

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
June 30, 2015**

R. Matthew Hough

R. Matthew Hough
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 30, 2015 at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

David J. Putnam, President
Brian H. Hoover, Vice President
Timothy S. Layton, Secretary
James J. Delaney, Jr.
Ronald A. Weaner
Robert W. Schlemmer
Charles E. Fox
James R. Daley

Approval of Minutes of Commission Meeting held April 10, 2015.

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 135.104.

Commentary: The controlled goose hunting program on the Middle Creek Wildlife Management area provides opportunities for hunters to harvest Canada geese during the regular goose hunting season. Each year a number of hunters are selected to hunt from blinds through a public drawing. Hunters may subsequently enter into a drawing on later days for unclaimed blinds where they may take additional geese, but remain within the 1 goose per day daily bag limit.

Hunter success rates have been declining on the controlled goose hunting area due in part to declining resident goose populations, fewer migrant geese and higher harvest rates on geese in areas surrounding Middle Creek. To increase hunter success and resident goose populations the September season daily limits and regular season daily bag limits have been reduced. The September season hunting is closed on SGL 46.

To help increase hunter success rates and Canada goose populations on Middle Creek it is being proposed to limit the take on the controlled goose hunting area to 1 Canada goose per person per season.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.104. Restrictions on controlled goose hunting areas.

It is unlawful to:

* * * * *

(9) Take more than one Canada goose per person per day at any controlled goose hunting area. [~~Duck limits~~] Season and daily limits on other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

(10) Take more than one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area.

Action:

PROPOSED RULE MAKING

B. Amend 58 Pa. Code § 133.21.

Commentary:

The Commission is proposing to amend § 133.41 (relating to classification of mammals) to reflect the current status of populations of mammals in this Commonwealth and to update scientific nomenclature. The first amendment pertains to the Delmarva fox squirrel (*Sciurus niger niger*). This is one of three subspecies of fox squirrel listed in Pennsylvania. The species was considered present historically in only a very limited portion of southeastern Pennsylvania, and a reintroduction attempted in 1989 occurred with no documented survival past one year. Suitable habitat for the species within its historic range is nonexistent, and no documented individuals have been recorded in the 25 years since the reintroduction effort was undertaken. The mammal technical committee, a scientific advisory committee of the Pennsylvania Biological Survey has voted to consider it as state extirpated, and to remove it from the list of state endangered mammals. Across the species core range in coastal portions of Delaware, Maryland and Virginia, it is considered stable and proposed to be removed from federal list of endangered species.

The second amendment updates the common name of the eastern woodrat in Pennsylvania to the Allegheny woodrat. Based upon genetic and morphological evidence, the eastern woodrat has been split into two species; the eastern and Allegheny woodrat. The Allegheny woodrat (*Neotoma magister*) inhabits Pennsylvania and is currently listed as threatened.

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter C. MAMMALS

§ 133.41. Classification of mammals.

The following mammals are classified:

(1) *Endangered.*

* * * * *

(iii) [~~Delmarva Fox Squirrel (*Sciurus niger cineris*)~~]

(iv) Northern flying squirrel (*Glaucomys sabrinus macrotis*)

(2) *Threatened.*

- (ii) Allegheny [~~Eastern~~] woodrat (*Neotoma magister*)

Action:

DRAFT

PROPOSED RULE MAKING

C. Amend 58 Pa. Code § 147.673.

Commentary:

The Commission is statutorily tasked with managing the Commonwealth's white-tailed deer herds on behalf of all of its citizens. To accomplish this task, the Commission allocates antlerless deer licenses across the state amongst its various wildlife management units to utilize hunter harvest as the primary management tool of white-tailed deer. These allocations are adjusted each year to allow the deer herd to grow, stabilize, or decrease and are based on the best available science and in consideration of the broad and disparate interests of the Commonwealth's various stakeholders. However, this system primarily focused on addressing deer management at the landscape level.

In 2003, the Deer Management Assistance Program (DMAP) was first established to provide both public and private landowners with an additional tool for the management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land uses and other interests. DMAP was specifically designed as a strategic tool to deal with localized land issues not larger landscape problems. However, a growing voice of hunters have recently raised concerns that DMAP may be excessively impacting local white-tailed deer herds, especially on state-owned lands, as evidenced by a lack of deer sightings.

Regulatory changes allow the Commission to closely monitor and make necessary changes when alignment of local deer management goals using DMAP are not in alignment with the agency's mandate to effectively manage the deer in a responsible and appropriate manner. The Commission is proposing to amend § 147.673 (relating to eligibility and application for DMAP) to allow the Commission to assess DMAP coupon allocations for political subdivision or government agency applicants at individual and distinct DMAP units to less than 15,000 acres each and also assess DMAP coupons to these applicants based upon current conditions relative to goals and objectives outlined in an approved management plan.

By limiting the extent of DMAP units on public lands to less than 15,000 acres each, political subdivision or government agency landowner applicants will be asked to narrow the focus of their DMAP programs to areas in greater need of this tool in an effort to manage deer populations at a more distinct local level. Furthermore, political subdivision or government agency landowner applicants will be issued DMAP coupons in such numbers that are consistent with current conditions relative to goals and objectives outlined in an approved management plan and without a guaranteed minimum allocation. The proposed amendments better allow the Commission to manage the white-tailed deer herd to best meet landowner needs, hunter desires and citizen's interests.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

§ 147.673. Eligibility and application for DMAP.

(a) Eligibility. Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies ~~[shall apply for the DMAP on a form provided by the Commission]~~ are eligible to make application for a DMAP.

(1) Applications shall be submitted on a form provided by the Commission to a regional office by May 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 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 plan criteria. 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), principle land uses, hunttable 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.

(c) Allocation of harvest permits.

(1) Private land and hunting clubs. Owners or lessees of private land and hunting clubs will be allocated one DMAP coupon for every 50 acres of land enrolled in DMAP. This allocation may be increased to one DMAP coupon for every 5 acres of land enrolled in the DMAP if an applicant can document sufficient proof of material destruction of cultivated crops, fruit trees or vegetables by deer. The Commission may issue additional DMAP coupons to applicants at its discretion if current conditions relative to goals and objectives outlined in an approved management plan support escalation.

(2) Public land. The Commission may issue DMAP coupons to political subdivision or government agency landowner applicants at its discretion based upon current conditions relative to goals and objectives outlined in an approved management plan. Allocations for political subdivision or government agency applicants will be assessed for individual and distinct DMAP units no greater than 15,000 acres each.

(d) Upon approval of the application, the location and boundaries of the area shall be designated in a manner approved by the Commission.

~~[(d)] (e)~~ ~~[Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to.]~~ In DMAP areas designated by the Director, DMAP harvest permits may be made available directly through authorized issuing agents without coupons being issued.

* * * * *

Action:

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 131.8.

Commentary:

In accordance with goals established in the Pennsylvania Bald Eagle Management Plan, 2010–2019, the Commission determined that the bald eagle (*Haliaeetus leucocephalus*) achieved a population level and geographical distribution that no longer met the definition of a threatened species. As a result, on March 15, 2014 the bald eagle was officially removed from the Commonwealth’s threatened species list.

Notwithstanding the bald eagle’s delisting, its populations and the populations of its smaller cousin, the golden eagle (*Aquila chrysaetos*), necessitate further protection from unlawful takings in the form of increased replacement costs. The Commission is proposing to amend § 131.8 to increase replacement costs for bald and golden eagles from \$200 to \$2,500.

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.8. Replacement costs for wildlife killed.

Under section 925(i) of the act (relating to fines and penalties for violations), in addition to any fines and costs imposed for violations of the act and this title, any person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(1) *General class:*

(i) Each threatened or endangered bird or mammal, \$5,000.

(ii) ~~Each elk, \$1,500.~~

~~(iii) Each bear, \$1,500.~~

~~(iv) Each deer, \$800.~~

~~(v) Each bobcat, \$500.~~

~~(vi) Each otter, \$500.~~

~~(vii) Each turkey, \$300.~~

~~(viii) Each beaver, \$300.~~

~~(ix) Any other wildlife, \$200.]~~ Each bald eagle or golden eagle, \$2,500.

(iii) Each elk or black bear, \$1,500.

(iv) Each white-tailed deer, \$800.

(v) Each bobcat or otter, \$500.

(vi) Each wild turkey or beaver, \$300.

(vii) Any other wildlife, \$200.

(2) *Trophy class:*

(i) Each elk with a Boone and Crockett green score of 200 points or more, \$5,000.

(ii) Each white-tailed deer with a Boone and Crockett green score of 115 [~~point~~] points or more, \$5,000.

(iii) Each black bear with a field dressed weight of 350 pounds or more, \$5,000.

Action:

PROPOSED RULE MAKING

B. Amend 58 Pa. Code §§ 143.182, 143.185 and 147.804.

Commentary: Since the successful implementation of the Mentored Youth Hunting Program in the fall of 2006, the Commission has been striving to improve upon the successes of this mentor-based program. Sporting organizations and other interested groups have continued to encourage the Commission to expand mentored youth hunting opportunities within this Commonwealth to additional species, including the cottontail rabbit and mourning dove. Importantly, the mourning dove is defined as a migratory bird species and therefore requires the acquisition of a Migratory Game Bird License to facilitate the Harvest Information Program (HIP). HIP is a national, cooperative state and federal program designed to improve the information collected regarding the harvest of migratory game birds. The Commission is proposing to amend §§ 143.182, 143.185 and 147.804 to add cottontail rabbit and mourning dove to the list of species that mentored youth are eligible to hunt and also require that mentored youth obtain a Migratory Game Bird License prior to hunting mourning dove.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter J. MIGRATORY GAME BIRD LICENSE

§ 143.182. Definitions.

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

* * * * *

Migratory Game Bird License – The license authorizing the holder thereof to hunt for migratory game birds. The license is not valid unless used in conjunction with a regular resident [ø], nonresident hunting license or mentored hunting permit.

§ 143.185. The license.

A migratory Game Bird License is required for any person engaged in the hunting or taking of migratory game birds, unless the person otherwise qualifies for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions). The Migratory Game Bird License shall be signed by the holder in the space provided and shall be carried at all times while hunting for migratory game birds. The holder shall produce the license upon demand of an officer authorized to enforce the act and this title.

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.804. General.

* * * * *

(c) *Species limitation.*

(1) A mentored youth's hunting eligibility is restricted to the following species: cottontail rabbit, mourning dove, squirrel, woodchuck, coyote, deer and wild turkey. Except as provided in paragraph (2), mentored youth hunting permits will be issued with an antlered deer harvest tag and a spring turkey harvest tag. Harvest tags will not be issued to mentored youth applicants who are under 7 years of age at the time of application.

* * * * *

Action:

DRAFT

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisition

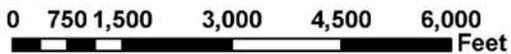
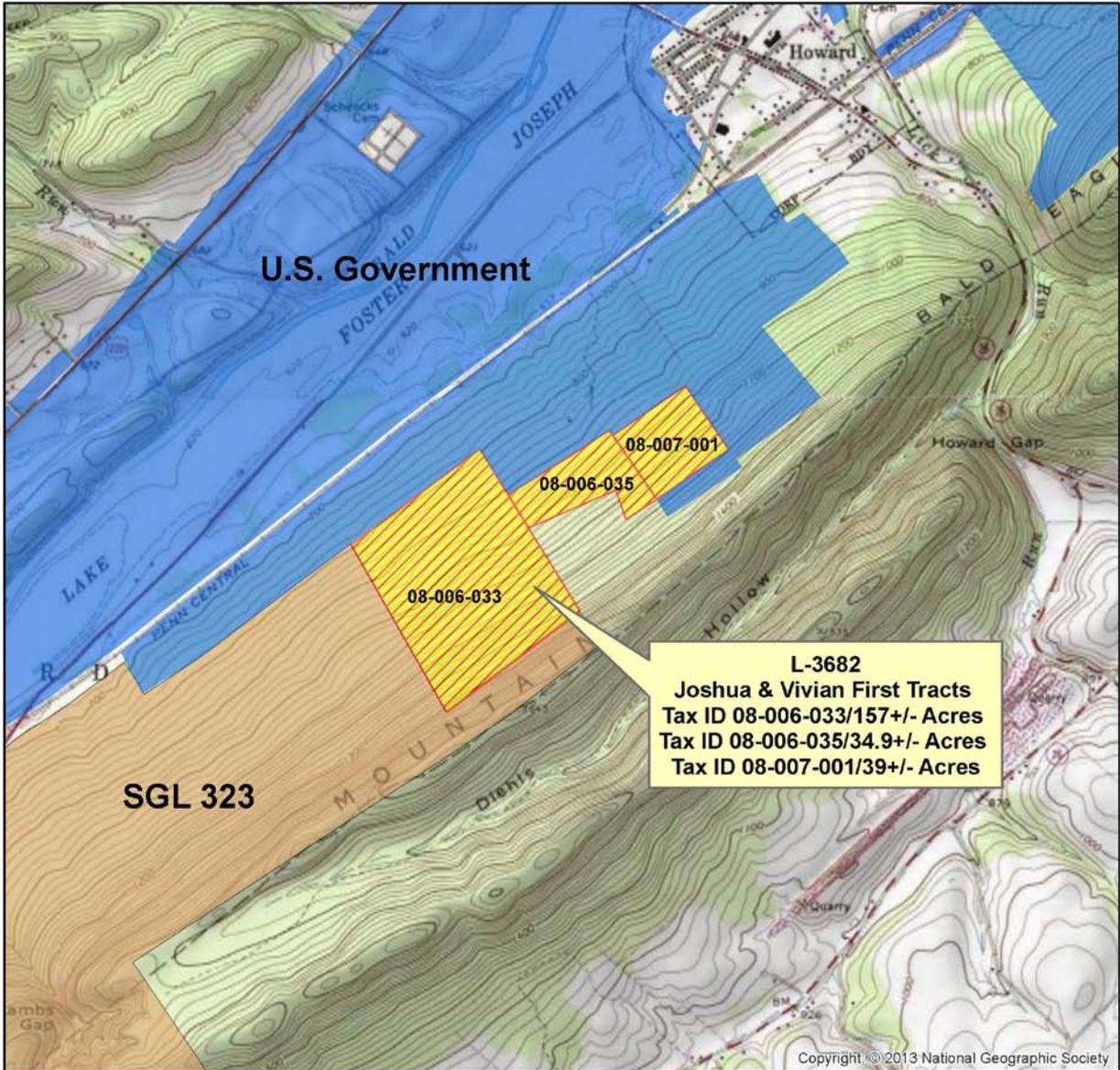
Contract No. L-3682, State Game Land No. 323, Centre County

Commentary: Joshua and Vivian First are offering for sale three tracts totaling 230.9 +/- acres in Howard Township, Centre County adjacent to State Game Land No. 323 (Exhibit RED 1). The tracts also adjoin United States Government property to the north, known as the Foster Joseph Sayers Dam property, which is managed by the Commission under an agreement with the United States Army Corps of Engineers. The option price is \$325,000 lump sum to be paid with escrowed funds from a prior land exchange on State Game Land No. 176 with the Pennsylvania State University and will require review and approval from the U.S. Fish and Wildlife Service. This transaction is contingent upon transfer of easements currently held by Pennsylvania Department of Conservation and Natural Resources on the property to the Commission for no consideration. The three tracts are located in an area known as the Lower Bald Eagle Valley Region of Centre County and are forested with a mix of pole stage northern hardwoods creating early successional forest habitat. Access to this property is through State Game Land No. 323, as well as administrative access from two rights-of-way which lead to Township Route 663, also known as Old Route 220.

Contract No. L-3683, State Game Land No. 88, Perry County

Commentary: The Sarah W. Fritz Estate is offering for sale three tracts totaling 63.5 +/- acres in Saville Township, Perry County adjacent to State Game Land No. 88 (Exhibit RED 2). The option price is \$150,000 to be paid from the Game Fund. The tracts are comprised of a mostly mature stand of oak/hickory forest. The terrain is primarily steep and rocky. Two of the tracts, one being 34.5 +/- acres and the other being 2.4 +/- acres, fill an indenture into State Game Land No. 88 and provide access from State Route 74. The 2.4 +/- acre parcel will grant key access into a portion of State Game Land No. 88 located at a manageable lower elevation on the south side of Tuscarora Mountain. The third tract, 26.6 +/- acres, partially fills in another indenture and access is from the existing State Game Land No. 88.

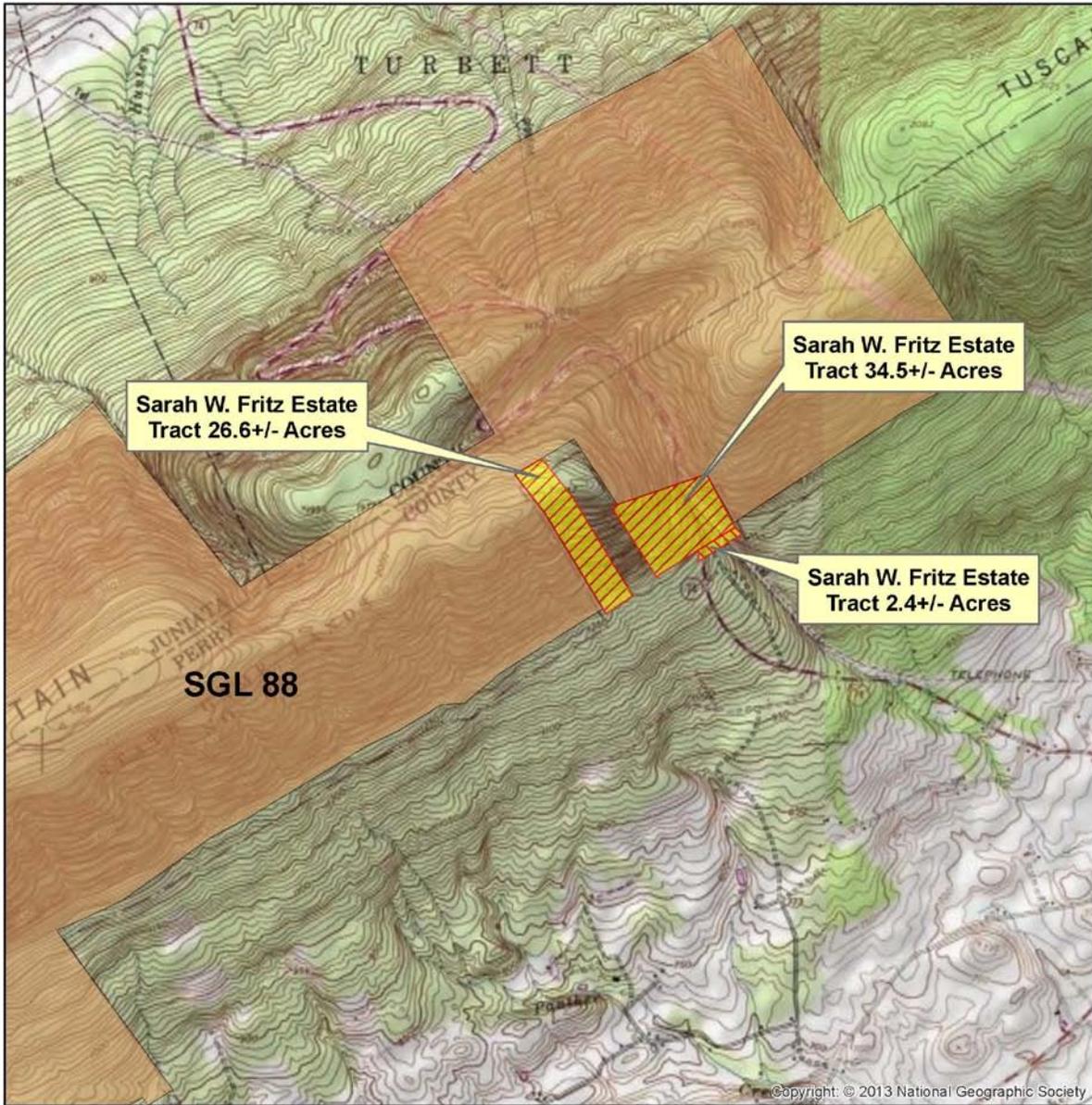
Action:



RED 1
State Game Land No. 323

L-3682
Joshua & Vivian First Tracts
 Tax ID 08-006-033/157+/- Acres
 Tax ID 08-006-035/34.9+/- Acres
 Tax ID 08-007-001/39+/- Acres

Howard Township
 Centre County
 Northcentral Region



RED 2
State Game Land No. 88
 L-3683
 Sarah W. Fritz Estate
 Tracts 26.6+/- Acres
 34.5+/- Acres
 2.4+/- Acres
 Saville Township
 Perry County
 Southcentral Region

B. Exchange

Contract No. L-3684, State Game Land No. 91, Luzerne County

Commentary:

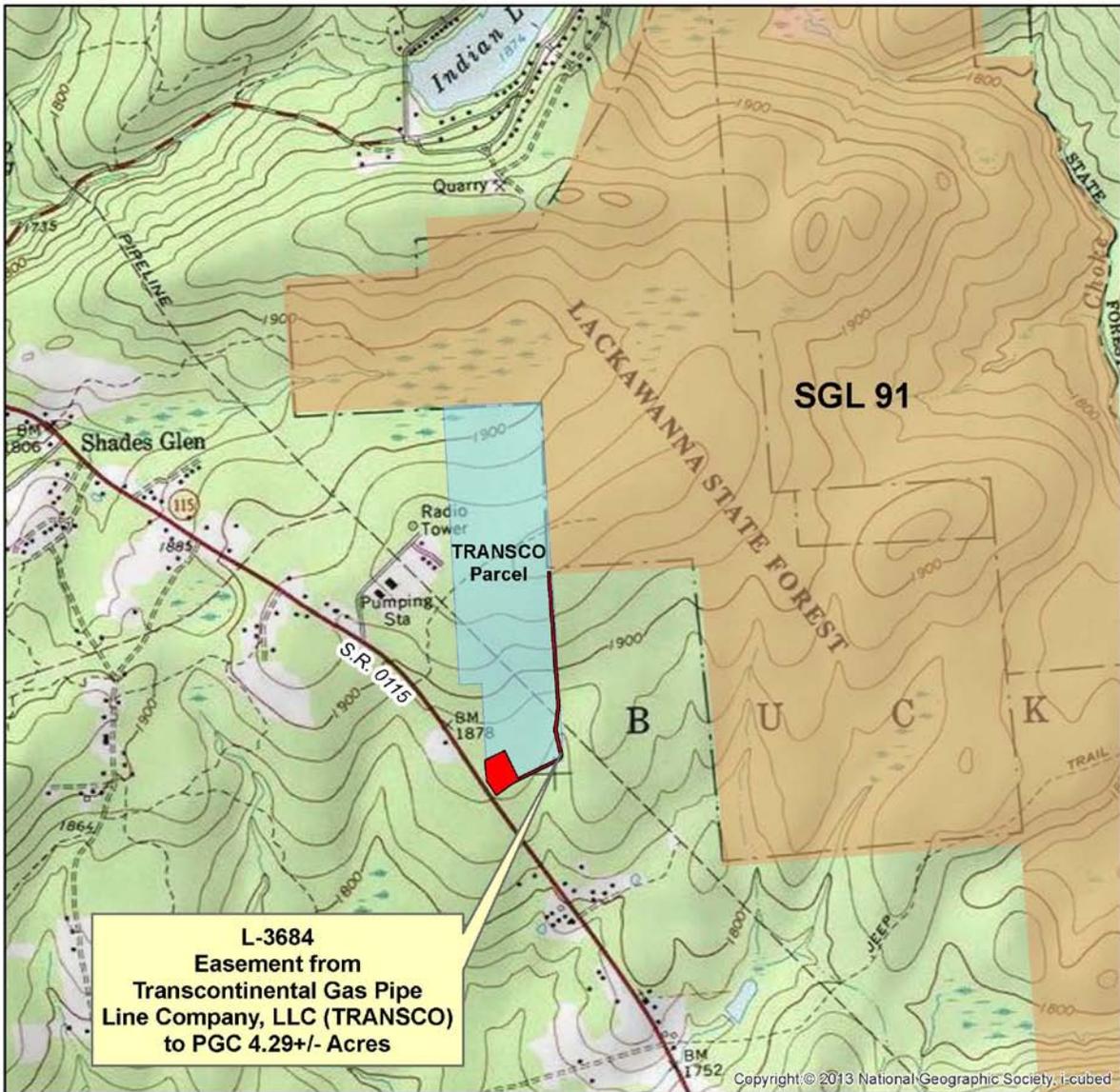
Transcontinental Gas Pipe Line Company, LLC (TRANSCO) is offering an easement totaling 4.29 acres upon, over, through and across land owned by TRANSCO in Buck Township, Luzerne County adjacent to State Game Land No. 91 (Exhibit RED 3). The easement is in exchange for a right-of-way license (License) that TRANSCO requested in order to construct, operate and maintain a new 42-inch natural gas pipeline across a portion of State Game Land No. 91 in Buck Township, Luzerne County. TRANSCO has agreed to convey this 4.29 acre easement to the Commission in lieu of habitat, surface and marketable damages associated with the License.

The easement offered by TRANSCO will connect a limited-access portion of State Game Land No. 91 with State Route 115, providing much needed access for future habitat management, as well as improved access for hunters and trappers. The easement will allow for locating, opening, constructing, repairing, maintaining and using a road up to 30 feet in wide and a parking area of up to 2.56 acres. Motorized vehicle use of the road by the Commission and those doing work for the Commission will not be limited. Use of the road by the general public will be limited to foot travel, non-motorized vehicles, or motorized wheelchairs and other mobility support devices authorized under law. The Commission will be responsible for the construction and maintenance of the road and parking area. Any marketable timber cut within the easement will become the property of the Commission.

In addition to the easement, the Commission's standard, annual license fee will continue to be paid by TRANSCO so long as the License remains active.

The License will authorize 424 linear feet of 42-inch natural gas pipeline within a new 30-foot wide right-of-way (Exhibit RED 4). The new right-of-way will occupy 0.28 acre of State Game Land No. 91, and will be located immediately adjacent to an existing 100-foot right-of-way that TRANSCO acquired from previous landowners in the Commission's chain of title. TRANSCO will use and reclaim an additional 0.27 acre of game lands outside of this right-of-way during construction of the pipeline. As a condition of the License, TRANSCO will also construct 130 +/- feet of improved access road across all pipelines within both rights-of-way to facilitate heavy-hauling by the Commission during future timber management activities on State Game Land No. 91.

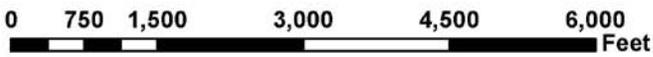
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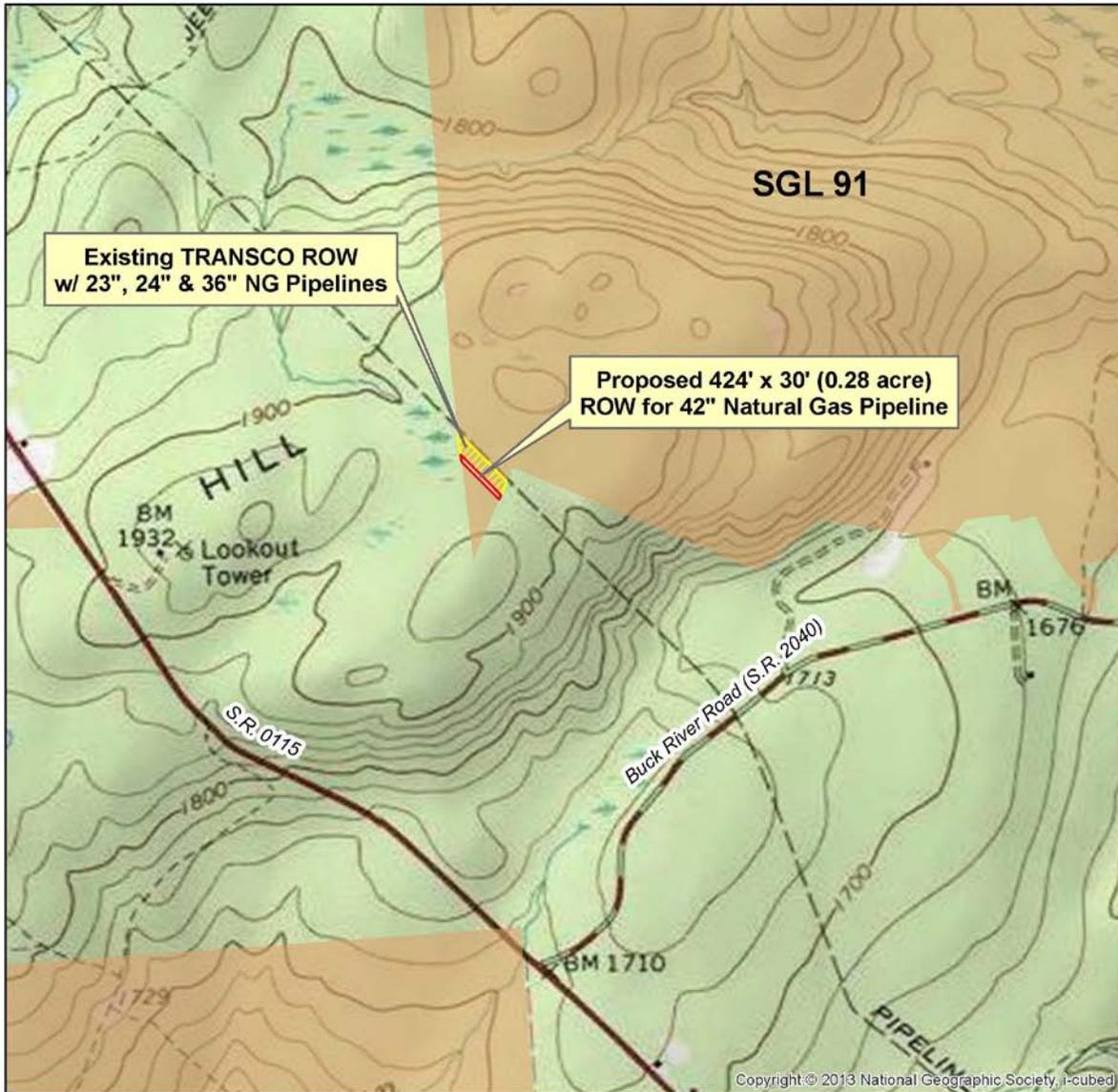
RED 3

State Game Land No. 91

**L-3684
Easement from
Transcontinental Gas Pipe Line Company, LLC (TRANSCO)
to PGC 4.29+/- Acres**



**Buck Township
Luzerne County
Northeast Region**



RED 4

State Game Land No. 91

L-3684
 Transcontinent Gas Pipe Line Company, LLC (TRANSCO)
 ROW License/ROW Exchange



Buck Township
 Luzerne County
 Northeast Region

OIL/GAS & MINERALS

C. Restricted Surface Use Oil and Gas Cooperative Agreement/Land Exchange Tract 025A-15, State Game Land No. 25, Elk County

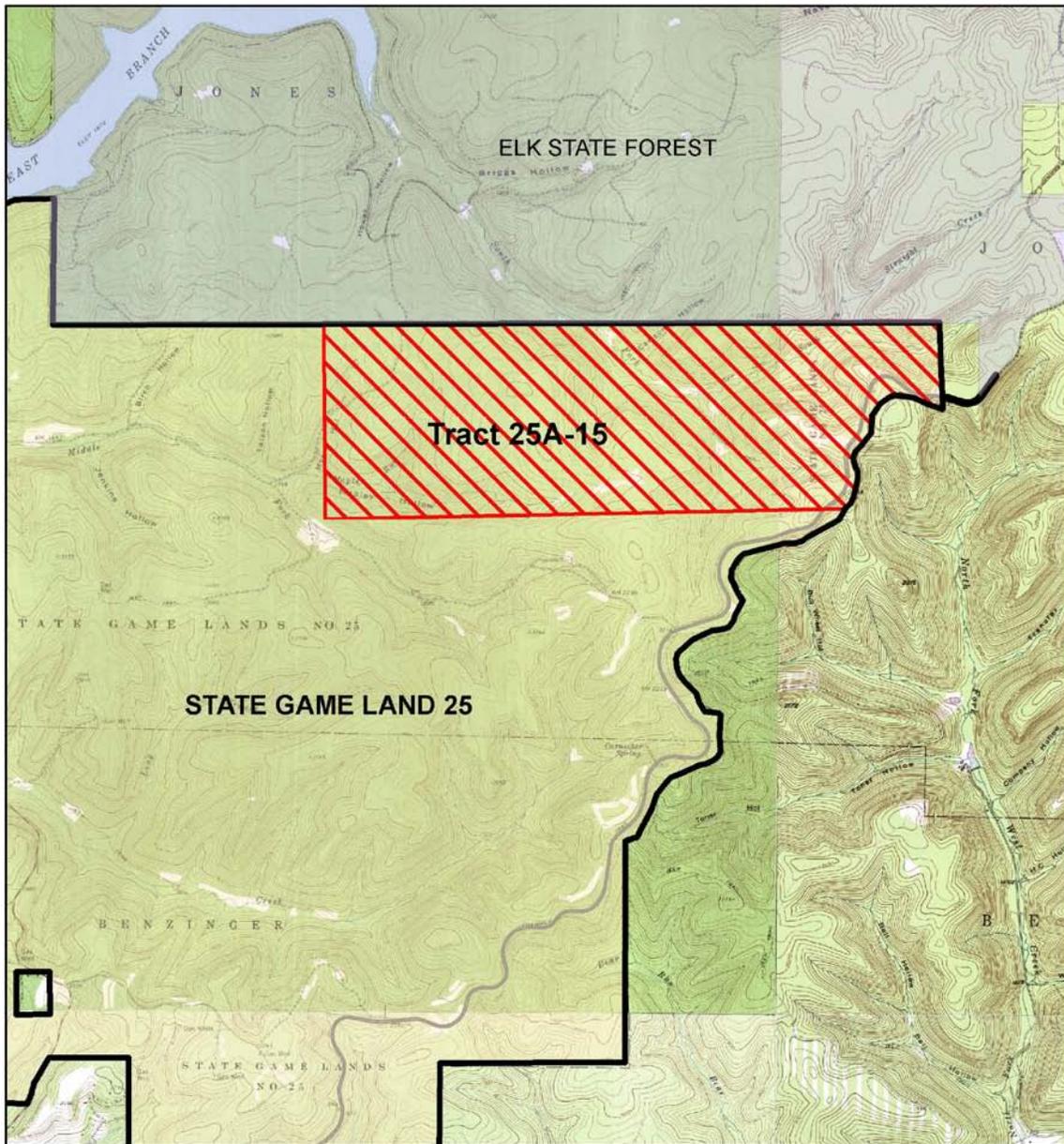
Commentary: Seneca Resources Corporation (Seneca) of Pittsburgh, Pennsylvania requested the Commission offer its oil and gas rights under a portion of State Game Land No. 25 for oil and gas development. The proposed tract, containing approximately 2,106.73 acres, is located in Jones Township, Elk County (Exhibit OGM 1).

Seneca owns the oil/gas rights under all of State Game Land No. 25 with the exception of 2,106.73 acres and has initiated unconventional gas well exploration, drilling, production and transportation activities on State Game Land No. 25 and on the adjoining Elk State Forest lands. Seneca is the only company that has the ability to unitize and effectively develop the Commission's oil and gas reserves under the proposed tract by horizontal drilling. PGC staff has negotiated the proposed terms of the agreement with Seneca in an effort to prudently develop the Commission's oil/gas reserve, as well as to simultaneously minimize the surface use and protect the wildlife resources and recreational use of State Game Land No. 25.

The terms of the Agreement are a five-year paid up Surface Use Oil and Gas Agreement, a \$1,350 per acre net oil and gas bonus payment (total bonus of \$2,844,085) and 15% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment shall be deposited into the Game Fund. As additional bonus consideration, Seneca will transfer a 290-acre tract of land adjoining State Game Land No. 62, Hamlin Township, M^cKean County to the Commission and will also surrender the remaining 8 years of a 10-year timber reservation on a 184-acre tract of land previously conveyed to the Commission also located in Hamlin Township, M^cKean County (Exhibit OGM 2). Both the 290-acre tract and the 184-acre reservation are northern hardwood forest habitat in the small sawtimber and pole timber size classes with good potential for habitat improvement. High elevation wetlands also exist on the tracts.

Future rentals and royalties owed to the Commission shall also be deposited into the Game Fund. Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard Restricted Surface Use Oil and Gas Cooperative Agreement.

Action:



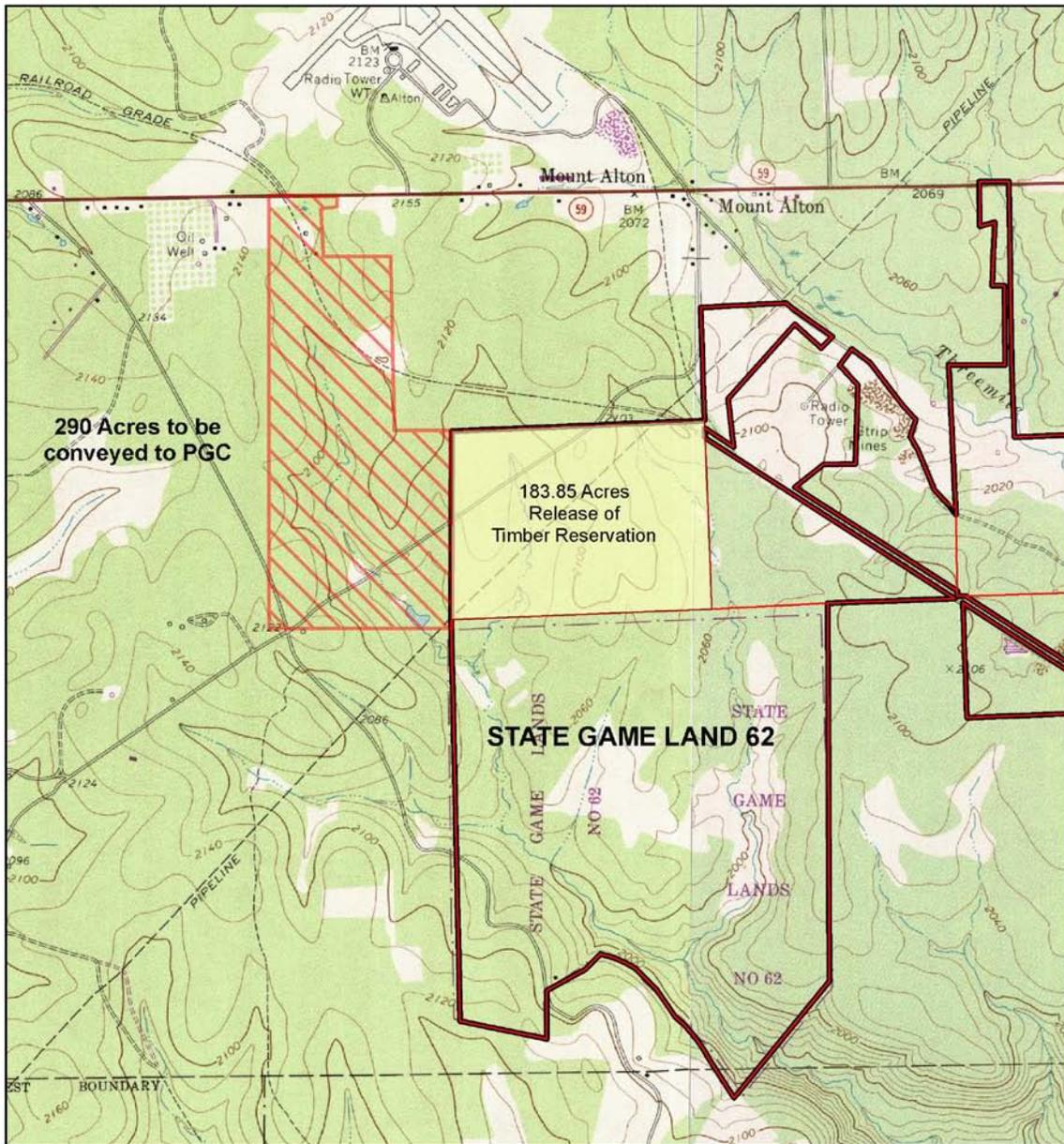
 Tract 25A-15 (2,106.73 +/- Acres)

 State Game Land No. 25



0 1,000 2,000 4,000 6,000 8,000 Feet

EXHIBIT OGM 1
State Game Land No. 25
Restricted Surface Use
Oil & Gas Cooperative Agreement
Seneca Resources Corporation
Tract 25A-15
2,106.73 +/- Acres
 Jones Twp., Elk County



-  +/- 290 Acres to be conveyed to PGC
-  State Game Land No. 25



EXHIBIT OGM 2
Seneca Resources Tract
State Game Land No. 62
Oil/Gas Agreement- Land Exchange
Seneca Resources Corporation to PGC
290+/- Acres
 LaFayette Twp., McKean County
 Northcentral Region

EXECUTIVE OFFICE

PROPOSED STRATEGIC PLAN

A. 2015-2020 Strategic Plan

Commentary:

The 2015-2020 Strategic Plan is presented to the Board of Commissioners for approval. The strategic plan was developed in a collaborative approach with a focus on developing SMART goals; goals which are Specific, Measurable, Achievable, Realistic, and Timely. By no means does this document represent all of the inner workings of the Pennsylvania Game Commission. Instead, the document outlines goals and challenges the agency will focus on during the next five years to continue to improve the agency's effectiveness. This strategic plan was developed through an interactive strategic planning process which sought input from all six regions, all six bureaus, and the Board of Commissioners. In addition, this document was sent out for public review and comment. In total, five core goals were identified in the strategic plan: 1) put wildlife first, 2) improve wildlife habitat, 3) follow sound business practices, 4) Serve the Pennsylvania public, and 5) improve support for hunting/trapping.

Action:

Other New Business

Next Working Group Meeting - August 10, 2015

The September Commission Meeting will be held on September 28-29, 2015 in the NC Region at the Homewood Suites by Hilton in DuBois, PA.

DRAFT