

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
February 2, 2016**

R. Matthew Hough

R. Matthew Hough
Executive Director

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DRAFT

Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, February 2, 2016 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
Ronald A. Weaner
Robert W. Schlemmer
Charles E. Fox
James R. Daley

Approval of Minutes of Commission Meeting held September 29, 2015.

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. 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 2016-2017 license year. The 2016-2017 seasons and bag limits have been amended to reflect current 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.

Proposed changes to small game seasons include: making youth and regular seasons for squirrels and rabbits concurrent to simplify regulations and to expand rabbit hunting opportunity; and making snowshoe hare season dates consistent statewide to simplify regulations, facilitate species monitoring programs, and reflect the fact that harvest mortality is not a major driver of population trends for this species.

In regards to wild turkey seasons, in accordance with Wild Turkey Management Plan guidelines, we are recommending fall season reductions in 4 WMUs that have exhibited declining trends in turkey population indices. Specifically, seasons would decrease from 2 weeks + 3 days to 1 week + 3 days in WMUs 1A and 2A; from 1 week + 3 days to 1 week in WMU 1B; and from 3 weeks + 3 days to 2 weeks + 3 days in WMU 4C.

The only change proposed for black bear seasons is the addition of a 4-day extended firearms season (concurrent with the Wednesday-Saturday of the first week of firearms deer season) in WMU 1B. This season is intended to prevent further expansion of bears into the western portion of this WMU where potential for bear-human conflicts is high.

Concerning furbearer seasons, we are proposing to increase the length of the fisher trapping season from the current 6 days to 12 days in the 13 WMUs with open fisher seasons.

Action:

“EXHIBIT A”

(SEASONS AND BAG LIMITS TABLE)

**2016-2017 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 junior license	Oct. 1	Oct. 15	6	18
<i>Squirrels</i> – (Combined species)	Oct. 15 and Dec. 12 and Dec. 26	Nov. 26 Dec. 24 Feb. 28, 2017	6	18
<i>Ruffed Grouse</i>	Oct. 15 and Dec. 12 and Dec. 26	Nov. 26 Dec. 24 Jan. 21, 2017	2	6
<i>Rabbits, Cottontail</i> – <i>Eligible Junior Hunters only</i> , with or without the required junior license	Oct. 1	Oct. 15	4	12
<i>Rabbits, Cottontail</i>	Oct. 15 and Dec. 12 and Dec. 26	Nov. 26 Dec. 24 Feb. 28, 2017	4	12

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.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<p>Ring-necked Pheasant Eligible Junior Hunters only, with or without the required junior license</p> <p>WMUs 2A, 2C, 4C, 4E, 5A and 5B - Male only</p> <p>WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C, and 5D - Male or female</p>	Oct. 8	Oct. 15	2	6
<p>Ring-necked Pheasant</p> <p>WMUs 2A, 2C, 4C, 4E, 5A and 5B - Male only</p> <p>WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C, and 5D - Male or female</p>	Oct. 22 and Dec. 12 and Dec. 26	Nov. 26 Dec. 24 Feb. 28, 2017	2	6
<p>Bobwhite Quail - The hunting and taking of bobwhite quail is permitted in all WMUs except in WMU 5A where the season is closed.</p>	Oct. 22	Nov. 26	4	12
<p>Hares (Snowshoe Rabbits) or Varying Hares</p>	Dec. 26	Dec. 31	1	3
<p>Woodchucks (Groundhog)</p>	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
<p>Porcupines</p>	Sept. 1	Mar. 31, 2017	3	Season limit 10

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Turkey, Fall - Male or Female</i>			1	1
WMU 2B (Shotgun, Bow & Arrow only)	Oct. 29 and Nov. 24	Nov. 18 and Nov. 26		
WMU 1B	Oct. 29	Nov. 5		
WMUs 1A and 2A	Oct. 29 and Nov. 24	Nov. 5 and Nov. 26		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C and 4D	Oct. 29 and Nov. 24	Nov. 12 and Nov. 26		
WMUs 2C and 4E	Oct. 29 and Nov. 24	Nov. 18 and Nov. 26		
WMU 5A	Nov. 3	Nov. 5		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
<i>Turkey, Spring ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license</i>	Apr. 22, 2017	Apr. 22, 2017	1	1
<i>Turkey, Spring ¹ Bearded Bird only</i>	Apr. 29, 2017 and May 15, 2017	May 13, 2017 and May 31, 2017	1	2
			May be hunted ½ hour before sunrise to 12 noon	
			May be hunted ½ hour before sunrise to ½ hour after sunset	

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. §§ 703-712) as published in the *Federal Register* on or about February 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.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Crow</i> (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 9, 2017		Unlimited
<i>Starling and English Sparrow</i>	No closed season except during the regular firearms deer seasons.			Unlimited

FALCONRY

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Squirrels</i> – (Combined species)	Sept. 1	Mar. 31, 2017	6	18
<i>Quail</i>	Sept. 1	Mar. 31, 2017	4	12
<i>Ruffed Grouse</i>	Sept. 1	Mar. 31, 2017	2	6
<i>Cottontail Rabbits</i>	Sept. 1	Mar. 31, 2017	4	12
<i>Snowshoe or Varying Hare</i>	Sept. 1	Mar. 31, 2017	1	3
<i>Ring-necked Pheasant - Male and Female</i> - (Combined)	Sept. 1	Mar. 31, 2017	2	6

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

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
<i>Deer, Archery (Antlered & Antlerless)</i> ² With the required archery license WMUs 2B, 5C and 5D,	Sept. 17 and Dec. 26	Nov. 26 Jan. 28, 2017	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Archery (Antlered & Antlerless)</i> ² With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 1 and Dec. 26	Nov. 12 Jan. 14, 2017	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only)</i> With the required muzzleloading license	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders, ³ 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 U.S. Coast Guard	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered & Antlerless)</i> ² WMUs 2B, 5A, 5B, 5C and 5D	Nov. 28	Dec. 10	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered only)</i> ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Nov. 28	Dec. 2	One antlered deer.
<i>Deer, Regular firearms (Antlered & Antlerless)</i> ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 3	Dec. 10	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ² With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26	Jan. 14, 2017	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ² With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 28, 2017	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Species	First Day	Last Day	Season Limit
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 28, 2017	An antlerless deer with each required antlerless license.
Deer, Antlerless (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

Species	First Day	Last Day	Season Limit
Bear, Archery ⁴ WMUs 2B, 5C and 5D	Sept. 17	Nov. 18	1
Bear, Archery ⁴ WMU 5B	Oct. 1	Nov. 18	1
Bear, Archery ⁴ WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 14	Nov. 18	1
Bear, Muzzleloader ⁴ WMUs 2B, 5B, 5C & 5D	Oct. 15	Oct. 22	1
Bear, Special firearms ⁴ Only Junior and Senior License Holders, ³ 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 WMUs 2B, 5B, 5C & 5D	Oct. 20	Oct. 22	1
Bear, Regular Firearms ⁴ (Statewide)	Nov. 19	Nov. 23	1
Bear, Extended firearms ⁴ WMUs 3A, 3B, 3C, and 3D	Nov. 28	Dec. 3	1
Bear, Extended firearms ⁴ WMUs 2B, 5B, 5C and 5D	Nov. 28	Dec. 10	1
Bear, Extended firearms ⁴ WMUs 1B, 2C, 4B, 4C, 4D and 4E	Nov. 30	Dec. 3	1

ELK

Species	First Day	Last Day	Season Limit
<i>Elk, Special Conservation Tag</i> ⁵ <i>(Antlered and Antlerless)</i>	Sept. 1	Nov. 5	1
<i>Elk, Regular firearms</i> ⁵ <i>(Antlered and Antlerless)</i>	Oct. 31	Nov. 5	1
<i>Elk, Extended firearms</i> ⁵ <i>(Antlered and Antlerless)</i>	Nov. 7	Nov. 12	1

FURTAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Minks and Muskrats</i>	Nov. 19	Jan. 8, 2017	Unlimited	
<i>Beaver</i>	Dec. 26	Mar. 31, 2017		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
<i>Coyotes, Foxes, Opossums, Raccoons, Skunks and Weasels</i>	Oct. 23	Feb. 19, 2017	Unlimited	
<i>Coyotes and Foxes</i> Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 19, 2017	Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 17	Jan. 8, 2017	1	1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3C, 3D, 4D and 4E	Dec. 17	Dec. 28	1	1
<i>River Otter, with required otter permit</i> WMUs 3C & 3D	Feb. 20, 2017	Feb. 22, 2017 (or until harvest quota is reached)	1	1

FUR TAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Coyotes - (Outside of any big game season)</i>	May be taken with a hunting license or a furtaker's license.		Unlimited	
<i>Coyotes - (During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker's license.		Unlimited	
<i>Opossums, Striped Skunks, Weasels</i>	No closed season.			
<i>Raccoons and Foxes</i>	Oct. 22	Feb. 18, 2017	Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 14	Feb. 8, 2017	1	1

No open seasons on other wild birds or wild mammals.

¹ 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 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

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

³ Includes residents and nonresident license holders 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).

⁴ Only one bear may be taken during the hunting license year with the required bear license.

⁵ Only one elk may be taken during the hunting license year with the required elk license.

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend to 58 Pa. Code § 141.4.

Commentary: The Commission is proposing to amend § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2016-2017 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.

* * * * *

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

**HUNTING HOURS TABLE
FOR JULY 1, 2016 THROUGH JUNE 30, 2017**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
July 1 - 2	5:06	9:03	Jan. 1 - 7	6:52	5:17
July 3 - 9	5:11	9:00	Jan. 8 - 14	6:52	5:23
July 10 - 16	5:16	8:57	Jan. 15 - 21	6:50	5:30
July 17 - 23	5:21	8:52	Jan. 22 - 28	6:47	5:38
July 24 - 30	5:28	8:46	Jan. 29 - Feb. 4	6:41	5:47
July 31 - Aug. 6	5:34	8:38	Feb. 5 - 11	6:35	5:55
Aug. 7 - 13	5:41	8:29	Feb. 12 - 18	6:27	6:03
Aug. 14 - 20	5:48	8:19	Feb. 19 - 25	6:18	6:12
Aug. 21 - 27	5:54	8:06	Feb. 26 - Mar. 4	6:08	6:19
Aug. 28 - Sept. 3	6:01	7:58	Mar. 5 - 11	5:57	6:27
Sept. 4 - 10	6:07	7:47	Mar. 12 - 18 *Begins	6:46	7:35
Sept. 11 - 17	6:14	7:35	Mar. 19 - 25	6:35	7:42
Sept. 18 - 24	6:21	7:24	Mar. 26 - Apr. 1	6:24	7:49
Sept. 25 - Oct. 1	6:27	7:12	Apr. 2 - 8	6:13	7:56
Oct. 2 - 8	6:34	7:00	Apr. 9 - 15	6:02	8:03
Oct. 9 - 15	6:42	6:50	Apr. 16 - 22	5:51	8:10
Oct. 16 - 22	6:49	6:40	Apr. 23 - 29	5:41	8:17
Oct. 23 - 29	6:57	6:31	Apr. 30 - May 6	5:32	8:24
Oct. 30 - Nov. 5	7:05	6:23	May 7 - 13	5:23	8:31
Nov. 6 - 12**Ends	6:13	5:16	May 14 - 20	5:16	8:38
Nov. 13 - 19	6:21	5:11	May 21 - 27	5:10	8:45
Nov. 20 - 26	6:28	5:07	May 28 - June 3	5:06	8:50
Nov. 27 - Dec. 3	6:36	5:06	June 4 - 10	5:03	8:55
Dec. 4 - 10	6:42	5:05	June 11 - 17	5:02	9:02
Dec. 11 - 17	6:47	5:06	June 18 - 24	5:03	9:02
Dec. 18 - 24	6:50	5:08	June 25 - July 1	5:06	9:03
Dec. 25 - 31	6:52	5:11	*Daylight Saving Time		

Action:

MIGRATORY GAME BIRD HUNTING HOURS TABLE

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Aug. 28 – Sept. 3	6:01	7:28	Dec. 25 – 31	6:52	4:41
Sept. 4 – 10	6:07	7:17	Jan. 1 – 7	6:52	4:47
Sept. 11 – 17	6:14	7:05	Jan. 8 – 14	6:52	4:53
Sept. 18 – 24	6:21	6:54	Jan. 15 – 21	6:50	5:00
Sept. 25 – Oct. 1	6:27	6:42	Jan. 22 – 28	6:47	5:08
Oct. 2 – 8	6:34	6:30	Jan. 29 – Feb. 4	6:41	5:17
Oct. 9 – 15	6:42	6:20	Feb. 5 – 11	6:35	5:25
Oct. 16 – 22	6:49	6:10	Feb. 12 – 18	6:27	5:33
Oct. 23 – 29	6:57	6:01	Feb. 19 – 25	6:18	5:42
Oct. 30 – Nov. 5	7:05	5:53	Feb. 26 – Mar. 4	6:08	5:49
Nov. 6 – 12 * Ends	6:13	4:46	Mar. 5 – 11	5:57	5:57
Nov. 13 – 19	6:21	4:41	Mar. 12 – 18 * Begins	6:46	7:05
Nov. 20 – 26	6:28	4:37	Mar. 19 – 25	6:35	7:12
Nov. 27 – Dec. 3	6:36	4:36	Mar. 26 – Apr. 1	6:24	7:19
Dec. 4 – 10	6:42	4:35	Apr. 2 – 8	6:13	7:26
Dec. 11 – 17	6:47	4:38	Apr. 9 – 15	6:02	7:33
Dec. 18-24	6:50	4:38	* Daylight Saving Time		

Action:

B. Amend 58 Pa. Code § 131.6.

Commentary:

The exercise of general police powers by wildlife conservation officers has proven a unique challenge for the Commission over the past few years. On one hand the Commission's asserts its preference to focus the primary responsibilities of wildlife conservation officers to be the enforcement of the Game and Wildlife Code and related environmental concerns. On the other hand the Commission is challenged by the public's expectation that it remain adaptive and capable to address the spectrum of circumstances that wildlife conservation officers face on a daily basis. Increasingly, the Commission is identifying significant overlap and interconnectivity between its investigations into wildlife, habitat or other environmental crime and other types of general crime. The Commission's policy to attempt sever and transfer all general crime matters to other state or local law enforcement agencies has largely proven unsuccessful. Not only does this process often create significant procedural complications for both organizations, but more importantly, these other agencies have consistently rejected their adoption of cases that they did not initiate. In an effort to reduce legal challenges, reduce potential civil liability, but also provide recognition of the importance of the relevant competing interests on this issue, the Commission is proposing to amend § 131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.6. Administration of police powers by Wildlife Conservation Officers.

(a) *General.*

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conservation officers, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa.C.S. (relating to the Crimes Code) or any other offense classified as a misdemeanor or felony and, in addition, to serve and execute warrants and subpoenas for these offenses.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, "when acting within the scope of their employment" means that period of time that a wildlife conservation officer is currently engaged in any activity the officer is employed to perform at the time and places the officer is authorized to perform the activity.

(b) [~~Procedures~~] Limitation.

~~(1)~~ A wildlife conservation officer shall arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act

only ~~[to the degree necessary to protect life and property in any]~~ in one or more of the following circumstances:

~~[(i)]~~ (1) The offense occurs in the officer's presence.

~~[(ii)]~~ (2) The offense occurs on lands or waters owned, leased or otherwise controlled by the Commission.

~~[(iii)]~~ (3) The offense arises out of Commission operations.

~~[(iv)]~~ (4) Another law enforcement agency has reasonably requested the assistance.

~~[(2) — A wildlife conservation officer who exercises any authority vested by section 901(a)(17) of the act shall do the following, without unreasonable delay:~~

~~(i) — Notify the appropriate State or local law enforcement agency of the enforcement action.~~

~~(ii) — Secure and maintain onsite information and evidence as deemed appropriate.~~

~~(iii) — Transmit secured information and evidence to the appropriate State or local law enforcement agency for further investigation or prosecution, or both.~~

~~(iv) — Prosecute violations, as may be reasonably necessary if the appropriate State or local law enforcement agency declines further action.]~~

Action:

C. Amend 58 Pa. Code § 141.18.

Commentary:

Each year the Commission is asked to review the prospective use of certain devices for hunting or trapping purposes that are otherwise prohibited by statute or regulation. As part of the review process the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase or public safety. The Commission has recently been requested to formally review the use of electronic rangefinders, including both hand-held devices and those contained within a scope or archery sight. The Commission has determined that use of these devices for hunting purposes have no or negligible negative impacts to the abovementioned principles. While Commission has historically maintained an open use policy towards these electronic devices due to their ubiquitous use, their use could be construed as technically contrary to the Commission's restriction on the use electronic contrivances while hunting. Therefore, in an effort to more formally approve their use, the Commission is proposing to amend § 141.18 to add both hand-held rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.18. Permitted devices.

The following devices may be used to hunt or take wildlife:

* * * * *

(6) Electronic rangefinders, including both hand-held devices and those contained within a scope or archery sight. This authorization shall not be construed to permit any device that emits any light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam that is visible outside of the device or on the target.

Action:

D. Amend 58 Pa. Code § 141.41.

Commentary:

Each year the Commission investigates numerous big game violations involving improperly marked animals. A concerning portion of these violations involve a hunter's placement of a prior year's expired harvest tag on the big game animal rather than the current year's harvest tag. The Commission has determined that some of these violations are purposeful and intended to give the hunter the appearance of eligibility to harvest an additional animal with their unused current tag. However, the Commission also recognizes that other hunters are merely engage in the bad habit of carrying prior years' licenses and harvest tags and are mistaking the similarly colored harvest tags for the then current year's harvest tags during the stress induced by a successful harvest. Therefore, in an effort to reduce the number of either purposeful or mistaken improperly marked big game violations from ever occurring, the Commission is proposing to amend § 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while in engaged in hunting or trapping activities or while in the fields, forests or on the waters or highways within or bordering the Commonwealth.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

It is unlawful to:

* * * * *

(4) Possess an expired, fulfilled, revoked, suspended or invalid big game harvest tag or hunting license while in engaged in hunting or trapping activities or while in the fields, forests or on the waters or highways within or bordering the Commonwealth.

Action:

E. Amend 58 Pa. Code §§ 143.43, 143.45 and 143.50

Commentary: The Commission has been asked to review the preference given to resident license holders in the timing that antlerless deer applications can be submitted to county treasurers. Currently, resident license holders can apply two weeks sooner than nonresident license holders. While this timing does not affect the availability of antlerless deer licenses for nonresident license holders in most WMUs, it often eliminates the availability of antlerless deer licenses in a number of low quota, highly preferred WMUs. The Commission has reviewed this resident license holder preference policy and determined that the nonresidents most impacted by this negative preference are former residents of the Commonwealth of Pennsylvania that return back to this state annually to hunt. Therefore, in an effort to level the playing field, the Commission is proposing to amend §§ 143.43, .143.45 and 143.50 to allow nonresidents to submit applications for antlerless deer licenses at the same time as residents.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.43. Preamble.

~~[(a) * * * * *~~

~~[(b) — A nonresident of this Commonwealth may only apply under § 143.50 (relating to procedure for nonresidents of this Commonwealth).]~~

§ 143.45. Completing and submitting applications.

~~* * * * *~~

~~(b) [Applications will not be accepted by county treasurers prior to the start of the normal business day on the second Monday in July] County Treasurers may accept applications for antlerless deer licenses from resident and nonresident applicants beginning on the second Monday in July at the start of normal business hours.~~

~~* * * * *~~

~~[§ 143.50. — Procedure for nonresidents of this Commonwealth.~~

~~Nonresidents may apply for unsold licenses on the last Monday in July and thereafter in compliance with § 143.45 (relating to completing and submitting applications).]~~

Action:

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BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. L-3689, State Game Land No. 79, Cambria County

Commentary: Charles J. Merlo, III is offering a donation of 14.2 +/- acres of land in Jackson Township, Cambria County that adjoins State Game Land No. 79 (Exhibit RED 1). The property is mostly forested with mixed hardwoods in early succession and has approximately 1.5 acres of reverting old fields. Access is from U.S. Route 22.

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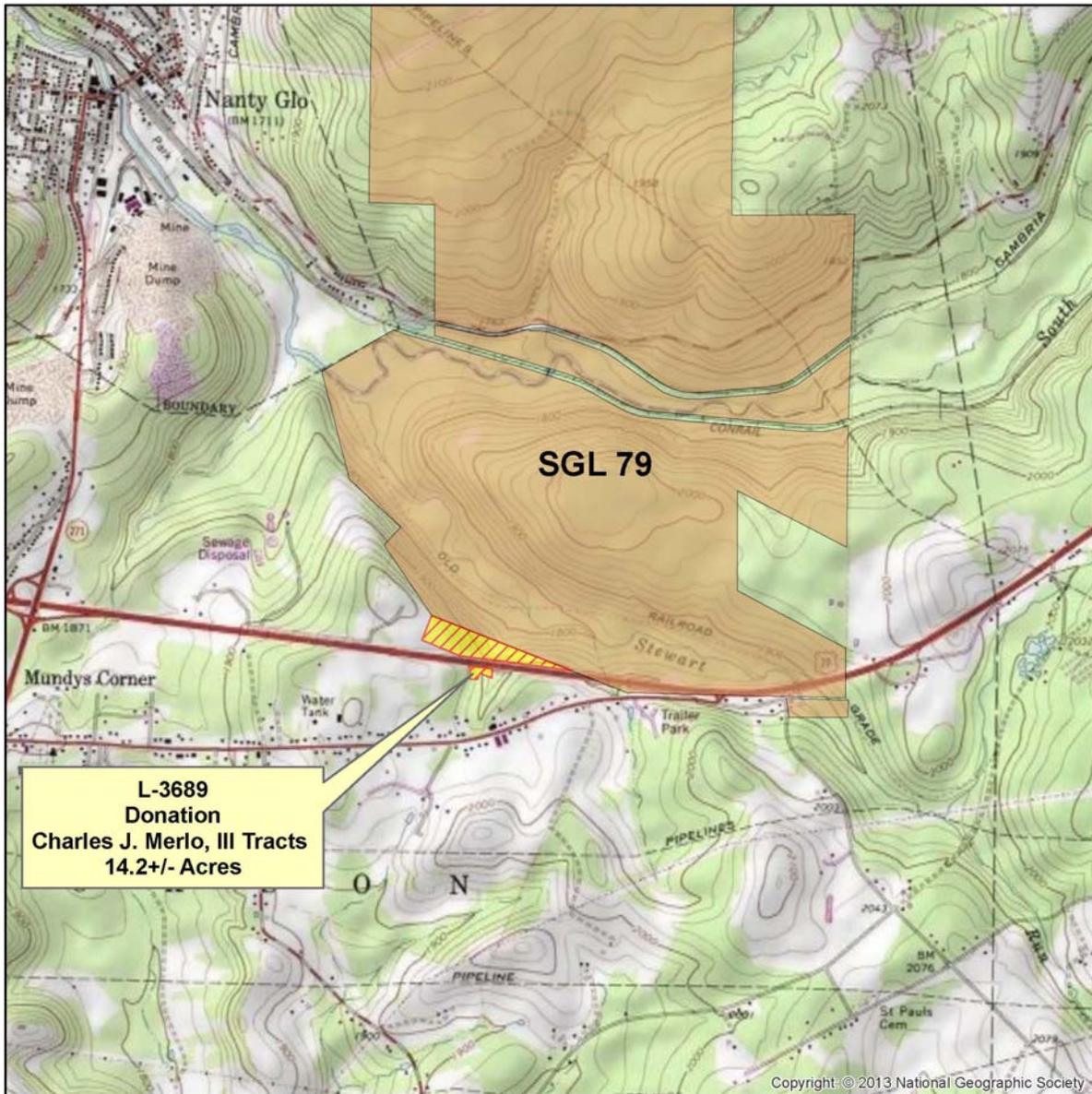


Exhibit RED 1
State Game Land No. 79
L-3689
Donation
Charles J. Merlo, III Tracts
14.2+/- Acres
Jackson Township
Cambria County
Southwest Region

Contract No. L-3690, State Game Land No. 264, Dauphin County

Commentary:

The Estate of Constance Garber is offering a donation of 10 +/- acres of land in Williams Township, Dauphin County located approximately 3,000 feet south of State Game Land No. 264 (Exhibit RED 2). The property is forested with mixed hardwoods. Wiconisco Creek flows along the northern boundary. Access is from Water Street which parallels the western boundary.

Action:

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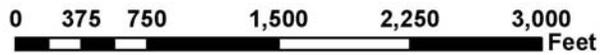
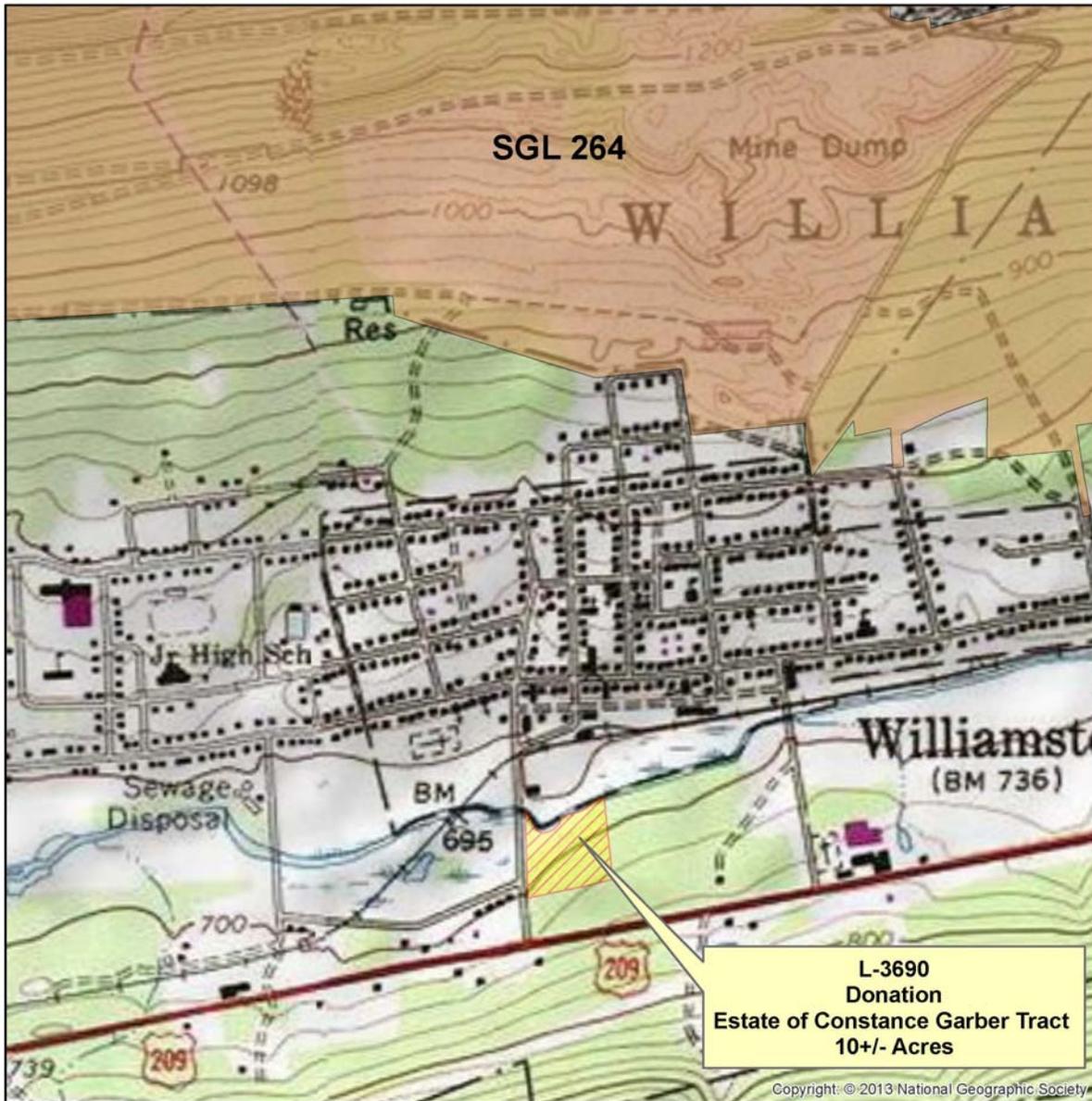


Exhibit RED 2

State Game Land No. 264

L-3690
 Donation
 Estate of Constance Garber Tract
 10+/- Acres

Williams Township
 Dauphin County
 Southeast Region

B. Acquisition

Contract No. L-3691, State Game Land No. 170, Cumberland County

Commentary:

Central Pennsylvania Conservancy is offering for sale 7.6 +/- acres of land in Silver Spring Township, Cumberland County adjoining State Game Land No. 170 (Exhibit RED 3). The option price is \$400 per acre to be paid with funds from the Game Fund. The property is forested with mixed hardwoods and has sassafras and witch-hazel in the understory. Access is from existing State Game Land No. 170.

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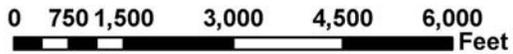
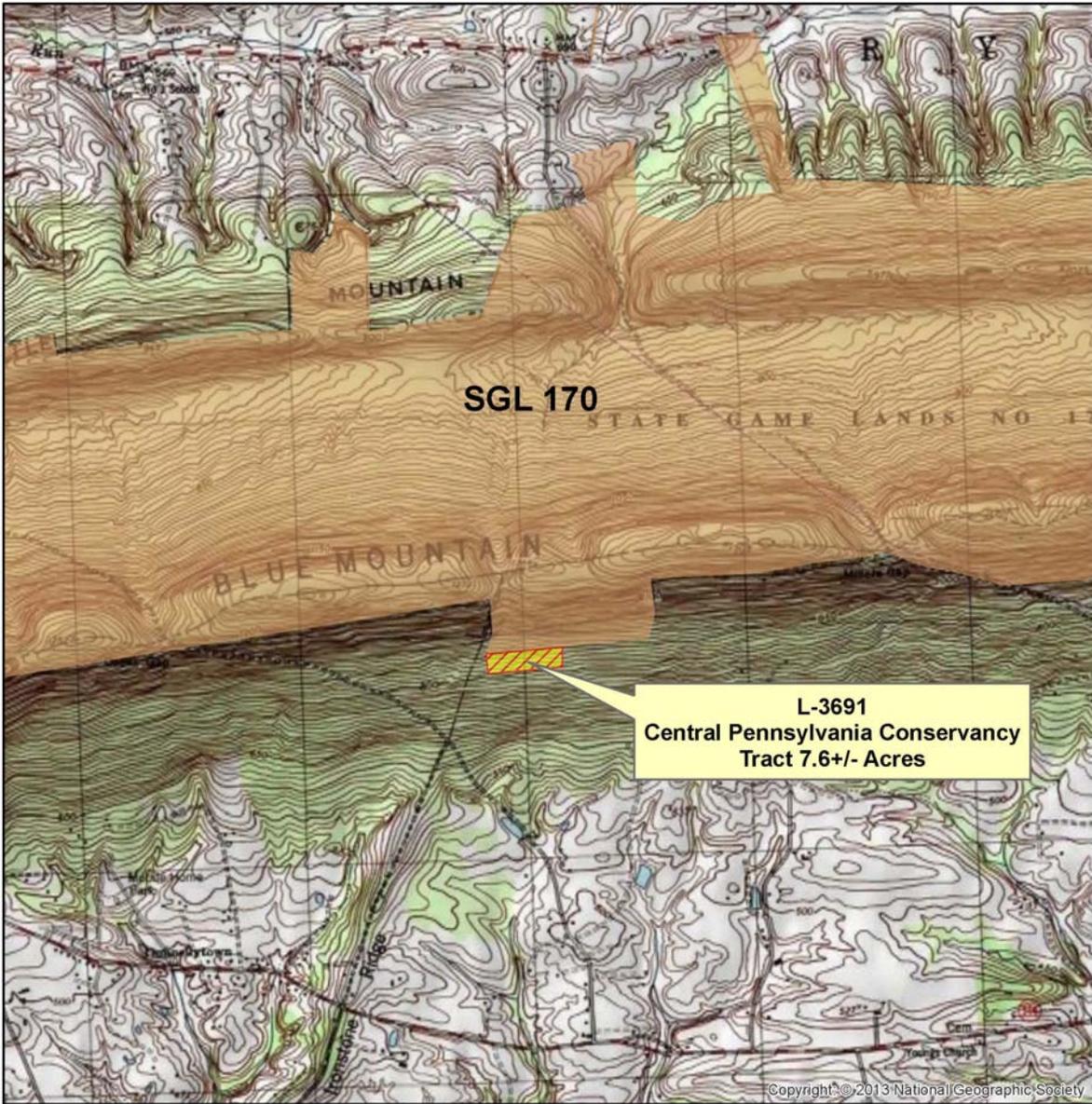


Exhibit RED 3
State Game Land No. 170
L-3691
Central Pennsylvania Conservancy
Tract 7.6+- Acres

Silver Spring Township
 Cumberland County
 Southcentral Region

Contract No. L-3692, State Game Land No. 188, Snyder County

Commentary:

The Estate of Norma M. Fetterolf is offering for sale 10 +/- acres of land in Adams Township, Snyder County which is an indenture into State Game Land No. 188 (Exhibit RED 4). The option price is \$20,800 lump sum to be paid with funds from the Game Fund. The property is forested with oak, maple, and hemlock. The property adjoins Pennsylvania Fish and Boat Commission property along its north boundary. Access is from existing State Game Land No. 188.

Action:

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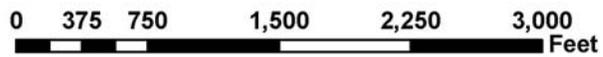
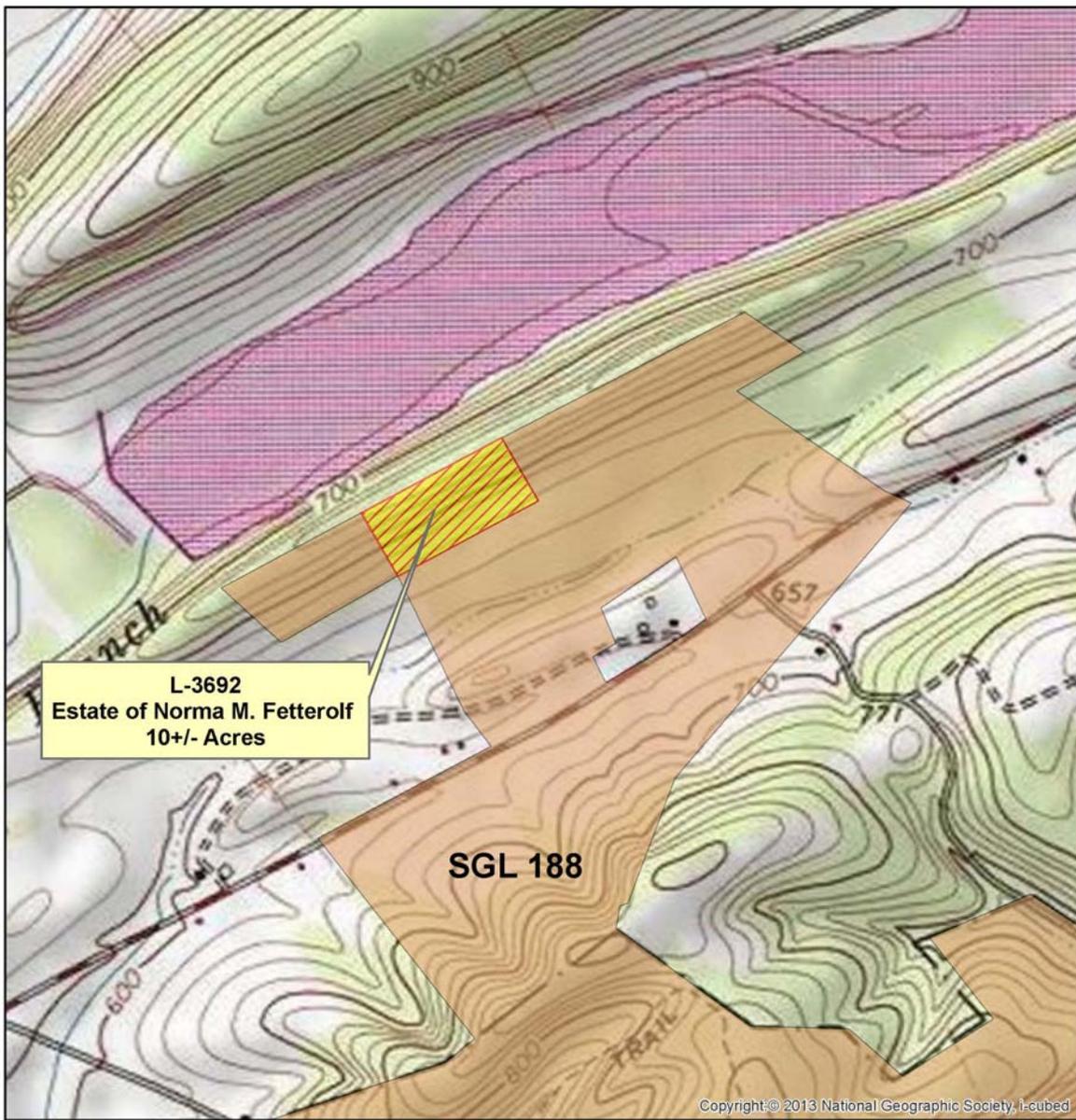


Exhibit RED 4
State Game Land No. 188
 L-3692
 Estate of Norma M. Fetterolf
 10+/- Acres

Adams Township
 Snyder County
 Southcentral Region

OIL/GAS & MINERALS

C. Restricted Surface Use Oil and Gas Cooperative Agreement Bid Offering

Tract 12/36A-15, State Game Land Nos. 12 & 36, Bradford and Sullivan Counties

Commentary:

The Commission offered its oil and gas ownership under portions of State Game Land Nos. 12 and 36 in Overton and Elkland Townships, Bradford and Sullivan Counties, for oil and gas development by a competitive royalty bid. Tract 12/36A-15 containing approximately 5,870 acres, was announced for competitive royalty bid in November 2015, with a one-time bonus/rental payment of \$2,500 per acre for a five-year paid-up primary term, and a minimum bid of 20% royalty (Exhibit OGM 1). Additionally, the bid provides the Commission a well pad location fee of \$75,000 per well pad if well pads are necessary on the Game Lands surface. The agreement restricts surface use to two well pads and access thereto for development.

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 Development Cooperative Agreement to include a \$50,000 performance bond. The agreement will include the Commission's standard wildlife and environmental protection measures. The total bonus payment will amount to approximately \$14,675,000, of which shall be deposited into the Game Fund or into an interest bearing escrow account for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Further the Commission will receive an annual payment of \$1,400 in lieu of free gas usage.

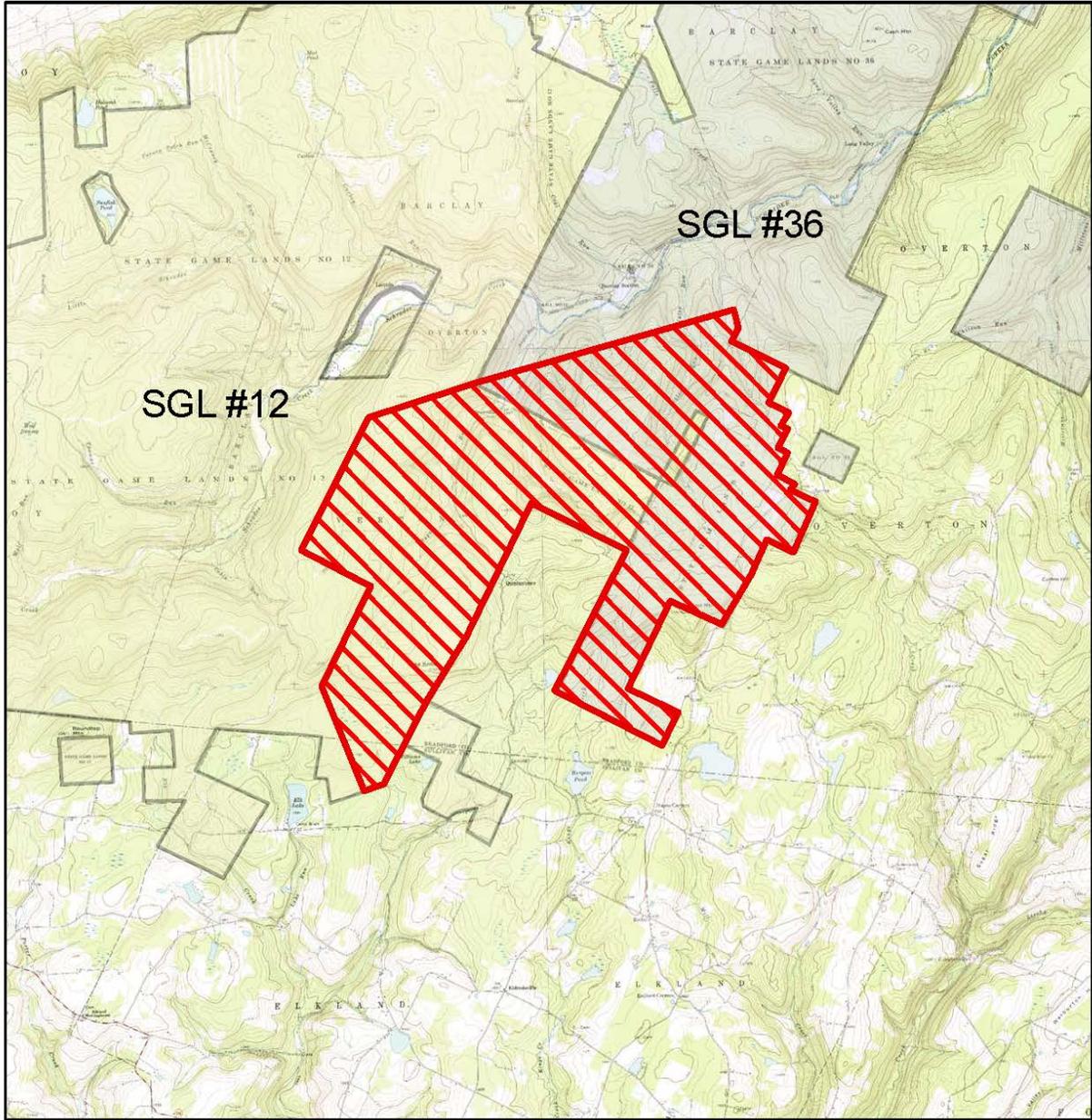
Bids for this tract were opened on December 18, 2015, with Chief Exploration and Development LLC of Dallas, Texas submitting the highest royalty bid of twenty and fifty-five hundredths percent (20.55%) of the market value or sales price for each thousand cubic feet of gas (Mcf) produced and sold from the premises. The results of the royalty bid are listed below:

BIDDER

BID ROYALTY

Chief Exploration and Development LLC 20.55%

Action:



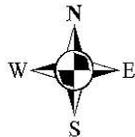
Legend

 Bid area

SGL

 12

 36



4,000,000 0 4,000 Feet



OGM 1
State Game Land Nos. 12/36
Restricted Surface Use
Oil & Gas Cooperative Agreement
Chief Oil & Gas
Tract 12/36A-15
5,870 +/- Acres

Overton/ElklandTwps., Bradford/Sullivan Counties
 Northeast Region

D. Non Surface Use Oil and Gas Cooperative Agreement

Tract 245A-16, State Game Land No. 245, Washington County

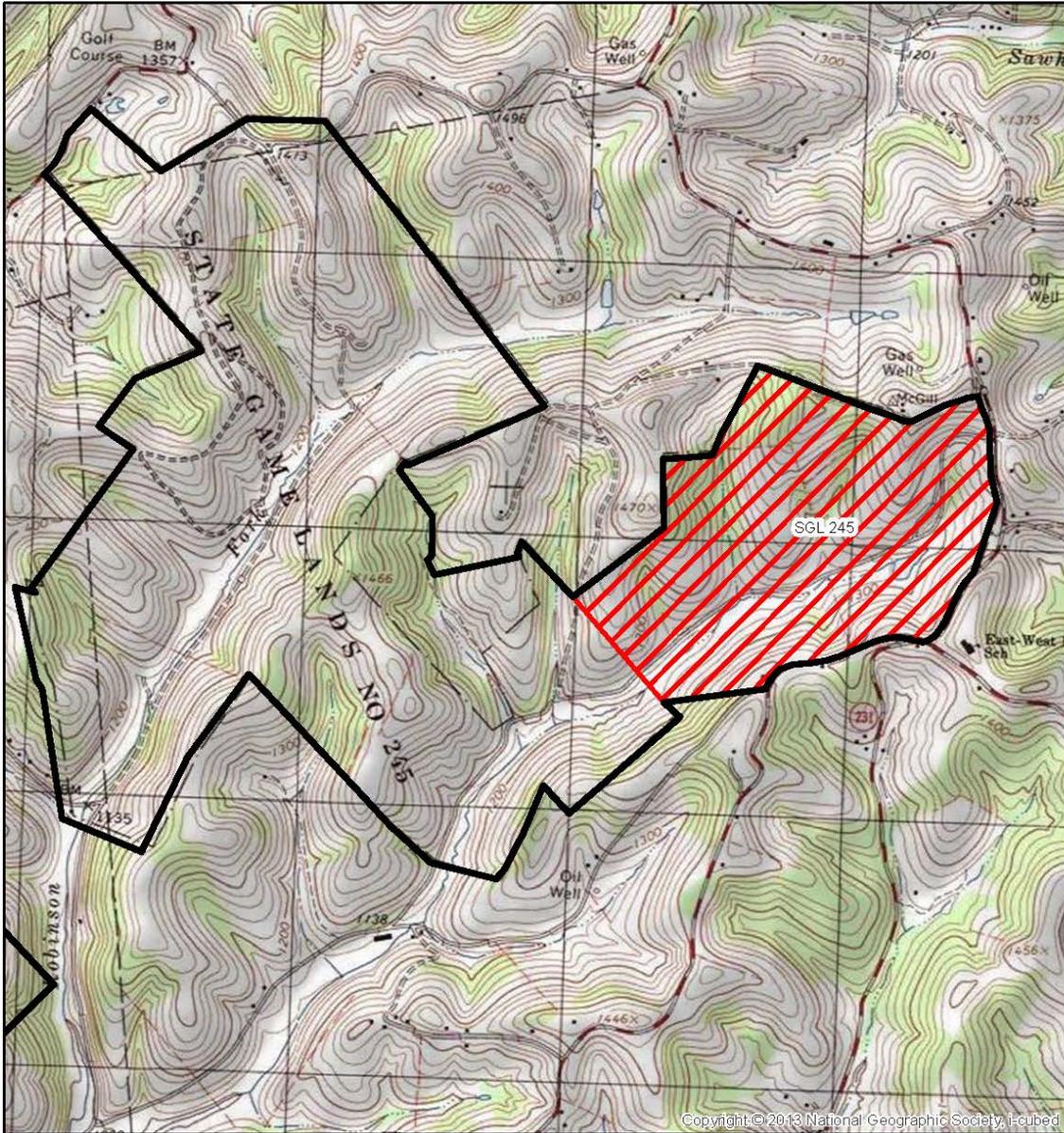
Commentary: EQT Production (EQT) of Canonsburg, Pennsylvania has requested the Commission offer its oil and gas rights under a portion of State Game Land No. 245 for non-surface use development. The proposed tract, containing approximately 305.7 acres is located in East Finley Township, Washington County (Exhibit OGM 2).

EQT has a strong, privately-owned oil/gas lease position surrounding this portion of State Game Land No. 245. They have initiated unconventional well drilling and development in the vicinity of the proposed tract, and also have the ability to unitize and develop the Commission's oil and gas reserve under the proposed tract by horizontal drilling with no surface use or disturbance to the State Game Land. OGM staff has negotiated the proposed terms of the agreement with EQT in an effort to prudently develop the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No. 245.

The terms of the Agreement are a five-year paid-up Non-Surface Use Oil and Gas Agreement, a \$3,000 per net oil and gas acre bonus payment and 20% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment of approximately \$917,100 may be deposited either into the Game Fund or into an interest bearing escrow account to be used for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties owed the Commission shall be directly 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 Non Surface Use Oil and Gas Cooperative Agreement.

Action:



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 Non-Surface Use Agreement Area
305.7 +/- Acres

 State Game Land No. 245



0 1,000 2,000 Feet

OGM 2
State Game Land No. 245
Restricted Surface Use
Oil & Gas Cooperative Agreement
EQT Production
Tract 245A-16
305.7 +/- Surface Acres
 East Finley Twp., Washington County
 Southwest Region

E. Bituminous Surface Coal Mining Agreement

Tract 153A-16, West Wheatfield Township, Indiana County

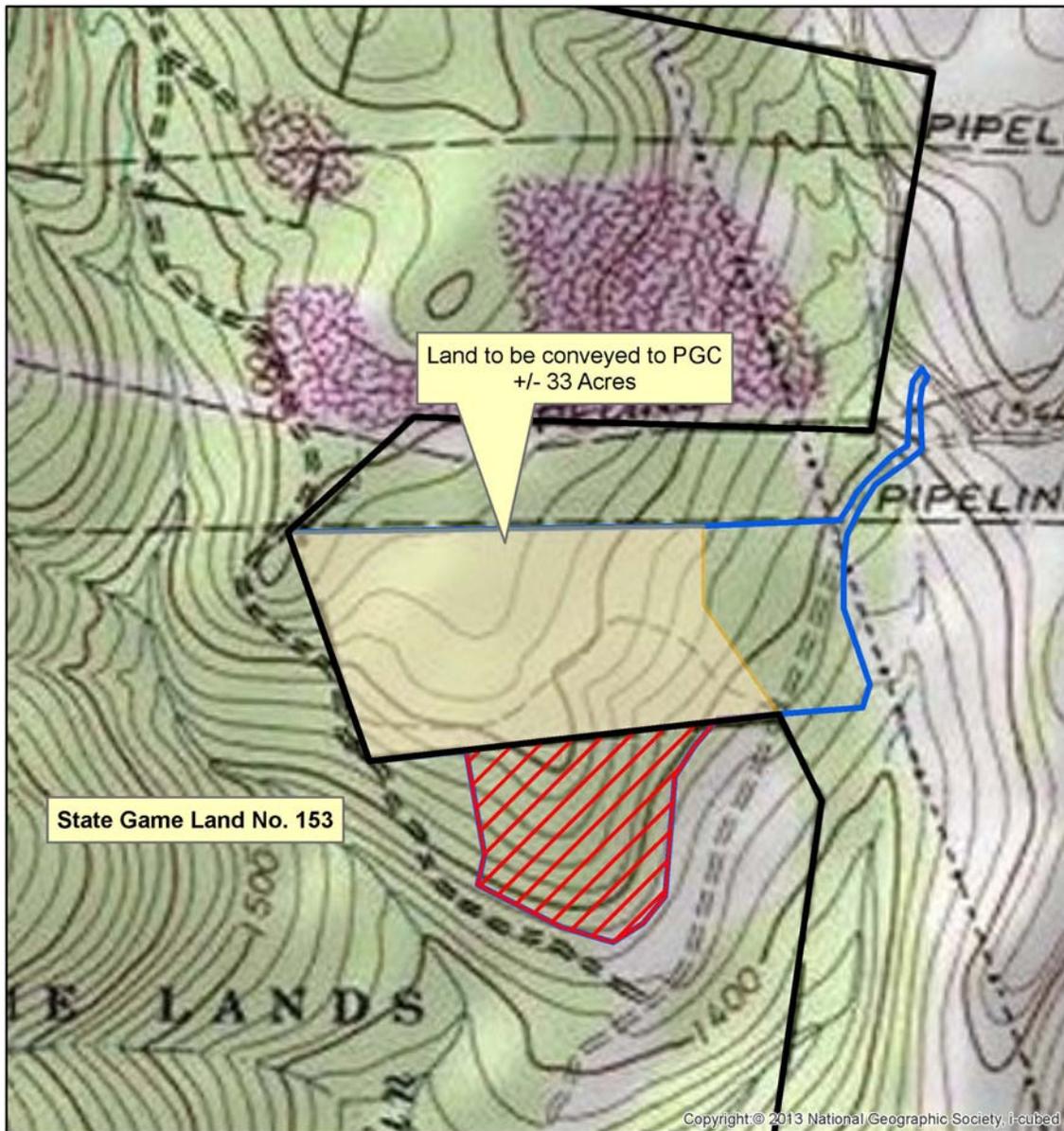
Commentary: Amerikohl Mining, Inc. of Butler Pennsylvania has requested an Agreement to mine and remove approximately 15 acres of Lower Kittanning coal beneath a portion of State Game Land No. 153 located in West Wheatfield Township, Indiana County (Exhibit OGM 3). The Game Commission owns the surface and surface support rights but does not own the coal. Amerikohl has secured a lease with the coal owner.

The terms are a five-year agreement, a royalty rate of 6% of the F.O.B. pit price for all coal mined and sold from the premises, or \$2.50 per ton, whichever the greater.

In exchange for the Agreement, and to offset the surface impact to the State Game Land, Amerikohl shall cause to convey a minimum of 30 acres of land acceptable to the Commission. Royalties will be credited against the land value and once reached, payment of royalties will begin at the greater of the rates noted above.

All coal royalty payments will be deposited in the Game Fund. Mining will be regulated by the Commonwealth's Mining Regulations and the Commission's Standard Surface Coal Mining Agreement.

Action:



-  Surface Mining Lease Area 15 +/- Acres
-  State Game Land No. 153
-  Proposed Barrett II Mine Permit Boundary
-  Land Conveyance 33 +/- Acres



Exhibit OGM 3
State Game Land No. 153
Bituminous Coal Surface
Mining Lease Agreement
Amerikohl Mining, Inc.
Tract 153A-16
15 +/- Acres
 West Wheatfield Township
 Indiana County
 Southwest Region

Other New Business

Proposed Commission Meeting Dates:

April 04 and 05, 2016
July 11 and 12, 2016
Sept. 19 and 20, 2016

Election of Officers

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

Adjournment

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