalize coordination and research responsibilities to implement this project. We intend to contract with Ephraim Zimmerman, Western Pennsylvania Conservancy and Sarah Sargent, National Audubon/Pennsylvania Audubon for project management, field implementation and monitoring activities of state and NGO participants at a cost not to exceed \$43,750 for Western Pennsylvania Conservancy and \$9,600 for National Audubon.

This project will not require any net reduction in the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service with funds from the Endangered Species Great Lakes Restoration Initiative Grants Program.

Recommendation: The Executive Director and staff recommend approval of this piping plover project and the work as described with the Western Pennsylvania Conservancy and Pennsylvania Audubon.

Action:

## **ADOPTED RULE MAKING**

C. Adoption of proposed amendments to §§147.552 and 147.556.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 5, 2010 meeting, proposed to amend §§147.552 and 147.556 (relating to application; and lawful devices and methods) to create a focused, limited authorization permitting the baiting of white-tailed deer in wildlife management units (WMUs) 5C and 5D on approved properties enrolled in the Red Tag Program.

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

Action:

**EXHIBIT "C"**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter R. DEER CONTROL**

**AGRICULTURE**

§147.552. Application.

\* \* \* \* \*

(d) Applicants from wildlife management units 5C and 5D only may be eligible to obtain approval to engage in limited baiting activities to enhance deer control activities on their properties. Approval will be based solely upon an applicant's demonstrable need for a baiting authorization as evidenced by written justifications or other evidence submitted on or in addition to the application at the time of application or renewal.

§147.556. Lawful devices and methods.

(a) *Devices.* Subpermittees are authorized to hunt and take deer with firearms, bows and crossbows as may be authorized for hunting deer during the regular firearms deer season as provided in the act and § 141.43 (relating to deer).

(b) *Methods.* Subpermittees operating under the authority of a permit with an approved baiting authorization are authorized to hunt or take deer through the use of or by taking advantage of bait subject to the following limitations:

(1) This authorization applies to private lands in wildlife management units 5C and 5D only.

(2) Bait may be placed or distributed 2 weeks prior to the validity period of the deer control permit through the close of the validity period as established in § 147.553 (relating to permit).

(3) Bait accumulation in any one location may not exceed 5 gallons total volume at any given time.

(c) *Further restrictions.* A permittee may further restrict the use of devices and methods authorized under this section on lands under the permittee's ownership or control, or both.

D. Adoption of proposed amendments to §147.673.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 5, 2010 meeting, proposed to amend §147.673 (relating to eligibility and application for DMAP) to require that public landowners provide approved management plans along with applications and also advance the applications date 1 month.

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

Action:

## EXHIBIT "D"

### CHAPTER 147. SPECIAL PERMITS

#### Subchapter R. DEER CONTROL

§147.673. Eligibility and application for DMAP.

(a) Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or governmental agencies shall apply for the DMAP on a form provided by the Commission.

(1) Applications shall be submitted to a regional office by June 1 immediately preceding the first fall deer season and include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the contact person for the DMAP as well as other information required on the application.

(2) One DMAP harvest permit will be allocated for every 5 acres of land enrolled in the DMAP where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented. One DMAP harvest permit will be allocated for every 50 acres of land enrolled in the DMAP for all other lands. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(3) Applications will not be accepted for the following areas without an approved management plan:

(i) Areas within 1 air mile of another DMAP area that is owned, leased or controlled by the same person, political subdivision or governmental agency.

(ii) Areas owned or leased by a Federal agency, State agency or any municipal political subdivision.

(iii) Areas with less than 5 acres of cultivated crops, fruit trees or vegetables, or less than 50 acres of other lands.

(b) Management plans must include at least the following information:

(1) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.

(2) A description of the management area delineated on the map in paragraph (1) including the size in acres, cover types (forested or nonforested), principal land uses, huntable areas and safety zones.

(3) An explanation of the deer management goals and objectives for the area.

(4) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing the use of DMAP in the area. Area specific information shall be provided that supports the deer management goals and objectives.

\* \* \* \* \*

E. Adoption of proposed amendments to §147.783.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 5, 2010 meeting, proposed to amend §147.783 (relating to permit) to authorize the use of electronic decoys for hunting and taking activities conducted under a snow goose conservation hunt 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 W. SNOW GOOSE CONSERVATION HUNT PERMIT**

§147.783. Permit.

\* \* \* \* \*

(c) Except as otherwise provided in this subchapter, all State and Federal requirements and limitations relating to the hunting and taking of snow geese during regular open seasons apply to any activities conducted pursuant to the authorizations of a snow goose conservation hunt permit. The following specific exceptions apply:

\* \* \* \* \*

(2) *Electronic devices.* Notwithstanding the general prohibition against the use of electronic devices found in section 2308 of the act (relating to unlawful devices and methods) and § 141.6 (relating to illegal devices), the limited use of electronic calls and electronic decoys shall be authorized for all hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit.

## PROPOSED RULE MAKING

F. Amend 58 Pa. Code, §141.28.

Commentary: The Ring-necked Pheasant Management Plan calls for restoring self-sustaining and huntable ring-necked pheasant populations in suitable habitats in this Commonwealth by establishing at least four Wild Pheasant Recovery Areas (WPRAs) by 2015. Wild-trapped pheasants will be released in WPRAs in an effort to establish populations of at least 10 hens per mi in the spring, while WPRAs remain closed to game farm pheasant stocking and pheasant hunting, and dog training and small game hunting is restricted in critical periods during the population establishment phase. Three WPRAs were listed in 2009, and one in 2010. A fifth area – the Franklin County WPRAs – is proposed at this time to prepare for pheasant releases in 2012. This new WPRAs and protection of wild-trapped pheasants released in WPRAs can be accomplished through the regulations amendment as outlined below.

### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter B. SMALL GAME

§141.28. Wild pheasant recovery areas.

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

\* \* \* \* \*

(5) Franklin County WPRAs. That Portion of Wildlife Management Units 4A and 5A in Franklin County from PA Rt. 30 on the northern border to the Pennsylvania/Maryland state border on the southern border, and from Cove Mountain on the western border to the towns of Laurich and Williamson and the Conococheague Creek on the eastern border. The WPRAs is bounded on the north by PA Rt. 30 (Lincoln Highway). Beginning at the town of Fort Loudon at the intersection of PA Rt. 30 (Lincoln Highway) and PA Rt. 75, proceed east on PA Rt. 30 (Lincoln Highway), through St. Thomas, and continue east to Laurich. Just east of Laurich, proceed south along Back Creek to SR3012 (Jack Road). Proceed west along SR3012 (Jack Road), then south along Weber Road. Continue south and southwest along Weber Road to the intersection of Weber, Grapevine and Jacks Mill Roads. Proceed southwest along Grapevine Road and then northwest to intersection with SR 3013. Turn south onto SR 3013 (St Thomas Williamson Road) and then west onto State Rt. 995. Proceed west and then south on State Rt. 995 through Williamson to the West Branch of the Conococheague Creek (northeast of Welsh Run). Proceed along the West Branch of the Conococheague Creek to the confluence with Conococheague Creek. Follow the Conococheague Creek south to the Pennsylvania/Maryland state border. Proceed west along the PA/MD state border to State Rt. 456. Proceed northeast along State Rt. 456 to State Route 16. Proceed east on State Route 16 to

Mountain Road. Proceed northeast on Mountain Road to State Rt. 75. Proceed northwest on State Rt. 75 to the intersection of State Rt. 75 and State Rt. 30 at Fort Loudon.

\* \* \* \* \*

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

Action:

G. Amend 58 Pa. Code, §139.4.

Commentary: To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend §139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2011-2012 license year. The 2011-2012 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Two changes are proposed for small game seasons. We are proposing opening rabbit, pheasant and bobwhite quail season 1 week earlier, to coincide with the ruffed grouse and squirrel opener. This change simplifies regulations, provides more time afield for hunters and lengthens the period of time the agency can stock pheasants for sport hunting. In response to Commissioner input at the October meeting of the Board of Commissioners we also have proposed adding porcupines to the species that have no closed season to allow taking to minimize or eliminate damage.

One significant bear hunting season change is proposed. We are proposing to continue the season changes implemented in 2010 and include extended hunting in 2011 during a portion of the deer season in select areas and WMUs to better achieve management goals and minimize human conflicts.

Concerning furbearer seasons, no changes in fisher and bobcat seasons are recommended at this time because participation and harvest results still are being gathered and analyzed. We are, however, proposing changes in select WMU beaver daily and season bag limits to implement the new management plan and increase or decrease harvest to achieve specified goals.

Recommendation: The Executive Director and staff recommend the Commission approve the proposed 2011-2012 seasons and bag limits amendment to §139.4.

Action:

(SEASONS AND BAG LIMITS TABLE)

2011-2012 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,  
FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Squirrels</i> – (Combined species) <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 8	Oct. 14	6	12
<i>Squirrels</i> – (Combined species)	Oct. 15 and Dec. 12 and Dec. 26	Nov. 26 Dec. 23 Feb. 4, 2012	6	12
<i>Ruffed Grouse</i>	Oct. 15 and Dec. 12 and Dec. 26	Nov. 26 Dec. 23 Jan. 21, 2012	2	4
<i>Rabbits, Cottontail</i> <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 8	Oct. 14	4	8
<i>Rabbits, Cottontail</i>	Oct. 15 and Dec. 12 and Dec. 26	Nov. 26 Dec. 23 Feb. 25, 2012	4	8

*Ring-necked Pheasant* – There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
<i>Ring-necked Pheasant - Male only</i> in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 8	Oct. 14	2	4
<i>Ring-necked Pheasant - Male or female</i> combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 8	Oct. 14	2	4
<i>Ring-necked Pheasant - Male only</i> in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B	Oct. 15	Nov. 26	2	4
<i>Ring-necked Pheasant - Male or female</i> combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D	Oct. 15 Dec. 12 Dec. 26	and and and Nov. 26 Dec. 23 Feb. 4, 2012	2	4
<i>Bobwhite Quail</i> - The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 15	Nov. 26	4	8
<i>Hares (Snowshoe Rabbits) or Varying Hares</i>	Dec. 26	Dec. 31	1	2
<i>Woodchucks (Groundhog)</i>	No closed season except during the regular firearms deer seasons and during legal hunting hours of the spring gobbler turkey season.		Unlimited	
<i>Porcupines</i>	No closed season except during the regular firearms deer seasons and during legal hunting hours of the spring gobbler turkey season.		Unlimited	

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
<b><i>Turkey - Male or Female</i></b>			1	1
WMUs 1A, 1B & 2A (Shotgun, Bow & Arrow only)	Nov. 12 and Nov. 24	Nov. 18  Nov. 26		
WMU 2B (Shotgun, Bow & Arrow only)	Nov. 5 and Nov. 24	Nov. 18  Nov. 26		
WMUs 2C, 2D, 2E, 4A, 4B & 4D	Nov. 12 and Nov. 24	Nov. 18  Nov. 26		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Nov. 5 and Nov. 24	Nov. 18  Nov. 26		
WMUs 5A	Nov. 15	Nov. 17		
WMUs 5B, 5C & 5D	Closed to fall turkey hunting			
<b><i>Turkey (Spring Gobbler) Statewide<sup>1</sup> Bearded Bird only</i></b>			1	2
	Apr. 28, 2012  and May 14, 2012	May 12, 2010  May 31, 2012	May be hunted 1/2 hour before sunrise to 12 noon  May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	
<b><i>Turkey (Spring Gobbler) Statewide Youth Hunt<sup>1</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied as required by law</i></b>	April 21, 2012	April 21, 2012	1	1

**MIGRATORY GAME BIRDS**

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

(a) Hunting hours in §141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
<i>Crows</i> (Hunting permitted on Friday, Saturday and Sunday only)	July 1	April 8, 2012		Unlimited
<i>Starlings and English Sparrows</i>	No closed season except during the regular firearms deer seasons and during legal hunting hours of the spring gobbler turkey season.			Unlimited

**FALCONRY**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
<i>Squirrels</i> – (Combined species)	Sept. 1	Mar. 31, 2012	6	12
<i>Quail</i>	Sept. 1	Mar. 31, 2012	4	8
<i>Ruffed Grouse</i>	Sept. 1	Mar. 31, 2012	2	4
<i>Cottontail Rabbits</i>	Sept. 1	Mar. 31, 2012	4	8
<i>Snowshoe or Varying Hare</i>	Sept. 1	Mar. 31, 2012	1	2
<i>Ring-necked Pheasant - Male and Female</i> - (Combined)	Sept. 1	Mar. 31, 2012	2	4

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

**WHITE-TAILED DEER**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Season Limit</b>
<i>Deer, Archery (Antlered &amp; Antlerless)</i> <sup>2</sup> <i>(Statewide)</i>	Oct. 1	Nov. 12	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 14, 2012	
<i>Deer, Archery (Antlerless only)</i> WMUs 2B, 5C & 5D	Sep. 17	Sep. 30	An antlerless deer with each required antlerless license.
	Nov. 14	Nov. 26	
<i>Deer, Archery (Antlered &amp; Antlerless)</i> <sup>2</sup> WMUs 2B, 5C & 5D	Oct. 1	Nov. 12	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 28, 2012	
<i>Deer, Regular firearms (Antlered &amp; Antlerless)</i> <sup>2</sup> WMUs 1A, 1B, 2A, 2B, 2F, 3A, 3B, 3D, 4A, 4C, 5A, 5B, 5C & 5D	Nov. 28	Dec. 10	One antlered, and an antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered only)</i> <sup>2</sup> WMUs 2C, 2D, 2E, 2G, 3C, 4B, 4D & 4E	Nov. 28	Dec. 2	One antlered deer.
<i>Deer, Regular firearms (Antlered &amp; Antlerless)</i> <sup>2</sup> WMUs 2C, 2D, 2E, 2G, 3C, 4B, 4D & 4E	Dec. 3	Dec. 10	One antlered, and an antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only) (Statewide)</i> Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only) (Statewide)</i>	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> <sup>2</sup> <i>(Statewide)</i>	Dec. 26	Jan. 14, 2012	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.

**WHITE-TAILED DEER – (Continued)**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Season Limit</b>
<i>Deer, Flintlock (Antlered or Antlerless)</i> <sup>2</sup> WMUs 2B, 5C & 5D	Dec. 26	Jan. 28, 2012	An antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> WMUs 2B, 5C & 5D	Dec. 26	Jan. 28, 2012	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)		Hunting is permitted on days established by the United States Department of the Army.	An antlerless deer with each required antlerless license.

**BLACK BEAR**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
<i>Bear, any age (Archery only)</i> <sup>4</sup> (Statewide)	Nov. 14	Nov. 18	1	1
<i>Bear, any age (Statewide)</i> <sup>4</sup>	Nov. 19	Nov. 22	1	1
<i>Bear, any age</i> <sup>4</sup> WMUs 3A, 3C, and Portions of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 28	Dec. 3	1	1
<p>Portions of WMUs 2G in Lycoming and Clinton counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Rd. and South of Lusk Run Rd. to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Rd., South of Croak Hollow Rd. to Rt. 664 (at Swisssdale), South of Rt. 664 to Little Plum Rd. (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Rd., South of Sulphur Run Rd. to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.</p>				
<i>Bear, any age</i> <sup>4</sup> WMUs 3D, 4C, 4D, 4E, 5B & 5C	Nov. 30	Dec. 3	1	1

***ELK***

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
<i>Elk, Regular(Antlered &amp; Antlerless)</i> <sup>5</sup>	Oct. 31	Nov. 5	1	One elk with required license
<i>Elk, Special Conservation</i> <sup>5</sup> <i>(Antlered &amp; Antlerless)</i>	Sep. 1	Nov. 5	1	One elk with required license
<i>Elk, Extended(Antlered &amp; Antlerless)</i> <sup>5</sup>	Nov. 7	Nov. 12	1	One elk with required license

***FUR TAKING - TRAPPING***

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
<i>Minks and Muskrats</i> <i>(Statewide)</i>	Nov. 19	Jan. 8, 2012		Unlimited
<i>Beaver</i> <i>(Statewide)</i>	Dec. 26	Mar. 31, 2012		
WMUs 1A, 1B, 3A & 3C (Combined)			20	40
WMUs 2A, 2B, 2D, 2E, 2F, 3B & 3D (Combined)			20	20
WMUs 2C, 2G, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			5	5
<i>Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels - (Statewide)</i>	Oct. 23	Feb. 19, 2012		Unlimited
<i>Coyotes &amp; Foxes - (Statewide)</i> <i>(Cable restraint devices may be used)</i>	Dec. 26	Feb. 19, 2012		Unlimited
<i>Bobcat (with appropriate permit)</i> WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Dec. 17	Jan. 8, 2012	1	1
<i>Fisher (with appropriate permit)</i> WMUs 2C, 2D, 2E & 2F	Dec. 17	Dec. 22	1	1

**FUR TAKING - HUNTING**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
<i>Coyotes - (Statewide)</i>				Unlimited
<i>Coyotes - (During any big game season)</i>				
<i>Opossums, Skunks, Weasels (Statewide)</i>				
<i>Raccoons and Foxes - (Statewide)</i>	Oct. 22	Feb. 18, 2012		Unlimited
<i>Bobcat (with appropriate permit)</i>				
WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Dec. 17	Jan. 7, 2012	1	1

***No open seasons on other wild birds or wild mammals.***

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

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

<sup>3</sup> Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>4</sup> Only one bear may be taken during the hunting license year.

<sup>5</sup> Only one elk may be taken during the hunting license year.

## **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 proposed at its October 5, 2010 meeting, to amend §135.41 (relating to State game lands) to limit the overnight placement of portable hunting blinds and stands on State game lands (SGLs).

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:

\* \* \* \* \*

(11) Construct, place, maintain, occupy, use, leave or abandon any structures or other tangible property, except that portable hunting blinds or stands may be used subject to the following restrictions:

(i) Use may not cause damage to trees.

(ii) Except as provided in subparagraph (iii), overnight placement of portable hunting blinds or stands may not occur sooner than 2 weeks prior to the opening of the first deer season nor later than 2 weeks after the close of the last deer season within each wildlife management unit.

(iii) Overnight placement of portable hunting blinds is additionally permitted during the spring turkey season within each wildlife management unit.

B. Adoption of proposed amendments to §135.61.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its October 5, 2010 meeting, to amend §135.61 (relating to State game farms) to make State game lands (SGLs) regulations equally applicable to State game farms.

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 D. STATE GAME FARMS**

§135.61. State game farms.

In addition to the following restrictions, §§135.2 and 135.41 (relating to unlawful actions; and State game lands) pertain to lands and waters owned by the Commission and designated as State game farms. It is unlawful to:

\* \* \* \* \*

C. Adoption of proposed amendments to §141.7.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its October 5, 2010 meeting, to amend §141.7 (relating to use of artificial lights) to remove conflicting language purporting to continue prohibitions on the usage of gun-mounted lights by hunters and furtakers.

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 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

§141.7. Use of artificial lights.

(a) Coyotes are added to the list of animals in section 2310(b) of the act (relating to unlawful use of lights while hunting) which may be hunted with a light.

\* \* \* \* \*

D. Adoption of proposed amendments to §141.45.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its October 5, 2010 meeting, to amend §141.45 (relating to turkey) to expand the non-toxic shot authorization to both fall and spring turkey seasons as well.

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

Action:

**EXHIBIT "D"**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter C. BIG GAME**

§141.45. Turkey.

(a) *Fall turkey season.*

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

\* \* \* \* \*

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot).

\* \* \* \* \*

(b) *Spring turkey season.*

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

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot).

\* \* \* \* \*

E. Adoption of proposed amendments by adding §141.68.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission at its October 5, 2010 meeting, proposed to add §141.68 (relating to prohibited devices) to specifically prohibit the usage of fishing hooks or snagging hooks or other devices that are not lawful traps, firearms, bows or crossbows from being utilized during licensed trapping activities.

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

Action:

**EXHIBIT "E"**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter D. FURBEARERS**

§141.68. Prohibited devices.

It is unlawful to take furbearers through the use of the following devices:

- (1) Fish hooks, snagging hooks or any other hooks of similar design.
- (2) Implements that are not lawful traps, firearms, bows or crossbows.

## PROPOSED RULE MAKING

F. Amend 58 Pa. Code §131.2.

Commentary: The Commission is proposing to amend §131.2 by adding, amending and deleting certain definitions. The first amendment involves a reduction in the number of points required for a deer to meet the definition of an "antlered deer" in WMUs 1A, 1B, 2A, 2B and 2D. This reduction (from 4 to 3 points) is also accompanied by the elimination of consideration of brow tines as a point. This amendment will make it easier for hunters to determine the legal status of an antlered deer.

The second amendment involves the removal of two sentences from the definition of a bow. The contents of the first sentence concerns the prohibition of devices commonly known as draw-locks on bows. The Commission determined that the prohibition of this drawing aid was no longer necessary since the Commission's recent expansion in the permissive use of crossbows during archery season. The contents of the second sentence were deemed redundant to similar language recently added to §141.43 (relating to deer) and are therefore no longer necessary.

The remaining amendments involve the removal of three redundant and outdated definitions as well as the addition of two definitions to aid in the implementation of the act.

### CHAPTER 131. PRELIMINARY PROVISIONS

§131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Antlered deer -*

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having [~~four~~] three or more points on one antler, not including brow tines which is the point immediately above the antler burr.

\* \* \* \* \*

*Bow* - In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. The limitations may not exclude the mechanical leverage advantage provided by eccentric wheels or cams so long as the available energy in the bent limbs of the bow are the sole result of a single, continuous and direct pulling effort by the shooter. ~~[A track, trough, channel or other device capable of mechanical holding the bow at full or partial draw may not be attached to the bow.]~~ The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a held release aid. ~~[A bow shall have a peak draw weight not less than 35 pounds.]~~

\* \* \* \* \*

~~[*Client*—Any person who receives the services of a guide.]~~

\* \* \* \* \*

~~[*Guide*—Any person who assists another person to hunt or take game by locating game, calling game or directing another to game.]~~

~~*Hunter ID number*—A number issued by the Commission only to persons who do not have a valid Social Security number.]~~

\* \* \* \* \*

*Plugged shotgun* - For the purpose of section 2308(a)(4) of the act (relating to unlawful devices and methods), any shotgun containing a one-piece plug, stop or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

\* \* \* \* \*

*Venison* - For the purpose of section 2312 of the act (relating to buying and selling game), any meat derived from a white-tailed deer.

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

Action:

G. Amend 58 Pa. Code §141.1.

Commentary: Current regulations generally prohibit the use of single projectile ammunition for big game hunting in the special regulations areas. One prominent exception to this rule allows the use of muzzleloading long guns or shotguns that fire single projectiles in the majority of the special regulations areas. However, this exception is currently only extended to deer hunters. The Commission is proposing to amend §141.1 (relating to special regulations areas) to expand this exception to bear hunters. The Commission has determined that this expansion will increase hunting opportunity and success for many bear hunters in these areas without sacrificing safety. The Commission is also proposing to amend §141.1 to remove the now defunct baiting provisions that expired on March 31, 2010.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.1. Special regulations areas.

\* \* \* \* \*

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

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer and bear through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

\* \* \* \* \*

(5) ~~[Hunt or take deer on private lands only in the southeast area through the use of or by taking advantage of bait.~~

~~(i) Bait may be placed or distributed 2 weeks prior to the opening of the first deer season through the close of the last deer season in each wildlife management unit. Bait accumulation in any one location may not exceed 5 gallons total volume at a given time.~~

~~(ii) This paragraph became effective December 26, 2006, and expires March 31, 2010, unless the Commission authorizes its continued legal effectiveness prior to March 31, 2010.~~

~~(6)] Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter.~~

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

Action:

H. Amend 58 Pa. Code §141.4.

Commentary:

The Commission is proposing to amend §141.4 to remove the limitations prohibiting the hunting of woodchuck, opossum, skunk and weasel during legal hunting hours of the spring gobbler season. The Commission has determined that this amendment will increase hunting opportunities for hunters pursuing these species without creating unacceptable conflicts with hunters pursuing turkeys during gobbler season. Each year there is a shift in calendar days for each month. As a result of this occurrence, the time tables found in §141.4 (relating to hunting hours) must be amended and updated on an annual basis in order to accurately reflect the upcoming year's dates and hours for legal hunting. The Commission is proposing to amend §141.4 by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2011-2012 hunting license year.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.4. Hunting hours.

Except as otherwise provided, wild birds and animals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

\* \* \* \* \*

(2) Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be hunted any hour, day or night, except during the restricted periods in paragraph (1)[~~and woodchuck, opossum, skunk and weasel may not be hunted during legal hunting hours of the spring gobbler season~~].

\* \* \* \* \*

*(See Pennsylvania Meridian Map, Hunting Hours and  
Migratory Game Bird Hunting Hours Tables)*

**HUNTING HOURS TABLE  
FOR JUNE 26, 2011 THROUGH JUNE 30, 2012**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
June 26 – July 2	5:06	9:03	Jan. 1 – 7	6:48	5:14
July 3 – 9	5:10	9:01	Jan. 8 – 14	6:51	5:22
July 10 – 16	5:15	8:58	Jan. 15 – 21	6:47	5:30
July 17 – 23	5:21	8:53	Jan. 22 – 28	6:47	5:37
July 24 – 30	5:27	8:47	Jan. 29 – Feb. 4	6:42	5:46
July 31 – Aug. 6	5:33	8:39	Feb. 5 – 11	6:34	5:54
Aug. 7 – 13	5:40	8:30	Feb. 12 – 18	6:28	6:02
Aug. 14 – 20	5:47	8:21	Feb. 19 – 25	6:19	6:09
Aug. 21 – 27	5:53	8:10	Feb. 26 – Mar. 3	6:09	6:19
Aug. 28 – Sept. 3	6:00	7:59	Mar. 4 – 10	5:59	6:26
Sept. 4 – 10	6:07	7:48	Mar. 11 – 17* <b>begins</b>	6:48	7:34
Sept. 11 – 17	6:13	7:36	Mar. 18 – 24	6:36	7:41
Sept. 18 – 24	6:20	7:25	Mar. 25 – 31	6:25	7:48
Sept. 25 – Oct. 1	6:27	7:13	Apr. 1 – 7	6:14	7:55
Oct. 2 – 8	6:34	7:02	Apr. 8 – 14	6:03	8:02
Oct. 9 – 15	6:41	6:51	Apr. 15 – 21	5:52	8:10
Oct. 16 – 22	6:48	6:41	Apr. 22 – 28	5:42	8:17
Oct. 23 – 29	6:56	6:32	Apr. 29 – May 5	5:33	8:24
Oct. 30 – Nov. 5	7:04	6:24	May 6 – 12	5:24	8:31
Nov. 6 – 12* <b>ends</b>	6:12	5:13	May 13 – 19	5:17	8:38
Nov. 13 – 19	6:20	5:08	May 20 – 26	5:11	8:44
Nov. 20 – 26	6:28	5:08	May 27 – June 2	5:06	8:50
Nov. 27 – Dec. 3	6:35	5:04	June 3 – 9	5:02	8:59
Dec. 4 – 10	6:41	5:05	June 10 – 16	5:02	8:59
Dec. 11 – 17	6:46	5:06	June 17 – 23	5:03	9:02
Dec. 18 – 24	6:50	5:07	June 24 – 30	5:05	9:03
Dec. 25 – 31	6:52	5:11	<b>*Daylight Saving Time</b>		

## MIGRATORY GAME BIRD HUNTING HOURS TABLE

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Aug. 28 – Sept. 3	6:00	7:29	Dec. 25 – 31	6:52	4:41
Sept. 4 – 10	6:07	7:18	Jan. 1 – 7	6:48	4:44
Sept. 11 – 17	6:13	7:06	Jan. 8 – 14	6:51	4:52
Sept. 18 – 24	6:20	6:55	Jan. 15 – 21	6:47	5:00
Sept. 25 – Oct. 1	6:27	6:43	Jan. 22 – 28	6:47	5:07
Oct. 2 – 8	6:34	6:32	Jan. 29 – Feb. 4	6:42	5:16
Oct. 9 – 15	6:41	6:21	Feb. 5 – 11	6:34	5:24
Oct. 16 – 22	6:48	6:11	Feb. 12 – 18	6:28	5:32
Oct. 23 – 29	6:56	6:02	Feb. 19 – 25	6:19	5:39
Oct. 30 – Nov. 5	7:04	5:54	Feb. 26 – Mar. 3	6:09	5:49
Nov. 6 – 12*ends	6:12	4:43	Mar. 4 – 10	5:59	5:56
Nov. 13 – 19	6:20	4:38	Mar. 11 – 17*begins	6:48	7:04
Nov. 20 – 26	6:28	4:38	Mar. 18 – 24	6:36	7:11
Nov. 27 – Dec. 3	6:35	4:34	Mar. 25 – 31	6:25	7:18
Dec. 4 – 10	6:41	4:35	Apr. 1 – 7	6:14	7:25
Dec. 11 – 17	6:46	4:36	Apr. 8 – 14	6:03	7:32
Dec. 18 – 24	6:50	4:37	*Daylight Saving Time		

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

Action:

I. Amend 58 Pa. Code §141.20.

Commentary: Section 141.20 (relating to protective material required) has been the subject of many regulatory amendments over the years both to create more stringent protective material requirements where greater safety was deemed warranted as well as eliminate protective material where they were deemed no longer necessary. By and large these amendments have achieved their intended results; however, the repeated piecemeal amendments completed over the years have created confusing and sometimes inconsistent language in this section. The Commission is proposing to amend §141.20 to rectify these problems and achieve a more comprehensible set of requirements. No substantive changes have been made to the requirements of any hunting seasons.

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 applicable wildlife during the following seasons:

(i) [~~Crows~~] All crow seasons.

(ii) [~~Doves~~] All dove seasons.

(iii) [~~Waterfowl~~] All waterfowl seasons.

(iv) [~~Any wildlife that can be lawfully harvested while hunting under the authority of a valid falconry permit~~] All falconry small game seasons.

(v) [~~Deer during the flintlock muzzleloader season with lawful firearms and ammunition for the flintlock muzzleloader season by properly licensed flintlock muzzleloader hunters~~] All flintlock muzzleloading deer seasons.

(vi) [~~Deer during the archery deer season with a bow and arrow or crossbow and bolt by properly licensed archery hunters except as provided in paragraphs (3) (iii) and (4)~~] All archery deer seasons, except as otherwise provided in paragraphs (3) (ii) and (4) (ii).

(vii) ~~[Bear during the archery bear season with a bow and arrow by properly licensed bear hunters except as provided in paragraph (3) (iv)]~~ All archery bear seasons, except as otherwise provided in paragraph (3) (iii).

(viii) ~~[Furbearers]~~ All furbearer seasons, except coyote seasons.

(ix) ~~[Coyotes except from the first day to the last day inclusive of the regular firearms deer season, any firearms bear season and spring turkey season within each wildlife management unit]~~ All coyote seasons, except during the respective portion of any coyote season that runs concurrent with the legal hunting hours of any special firearms deer season, regular firearms deer season, regular firearms bear season or extended firearms bear season within each wildlife management unit, when the requirements of subsection (a) remain applicable.

(x) ~~[Turkey during the spring turkey season]~~ All spring turkey seasons.

(2) Hunt for woodchucks during any woodchuck season while wearing a hat made of solid daylight fluorescent orange-colored material on the head only.

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for applicable wildlife during the following seasons:

(i) ~~[Turkey during the fall turkey season in Wildlife Management Units 1A, 1B, 2A, 2B, 5B, 5C and 5D]~~ All fall turkey seasons in wildlife management units 1A, 1B, 2A, 2B, 5B, 5C and 5D.

(ii) ~~[Deer with a bow and arrow or crossbow and bolt during any deer archery season which is concurrent with the fall turkey season within each wildlife management unit]~~ The respective portions of any archery deer season that runs concurrent with any fall turkey season within each wildlife management unit.

(iii) ~~[Bear with a bow and arrow during any bear archery season which is concurrent with the fall turkey season within each wildlife management unit]~~ The respective portions of any archery bear season that runs concurrent with any fall turkey season within each wildlife management unit.

(4) ~~[Be on stand and stationary while hunting for turkey during the fall season in Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A or deer during any firearms deer season that precedes the regular firearms deer season and in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange colored material within 15 feet of the hunter's location so it is visible in a 360 degree arc.]~~ Move about or relocate while in compliance with subsection (a) and while stationary place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter's location so it is visible in a 360 degree arc when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A.

(ii) The respective portions of any archery deer season that runs concurrent with any early muzzleloading deer season or any special firearms deer season within each wildlife management unit.

\* \* \* \* \*

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

Action:

J. Amend 58 Pa. Code §141.41.

Commentary: On September 7, 2010 the act of July 9, 2010 (P.L. 387, No. 54, §3) became effective. While this legislation was primarily focused on increasing penalties for poaching offenses and habitual offenders, it also incorporated various procedural requirements relating to mistake kills into section 2306 of the act (relating to killing game or wildlife by mistake) that had previously been administered through §141.41 (relating to general). Furthermore, portions of the new statutory text increased reporting periods thus rendering portions of the regulatory text as inconsistent. The Commission is proposing to amend §141.41 to remove the redundant and inconsistent language.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.41. General.

It is unlawful to:

(1) ~~[Kill big game by mistake or accident and immediately after killing and before removing from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.~~

(2) ~~— Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of the kill.~~

~~(3)~~ \* \* \* \* \*

~~[(4)]~~ (2) \* \* \* \* \*

~~[(5)]~~ (3) \* \* \* \* \*

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

Action:

K. Amend 58 Pa. Code §§141.62, 141.63 and adding §141.69.

Commentary: The Commission is proposing a variety of amendments to define and clarify the standards relating to certain trapping activities. First, the Commission is proposing to amend §141.62 (relating to beaver trapping) to clarify that the 20 trap or snare limitation is a statewide total, not a WMU, watercourse or waterway limitation. The Commission is also proposing to amend §141.63 (relating to definitions) to provide definitions for the terms "artificial cubby" and "foot encapsulating trap." Lastly, the Commission is proposing to add §141.69 (relating to artificial cubbies) to authorize and set the conditions attendant to the use of artificial cubbies in trapping activities.

## CHAPTER 141. HUNTING AND TRAPPING

### Subchapter D. FURBEARERS

§141.62. Beaver trapping.

\* \* \* \* \*

(b) Unlawful acts. It is unlawful to:

\* \* \* \* \*

(4) [~~In an area where beavers are known to inhabit, set~~] Set, tend or operate more than a combined statewide total of 20 traps or snares no more than 10 of which may be traps. No more than two of the traps may be body gripping traps. No more than two of the traps may be body gripping traps except in Wildlife Management Units 1B, 3A, 3B, 3C and 3D where the two body gripping trap limit does not apply.

\* \* \* \* \*

§141.63. Definitions.

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of section 2361~~(a)(11)~~ of the act (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

Artificial cubby - A baited enclosure constructed of natural or artificial material that is designed to house and corral a furbearer into a body-gripping trap.

\* \* \* \* \*

Foot encapsulating trap - A device that has all triggering and restraining mechanisms enclosed by a housing which, once set, allows access to the triggering mechanism through a single opening not to exceed 2 inches in diameter or diagonally and is anchored by a swivel-mounted anchoring mechanism.

\* \* \* \* \*

§141.69. Artificial cubbies.

Furtakers are permitted to trap furbearers through the use of artificial cubbies when all of the following conditions are met:

(1) The artificial cubby is placed within an established watercourse, waterway, marsh, pond or dam.

(2) The entrance to the artificial cubby does not exceed 50 square inches.

(3) The triggering mechanism of the trap is recessed within the artificial cubby at least 7 inches from the entrance.

(4) The artificial cubby is anchored in such a manner that it cannot be moved or rolled.

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

Action:

## **BUREAU OF WILDLIFE HABITAT MANAGEMENT**

### **ADOPTED RULE MAKING**

- A. Adoption of proposed amendments to §§135.41, 135.181, and to add Chapter 147, Subchapter Z.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 5, 2010 meeting, proposed to amend §135.181 (relating to rifle and handgun ranges) and to add Chapter 147, Subchapter Z (relating to State game lands range permits) to require all users of shooting ranges on State game lands to possess either a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit. The Commission is also proposing to amend §135.41 (relating to State game lands) to redirect target shooting activities of all unlicensed individuals to designated State game land ranges.

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

Action:

**EXHIBIT "A"**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter B. PROTECTION OF WILDLIFE HABITAT**

§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:

\* \* \* \* \*

(15) Target shoot with firearms, bows and arrows or devices capable of launching projectiles, unless the person is in possession of a valid hunting or furtaker license signed by its holder. Exercise of privileges shall be done in a manner as to not cause injury to persons or property, or on areas not otherwise posted closed to those activities.

\* \* \* \* \*

**Subchapter J. SHOOTING RANGES**

§135.181. Rifle and handgun ranges.

\* \* \* \* \*

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

\* \* \* \* \*

(8) Possess, load or discharge a firearm for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

\* \* \* \* \*

## CHAPTER 147. SPECIAL PERMITS

### Subchapter Z. STATE GAME LANDS RANGE PERMITS

Sec.

- 147.1001. Purpose and scope.
- 147.1002. Eligibility and application.
- 147.1003. Range permit.
- 147.1004. Violations.

§147.1001. Purpose and scope.

This subchapter provides for range permits to be issued to eligible persons to authorize their holders to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

§147.1002. Eligibility and application.

(a) Range permits will only be issued to persons 16 years of age or older who do not possess a valid Pennsylvania hunting or furtaker license.

(b) Applications for range permits issued under this subchapter shall be made on a form provided by the Commission.

(c) Applications must include the name and contact information of the permit applicant.

(d) The fee for a range permit will be \$30 for residents and nonresidents.

§147.1003. Range permit.

(a) A range permit issued under this subchapter authorizes the permittee to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

(b) Permittees shall utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands in a manner consistent with applicable requirements, conditions and restrictions provided for in the act and §§135.2, 135.41 and 135.181 (relating to unlawful actions; State game lands; and rifle and handgun ranges).

§147.1004. Violations.

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

## **REAL ESTATE**

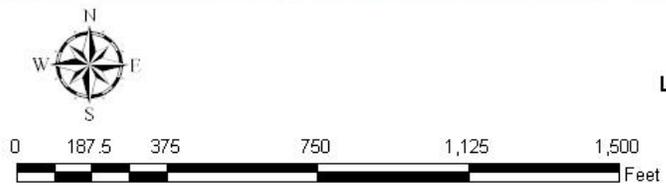
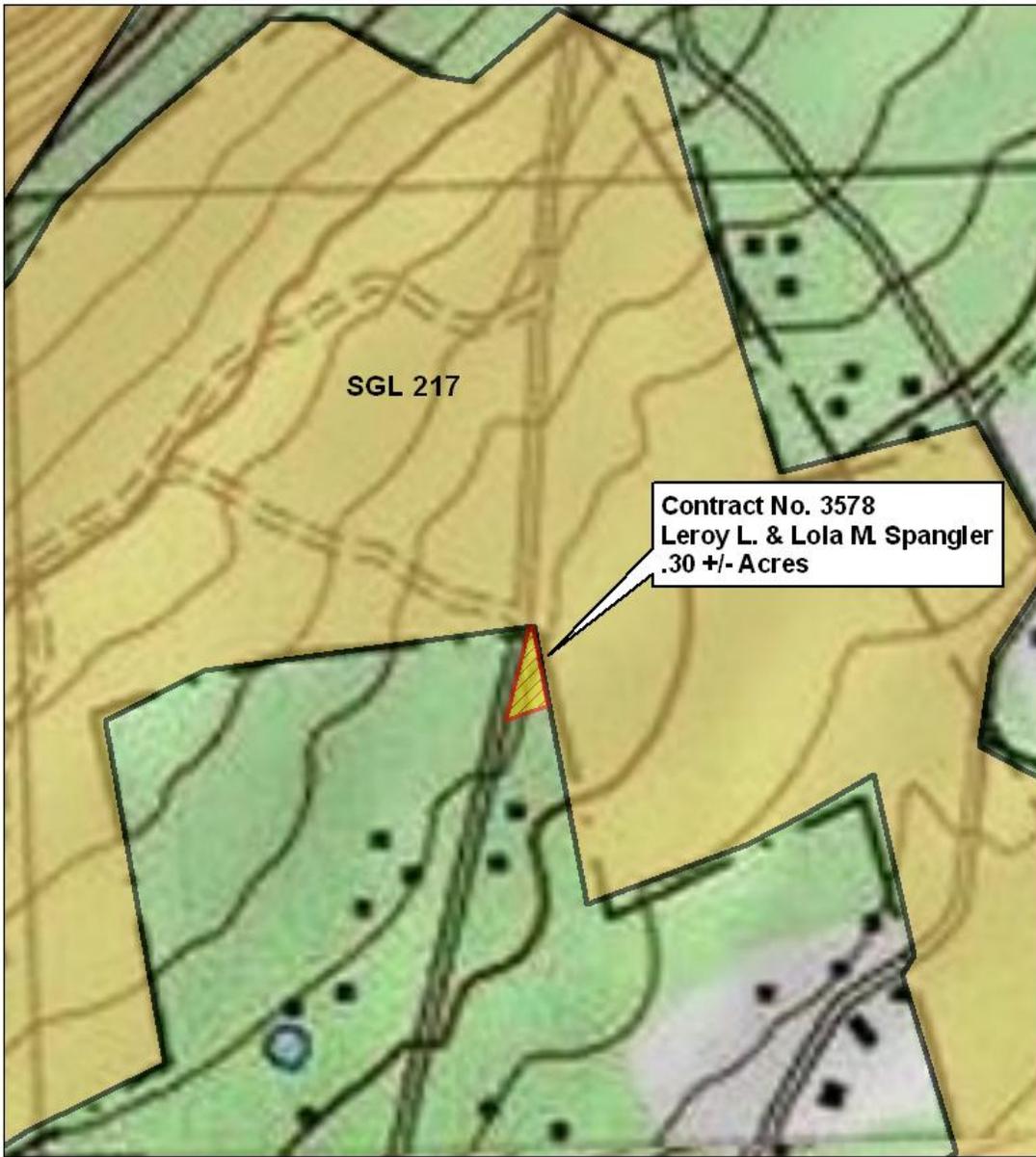
### **B. Donation**

Contract No. 3578, State Game Land No. 217, Lehigh County

Commentary: Leroy L. and Lola M. Spangler have offered to donate a +/- 0.3-acre tract of land in Heidelberg Township, Lehigh County, adjoining State Game Land No. 217 (Exhibit RED 1). The tract reduces an indenture into State Game Land No. 217 and provides road frontage on Reservoir Road. The property is forested with mixed oak and has Mountain Laurel growing in the understory.

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

Action:



**Exhibit RED 1**  
**State Game Land No. 217**  
Leroy L. & Lola M. Spangler .30 +/- Acres  
Heidelberg Township  
Lehigh County  
Southeast Region

C. Acquisition

Contract No. 3579, State Game Land No. 323, Centre County

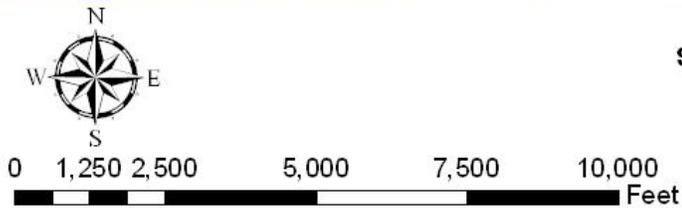
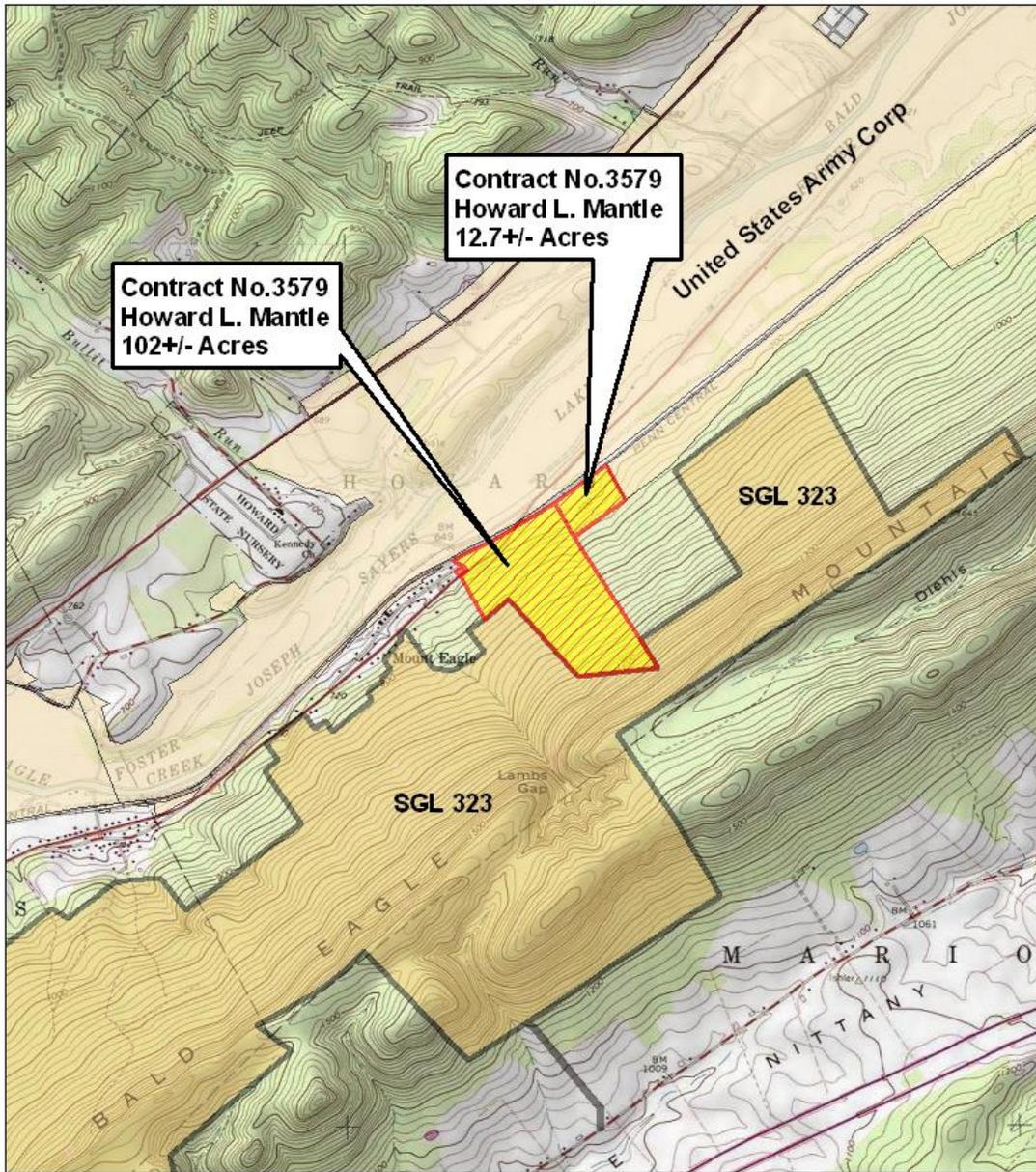
Commentary: Howard L. Mantle is offering two tracts of land totaling 114.7 +/- acres, in Howard Township, Centre County, adjoining State Game Land No. 323 (Exhibit RED 2). The option price is \$395,000 lump sum payment to be paid with funds from the land exchange with Pennsylvania State University on State Game Land No. 176. The acquisition is subject to the approval of the United States Fish and Wildlife Service. Both tracts are forested and adjoin U.S. Army Corps of Engineers Foster Joseph Sayers Dam property to the south. Right-of-way access is provided from Old Route 220/Township Route 663.

Contract No. 3580, State Game Land No. 198, Blair County

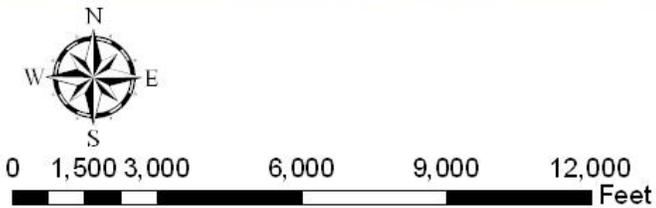
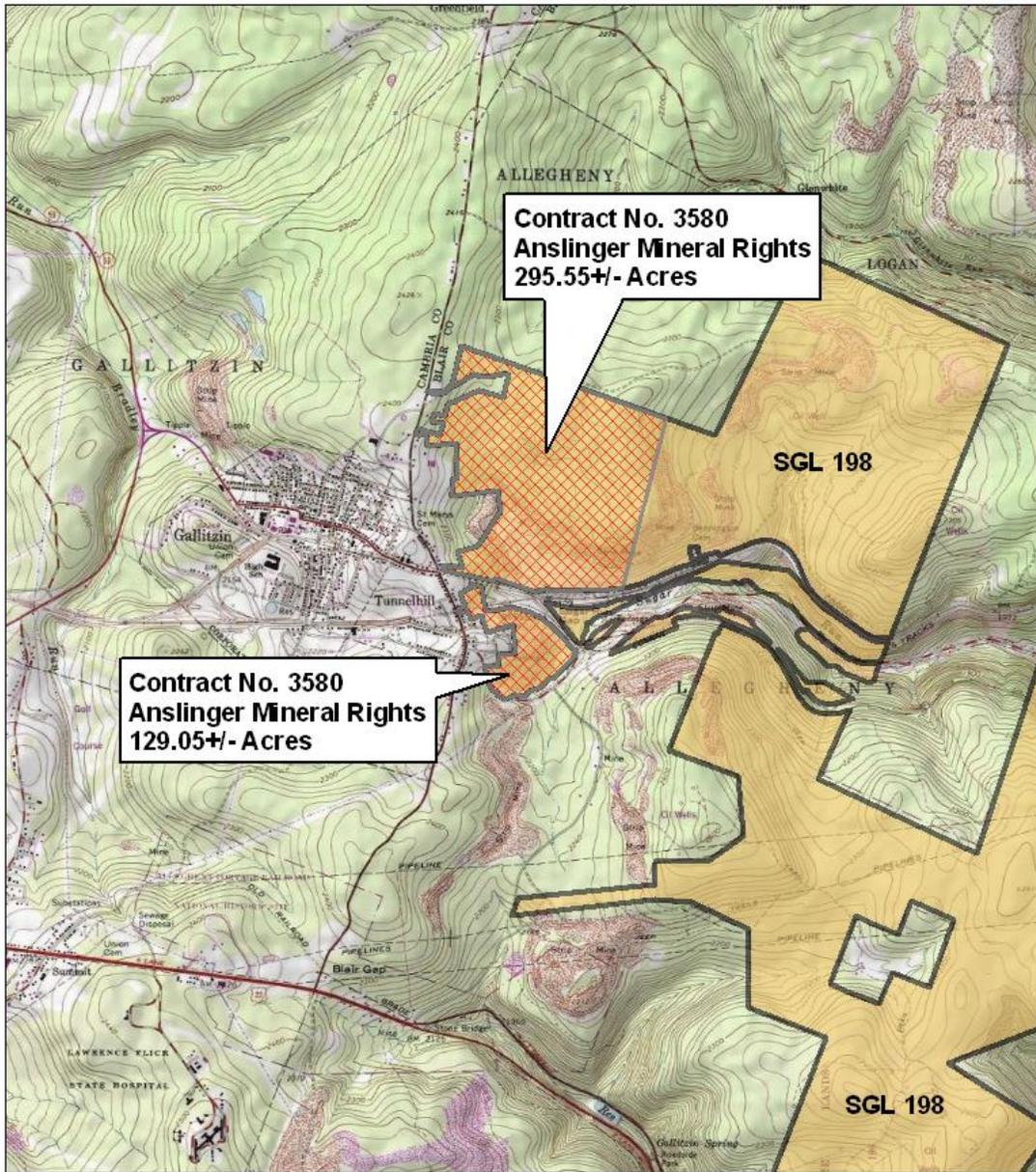
Commentary: Christian W. Anslinger is offering mineral rights under a portion of State Game Land No. 198 (Exhibit RED 3) for \$2,500 lump sum. The mineral rights owned by Mr. Anslinger are held in two tracts located in Allegheny Township, Blair County; one tract contains 295.55 +/- acres and the other 129.05 +/- acres. Acquiring these mineral rights will provide more control of the surface on this portion of State Game Land No. 198.

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 2**  
**State Game Land No. 323**  
 Howard L. Mantle Tracts  
 Tract "1" 102+/- Acres  
 Tract "2" 12.7+/- Acres  
 Howard Township  
 Centre County  
 Northcentral Region



**Exhibit RED 3  
State Game Land No. 198**

Christian W. Anslinger  
Mineral Rights Purchase

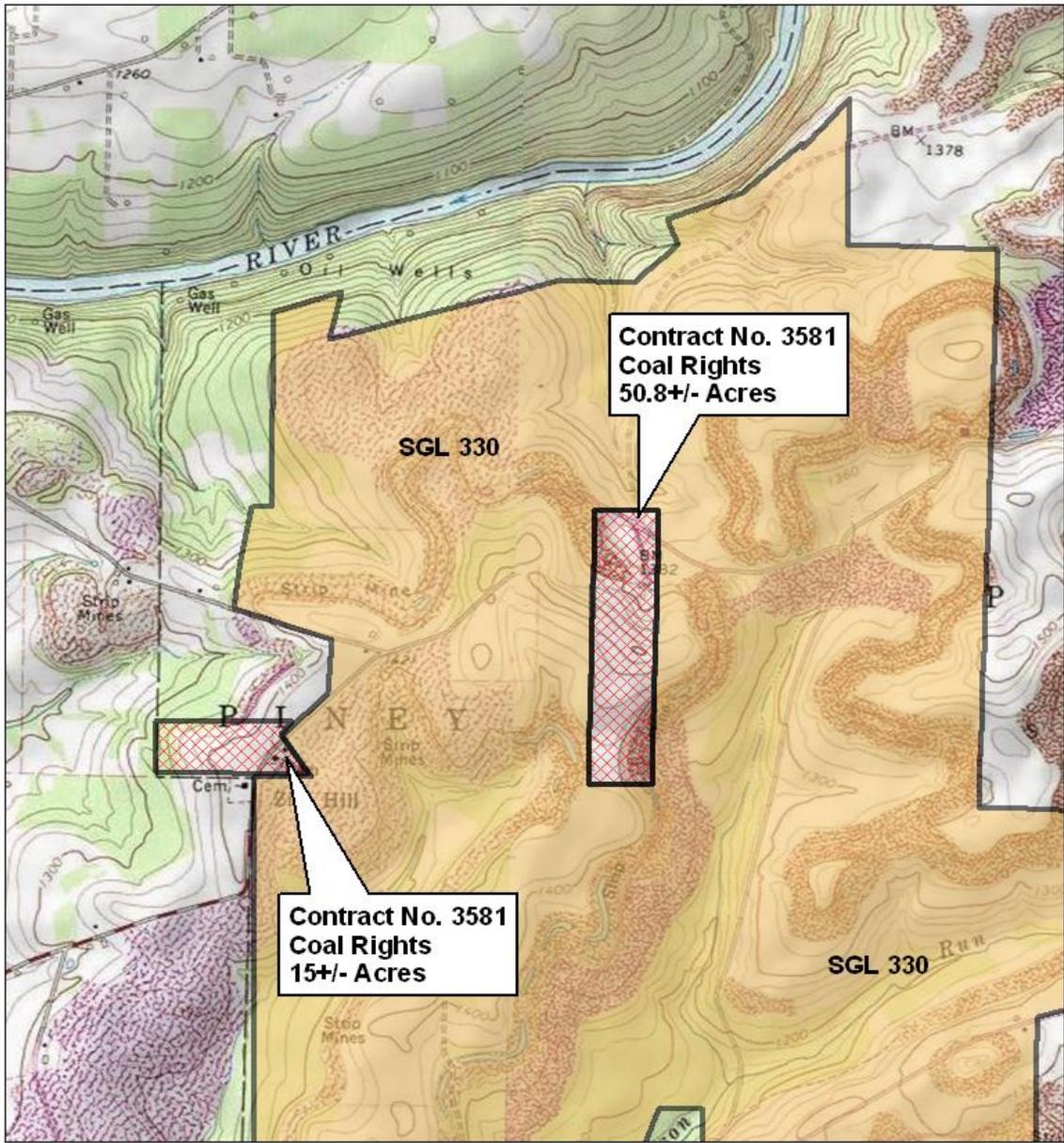
Allegheny Township  
Blair County  
Southcentral Region

D. Purchase of Properties at Auction and Tax Sales

Contract No. 3581, State Game Land No. 330, Clarion County

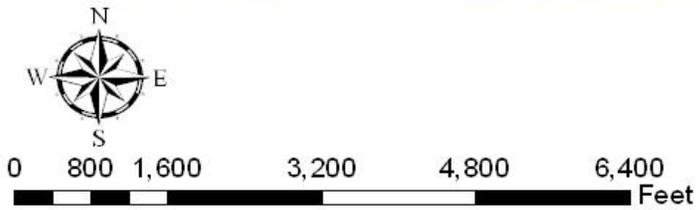
Commentary: Subject to certain limitations, §135.241 of 58 Pa. Code authorizes the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction. Successful bids must be made known to the general public at the next regularly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

On September 20, 2010, the Game Commission was the successful bidder at a tax sale held at the Clarion County Courthouse and purchased the coal rights on two tracts adjacent to State Game Land No. 330 (Exhibit RED 4). Tax Parcel Number 23-020-108 with 50.8 acres of coal rights was acquired with the successful bid of \$2,154.14. This parcel is an interior on State Game Land No. 330. Tax Parcel Number 23-020-130 with 15 acres of coal rights was acquired with the successful bid of \$597.40 and adjoins State Game Land No. 330. Both parcels are located in Piney Township, Clarion County.



**Contract No. 3581  
Coal Rights  
50.8+/- Acres**

**Contract No. 3581  
Coal Rights  
15+/- Acres**



**Exhibit RED 4  
State Game Land No. 330**

Clarion County Tax Sale  
Coal Rights

Piney Township  
Clarion County  
Northwest Region

## OIL/GAS & MINERALS

### E. Non-Surface Use Oil & Gas Agreement, State Game Land No. 208, Tioga County

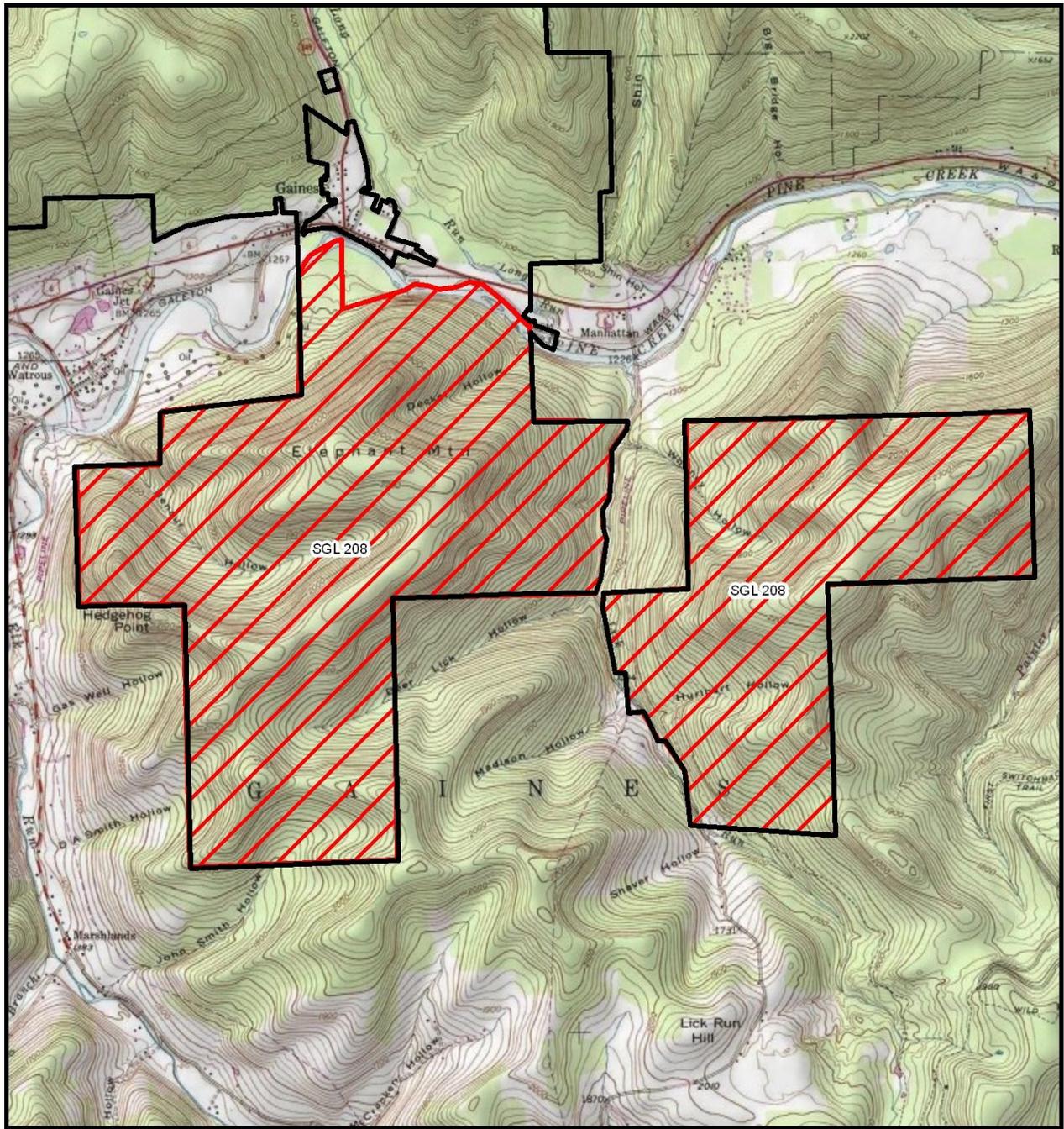
Commentary: Ultra Resources, Inc. of Englewood, Colorado requests that the Commission offer its oil and gas ownership under a portion of State Game Land No. 208 for non-surface use production. The proposed tract, containing a total of 2,523.8 acres, is located south of Route 6 in Gaines Township, Tioga County (Exhibit OGM 1).

The terms of the agreement are a 5 year non-surface use oil and gas agreement, a \$1,500 per acre up-front bonus payment and an additional \$500 per acre bonus paid upon development of the oil/gas reserve, an initial royalty rate of 16.5% with a step royalty increase of 18% when gas production exceeds 8 bcf per unit. Ultra Resources, Inc. has already initiated a well drilling/development program on privately owned grounds adjacent to State game lands and has the ability to unitize the Commission's oil/gas ownership by directional drilling without disturbing the game lands surface and is able to develop the Commission's oil/gas reserve through their existing infrastructure. The staff has negotiated with Ultra Resources, Inc. in an effort to safeguard the prudent development of the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of the portion of State Game Land No. 208, south of Route 6.

The initial bonus payment of \$3,785,700 as well as additional bonus rental and royalties shall be directly deposited into the game fund. Oil and gas development will be regulated by the Commonwealth's oil/gas regulations and the Commission's standard non-surface use oil/gas production agreement.

Recommendation: The Executive Director and staff recommend this Oil and Gas Production agreement be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the arrangement as listed above.

Action:



- Gameland Boundary
- Tract 208A-11 (2,523.8 Acres)



**EXHIBIT OGM 1**  
**State Game Land No. 208**  
**Non-Surface Use**  
**Oil & Gas Production Agreement Map**  
**Lease Tract 208A-11**  
**Gaines Township, Tioga County**  
**Northcentral Region**

F. Surface Mining Coal Lease Amendment, State Game Land No. 100, Centre County

Commentary:

Warren C. Hartman Contracting, Inc. of Clearfield, PA has requested an amendment to its existing Game Commission coal mining lease which entails 111-acres (Tract 100B-05). The amendment will allow for the removal, processing, and selling of incidental sandstone uncovered through the current coal mining and reclamation operations. The Commission is considered to be the owner of the coal, stone, and surface mining rights on this tract of land.

The Board of Commissioners previously approved the coal mining lease (Exhibit OGM 2) during the October 2005 meeting.

This amendment, if approved, will allow Warren C. Hartman Contracting Inc. to remove and sell excess sandstone from existing 51.5-acres mining area. No additional acreage will be added to the existing lease under this proposal.

In exchange for the lease amendment, Warren C. Hartman Contracting Inc. will pay the Commission on a monthly basis, a stone royalty rate of 10% of the then current F.O.B. pit price or 25¢ per ton, whichever the greater, for each marketable ton of stone sold from the lease area. Additionally, Warren C. Hartman Contracting Inc. will construct additional wildlife habitat enhancement projects, not limited to, creating both summer roost bat habitat and timber rattlesnake habitat during the reclamation of the site. Such projects will be developed in consultation with the Commission's Harrisburg and Northcentral Regional Office staff.

Estimated stone royalty value of the proposed mining has been estimated to be \$40,000 and will be deposited into the Game Fund.

All other terms and conditions of the current lease will remain unchanged.

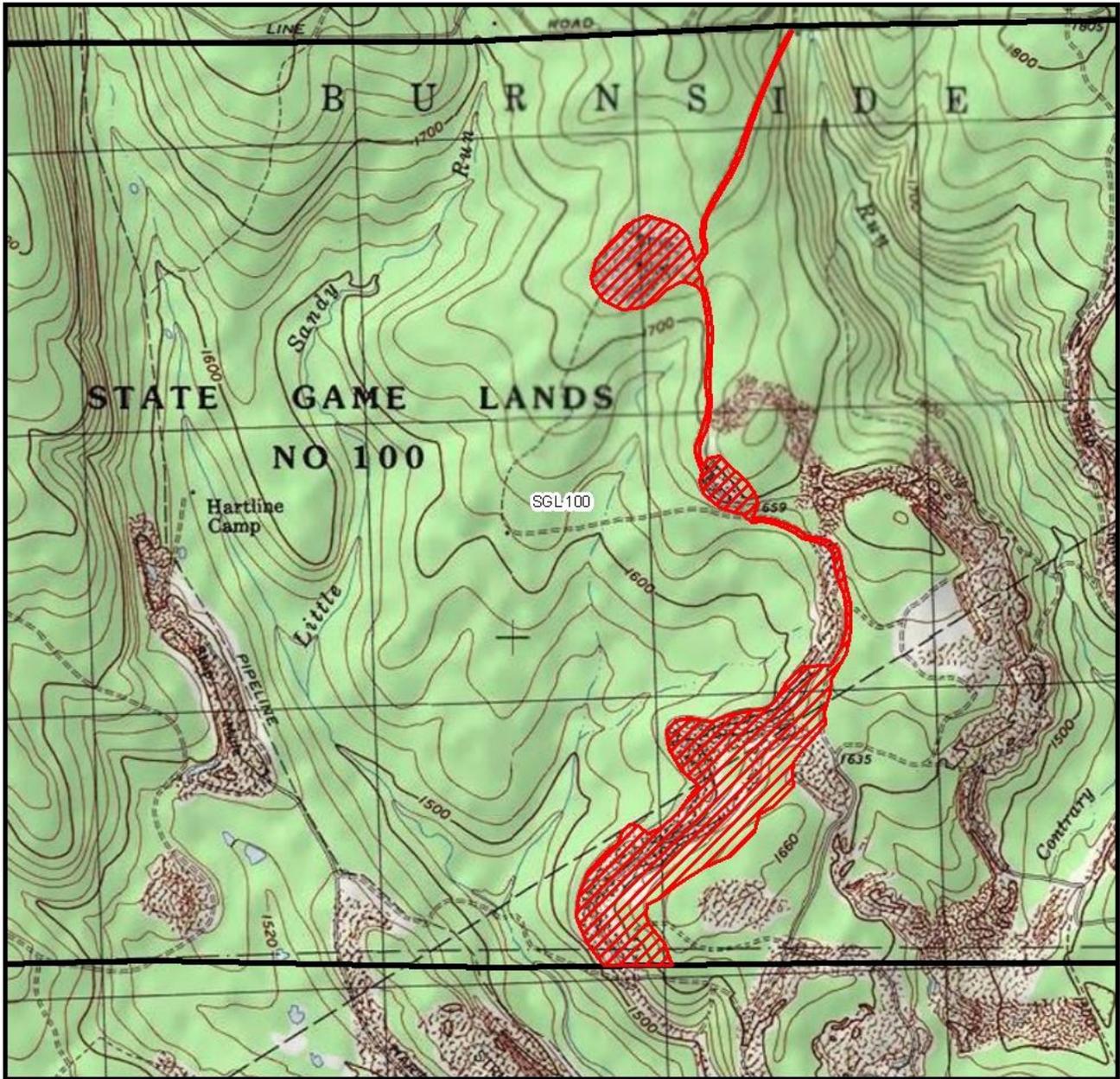
All proposed mining areas have already been reviewed and approved in accordance with the Pennsylvania Department of Environmental Protection's surface mining regulations.

The staff has reviewed this proposed amendment and has determined that the value of land reclamation and wildlife enhancement projects in conjunction with the stone royalty schedule, to be equal to or greater than the total accumulated stone lease value.

Recommendation:

The Executive Director and staff recommend this stone removal lease amendment with Warren C. Hartman Contracting, Inc. be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing agreement as listed above.

Action:



-  Tract 100B-05 (111 Acres)
-  Gameland Boundary



**EXHIBIT OGM 2**  
**State Game Land No. 100**  
 Bituminous Coal Surface Mining &  
 Reclamation Lease Amendment  
 Warren C. Hartman Contractor  
 Tract 100B-05  
 State Game Lands 100  
 Burnside Township, Centre County  
 Northcentral Region

G. Shallow Oil/Gas Production Agreement, State Game Land No. 276, Indiana County

Commentary:

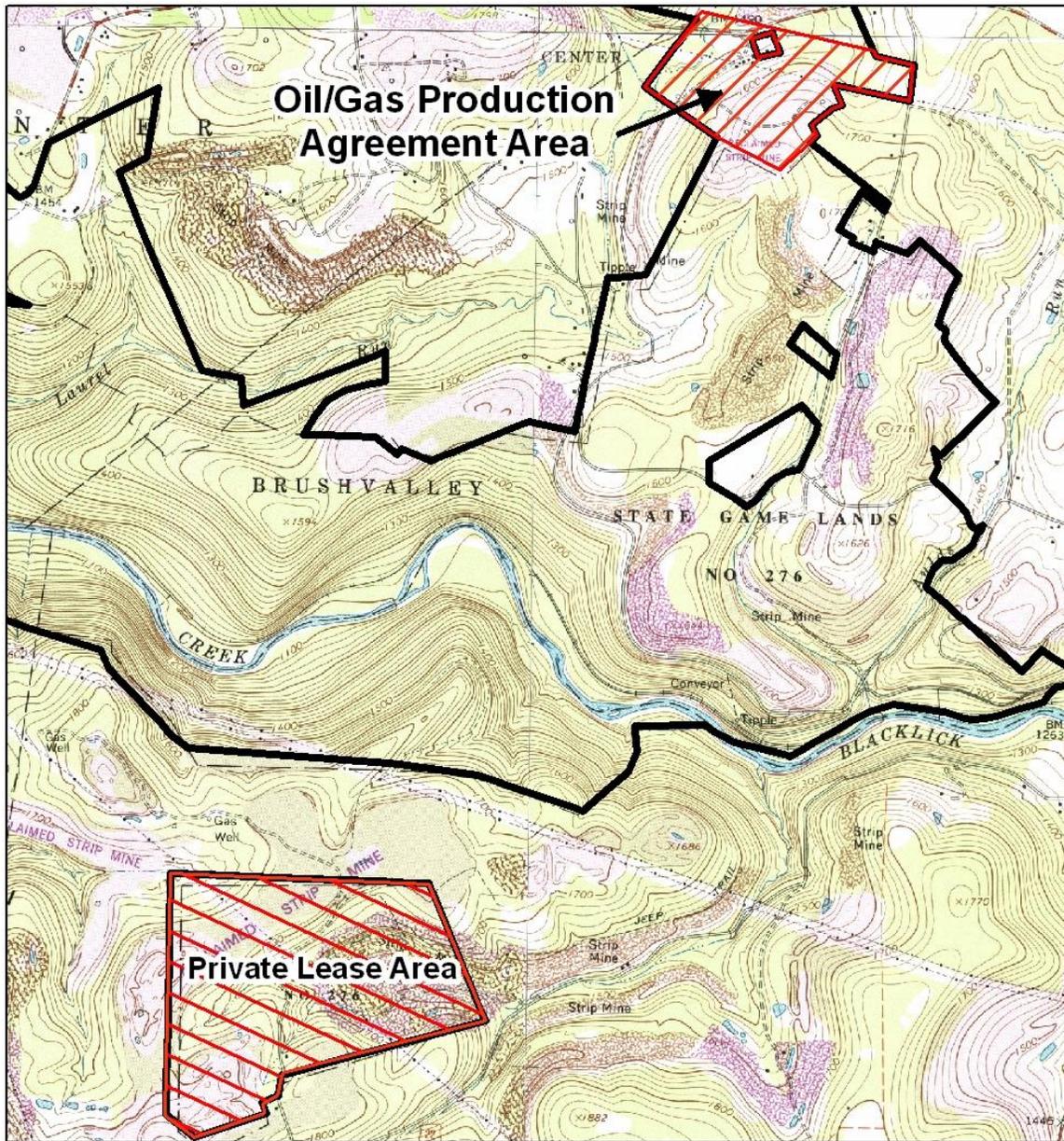
The oil and gas ownership on a 103.04 acre tract of State Game Land No. 276 reverted to the Commission on January 1, 2010 (Exhibit OGM 3). The previous oil and gas owner, Penn View Exploration, had drilled four producing shallow gas wells on this tract in 1984. Penn View Exploration has requested a shallow oil and gas production agreement from the Commission in order to continue to operate the four existing wells and to drill up to two additional shallow vertical wells. The agreement will be limited in depth to the base of the Elk Group sands. Penn View Exploration will pay the Commission a 12.5% royalty of the wellhead price per MCF of gas produced and sold from the four existing wells and 15.625% royalty of the wellhead price for all oil and gas produced and sold from any new wells. Penn View Exploration will also pay a rental fee of \$100 per acre and provide the Commission with 300,000 cubic feet of free gas per year with a non-use payback clause. Further, Penn View Exploration has agreed to adhere to the reclamation and revegetation requirements as specified by the Commission's Land Management Group Supervisor on a 300 acre privately held lease holding on State Game Land No. 276. All royalties and rental fees shall be deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's oil/gas regulations and the Commission's standard oil/gas production agreement and \$25,000 performance bond. The agreement will include the Commission's standard wildlife and protection measures and further limits well development to a total of two new shallow vertical wells.

Recommendation:

The Executive Director and staff recommend this Shallow Oil and Gas Production agreement be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the arrangement as listed above.

Action:



-  Pennview Exploration Lease Area
-  Private Lease Area
-  SGL 276 Boundary



**EXHIBIT OGM 3**  
 PENNSYLVANIA GAME COMMISSION  
 STATE GAME LAND No. 276  
**PENN VIEW EXPLORATION**  
 OIL & GAS PRODUCTION AGREEMENT  
**TRACT 276A-11**  
 Center Twp., Indiana County  
 Southwest Region

## H. Surface Use Agreement, State Game Land No. 75, Lycoming County

### Commentary:

Glenn O. Hawbaker, Inc. (Hawbaker) of Bellefonte, PA has requested a surface use agreement to process and sell excess sandstone from the Fisher Mining operation of State Game Land No. 75 (Exhibit OGM 4). The estimated volume of excess sandstone from the Fisher Mining operations is over 1 million cubic yards. The sandstone storage and process area will occur within the Fisher Mine Lease area and will utilize approximately 25 acres and the existing haul road. The Commission is considered to be the owner of the coal, stone, and surface mining rights on this tract of land. The Commission's surface use agreement is contingent on a private written agreement between Hawbaker and Fisher Mining due to the fact that the actual mining of the stone is incidental to Fisher Mining's current operations.

The terms are for a 6 year surface use agreement with the Commission having the option of extending the agreement for no more than three additional years. Hawbaker will be responsible for reclamation of their operations and the haul road upon the termination of the agreement.

In exchange for the surface use agreement, Hawbaker will pay the Commission on a monthly basis, a surface use rate of 7% of the then current F.O.B. pit price or 45¢ per ton, whichever the greater, for each ton of sandstone sold within the first 3 years of operations. After three years, a surface use rate of 7% of the then current F.O.B. pit price or 50¢ per ton, whichever the greater, for sandstone sold within the remaining years of operations.

Additionally Hawbaker has agreed to complete, at the discretion of the Commission's local Land Management Group Supervisor, road infrastructure improvement projects throughout the State game lands system in order to improve public access. The value of each approved surface improvement project(s) shall be credited against the value of the surface use rate for the stone and must be completed within two years from the date of execution of the agreement. Two potential road improvement projects are located on State Game Land No. 252 and State Game Land No. 176.

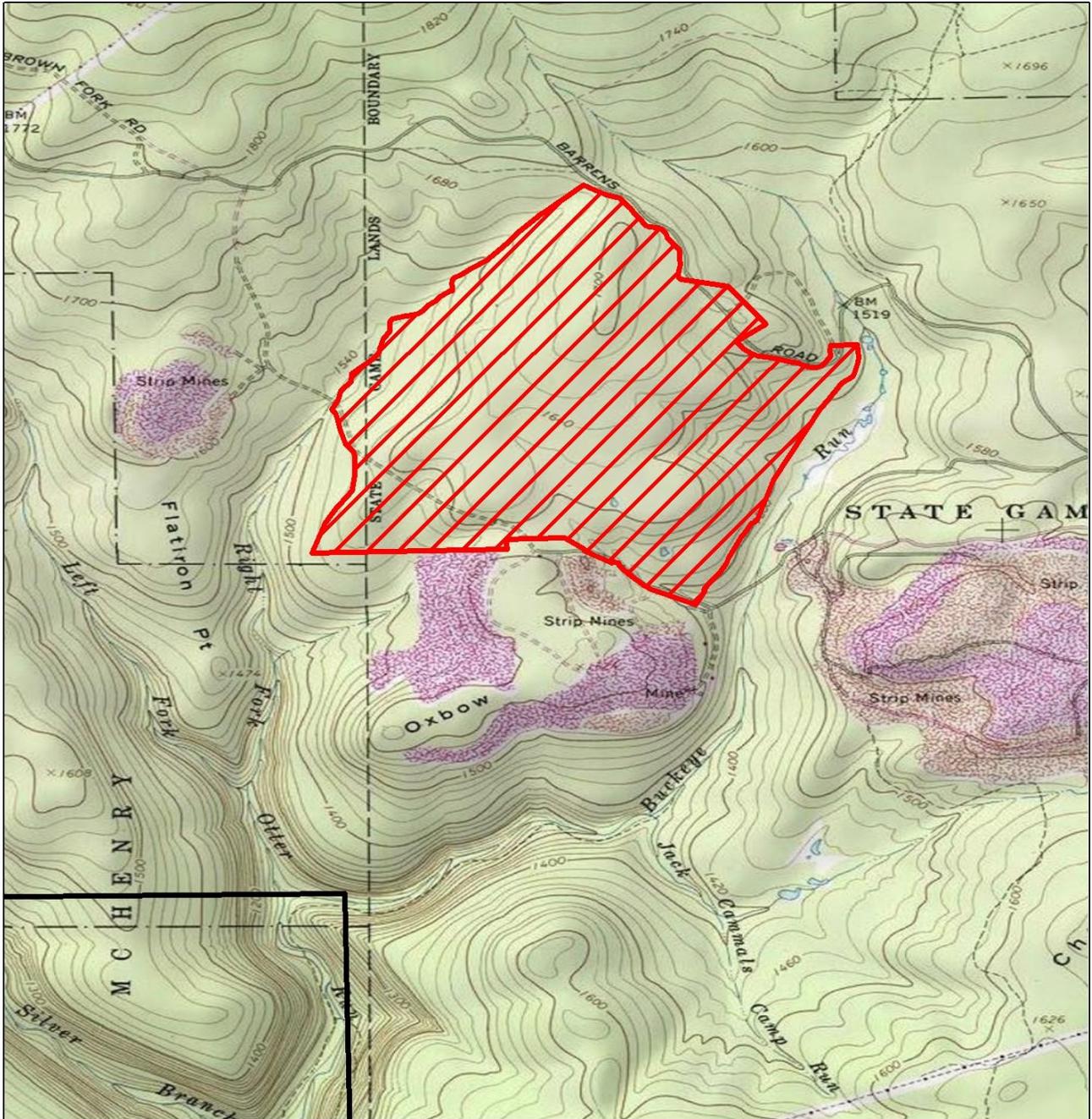
The total accumulated surface use value of this agreement has been estimated to be worth \$750,000. Upon the completion of the road improvement projects, all remaining revenues generated from the stone processing and surface use of the game lands shall be deposited into an interest bearing escrow account to be used for the future purchase of lands or to be directly deposited into the Game Fund.

The staff has reviewed this proposal and has determined that no additional mining areas are required, and that the surface use value and potential

infrastructure improvements to be equal to or greater than the total accumulated surface use agreement value.

Recommendation: The Executive Director and staff recommend this surface use agreement with Glenn O. Hawbaker, Inc. be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the agreement as listed above.

Action:



 Fisher Mining Lease Area (159 acres)  
 (Glenn O. Hawbaker to utilize up to 25 acres of the already  
 disturbed area within the Fisher Mining Lease Area)



**EXHIBIT OGM 4**  
**State Game Lands No. 75**  
**Glenn O. Hawbaker**  
**Surface Use Agreement Area**  
**Sandstone Processing**  
**Lease Tract 75C-11**  
**Pine Township, Lycoming County**  
**Northcentral Region**

Other New Business

Proposed Commission Meeting Dates:

April 11 and 12, 2011  
June 27 and 28, 2011  
October 3 and 4, 2011  
January 29, 30 and 31, 2012

Election of Officers

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

Adjournment