

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
July 19, 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, July 19, 2016, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

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

Approval of Minutes of Commission Meeting held April 5, 2016.

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

A. Amend 58 Pa. Code § 133.5.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), proposed at its April 5, 2016, meeting to amend § 133.5 (relating to furbearers) to reclassify porcupines as furbearers and also permit porcupines to be hunted with a hunting license or hunted and trapped with a furtakers license.

Action:

DRAFT

EXHIBIT “A”

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter A. GENERAL

§ 133.5. Furbearers

The following species of wildlife are reclassified as furbearers:

(1) Coyote (*Canis latrans*). For the purpose of licensing, coyotes may be hunted with a hunting license or hunted and trapped with a furtakers license as described in section 2705 of the act (relating to classes of licenses).

(2) Porcupine (*Erethizon dorsatum*). For the purpose of licensing, porcupines may be hunted with a hunting license or hunted and trapped with a furtakers license as described in section 2705 of the act.

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Amend 58 Pa. Code § 135.41.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), proposed at its April 5, 2016, meeting to amend § 135.41 (relating to state game lands) to prohibit the operation of drones on lands and waters designated as State game lands.

Action:

DRAFT

ANNEX "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:

* * * * *

(23) Operate an unmanned aerial vehicle of any size, design or specification for any purpose whatsoever over lands or waters designated as State game lands.

B. Amend 58 Pa. Code § 147.322.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), proposed at its April 5, 2016, meeting to amend § 147.322 (relating to application for deer control permit) to provide greater emphasis on the importance on the use of public hunting as a prerequisite consideration in the deer control permit application and approval process.

Action:

DRAFT

EXHIBIT "A"

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

POLITICAL SUBDIVISIONS

§ 147.322. Application for deer control permit.

(a) An application for a deer control permit shall be completed and submitted by an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization in the form and manner required by the Director.

(b) An application for a deer control permit must contain the following information:

(1) *Description.* A comprehensive description of the background and scope of the white-tailed deer population or damage problem, or both. The description must include a report of all alternative solutions or other steps taken by the applicant to mitigate the white-tailed deer population or damage problem, or both, prior to application for this permit and must specifically define how licensed public hunting for white-tailed deer has been utilized in the problem area and what results such hunting activities have had on the population or damage problem, or both.

(2) *Deer management plan.* A comprehensive deer management plan which sets forth the applicant's white-tailed deer management goals, recommended implementation plan and a reference to the specific number of animals sought to be removed. The applicant shall specifically define how licensed public hunting for white-tailed deer will be utilized in the problem area during the term of the requested deer control permit.

(3) *Map.*

(i) A map or set of maps showing the proposed project area and its boundaries and clearly illustrating all of the following distinct features and areas within the proposed project area.

- (A) Land uses.
- (B) Cover types.
- (C) Areas open to public hunting for white-tailed deer.
- (D) Areas damaged by white-tailed deer.
- (E) Areas of white-tailed deer congregation.

(F) Applicable safety zones.

(G) Proposed white-tailed deer control areas.

(ii) The map must indicate the individual acreage values for each of the listed features and acres.

(c) Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized or waived by the Director. Private land within the proposed boundaries may be closed to public hunting at the landowner's discretion. However, if closed, deer control activities may not occur thereon.

DRAFT

C. Amend 58 Pa. Code § 135.103.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), proposed at its April 5, 2016, meeting to amend § 135.103 (relating to registration for controlled goose hunting areas) to permit the Director to designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities-only day.

Action:

DRAFT

EXHIBIT "A"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

* * * * *

(4) Selections of mailed application forms will be made by random drawing from all eligible applications submitted. The Director will establish, no later than 20 days prior to the drawing, the number of applications to be drawn.

* * * * *

(iv) *Youth-only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a youth-only day. Adults who accompany a junior hunter on this day may participate in the hunt by calling only. Applications received from junior hunters will be separated and drawn prior to the other applications on the established drawing date for the management area. Unsuccessful applicants for the youth shooting day will then be placed with all other applications and the drawing will proceed until all shooting days are filled.

(v) *Veterans with disabilities only-day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities-only day. Only persons who possess a resident disabled veteran license or a reduced fee resident disabled veteran license are eligible to apply. Successful applicants may be accompanied by up to three properly licensed guests of any general or base hunting license classification. Applications received from veterans with disabilities will be separated and drawn prior to all other applications on the established drawing date for each wildlife management area.

(5) A reservation is not transferable. The person whose name appears on the reservation shall present the reservation in person at the wildlife management area registration center designated. A reservation shall entitle the applicant to bring not more than three guests with him. Guests shall be present and register.

PROPOSED RULE MAKING

D. Amend 58 Pa. Code § 135.181.

Commentary: State game land range users, Commission staff and other interested parties have identified a number of areas in need of improvement in the Commission's shooting range use regulations. The Commission is proposing to amend § 135.181 to address the following substantive and housekeeping concerns: 1) Expand the 8 a.m. to sunset operational hours on Sundays preceding regular firearms deer and bear seasons to also include Sundays occurring throughout the duration of these seasons to improve hunter access to its ranges when they are most needed; 2) Prohibit range users from intentionally shooting at or damaging the target frames or stands in an effort to reduce waste and improve operational availability of ranges; 3) Provide clarity that fully-automatic firearms, not to include semi-automatic firearms, are prohibited at Commission ranges; 4) Provide greater clarity on the applicability of the three or six round ammunition limitations by more clearly linking these limitations to the applicable range designation; 5) Prohibit range users from possessing, loading or discharging a firearm in negligent disregard for the safety of other persons present at or nearby the range to improve range safety; 6) Provide a license to carry a firearm exception to limit the applicability of restrictions against possessing a loaded firearm from applying to loaded firearms carried pursuant to a valid license to carry a firearm, but only when the firearm is safely stowed or holstered on or about one's person or effects; and 7) Provide greater clarity in the regulations concerning range reservation, range closure and general range usage violations.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter J. SHOOTING RANGES

§ 135.181. Rifle and handgun ranges.

(a) General provisions. In addition to § 135.2 (relating to unlawful actions) and except as provided in § 135.182 (relating to Ranges, State Game Lands No. 176), the following pertain to lands under Commission ownership, lease or jurisdiction, designated as rifle or handgun ranges:

(1) Rifle and handgun ranges are open from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset Sundays, unless otherwise posted; except the Sunday immediately preceding and any Sundays throughout the duration of the regular [~~antlered and antlerless~~] firearms deer [~~seasons~~] season and the regular firearms bear season, when the hours are 8 a.m. to sunset.

(2) A range may be reserved for exclusive use by an organized group

from January 1 through October 1. ~~[An organized group desiring to reserve the range shall make necessary arrangements]~~ Application for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range ~~[when in use on days when it is]~~ during any period reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range backboards when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. An individual using Commission owned ranges does so at his own risk and assumes all responsibility for injuries to a person or property caused by or to him.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or designee may close a range by posting signs to that effect. An individual or organized group may not use the range during any period when it is posted as closed.

(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:

(1) Possess a loaded firearm, except at an established shooting station on the firing line.

(2) Discharge a firearm, except from an established shooting station on the firing line at a paper target placed on a permanent target backboard. Users are prohibited from intentionally shooting at or damaging the frames or stands constructed by the Commission to mount permanent target backboards.

(3) Discharge armor piercing, incendiary, explosive, tracer or multiple projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) ~~[Possess an automatic weapon]~~ Use or possess a fully-automatic firearm.

(6) Possess, load or discharge a firearm that contains more than ~~[three]~~ the maximum number of rounds of single projectile ammunition[, except as provided] that is authorized for the applicable range designation set forth in subsection (c).

(7) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(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.

(9) Possess, load or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This is specifically intended to include loading or discharging a firearm or possessing a loaded firearm anywhere on the firing range while another person is downrange.

(10) Use a Commission range in violation of any other requirement of this section or posted signage.

(c) ~~[Exceptions for a handgun range. At a Commission range specifically designated as a handgun range, it is permitted for an individual to load and discharge a handgun containing a maximum of six rounds of single projectile ammunition at any one time. Other rules and regulations pertaining to shooting ranges under Commission ownership, lease or jurisdiction shall be in effect.]~~ Range designation. The default designation for all Commission ranges, regardless of length or size, is as a rifle range with a three round loading limit. The Commission may designate any range, with appropriate signage, as a handgun only range with a six round loading limit.

(d) License to carry a firearm exception. The restrictions against possessing a loaded firearm set forth in subsections (b)(1) and (b)(9) shall not be construed to apply to a loaded firearm carried pursuant to a valid license to carry a firearm issued under 18 Pa.C.S. § 6109 (relating to licenses), but only when the firearm is safely stowed or holstered on or about one's person or effects.

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. L-3698, State Game Land Nos. 54 and 195, Jefferson County

Commentary: Henry Deible is offering a donation of fractional interest in clay, coal, and other minerals on 1,943.94+/- acres of land in Snyder, Gaskill and Henderson Townships, Jefferson County, located under portions of State Game Land Nos. 54 and 195. The offer includes the following: (1) A one-third interest in coal and other minerals on 27+/- acres referenced by Jefferson County Tax Map 209, Parcel No. 123 located in Snyder Township, Jefferson County under a portion of State Game Land No. 54 (Exhibit RED 1); (2) A one-third of one-half interest in coal and other hard minerals on 136.49+/- acres referenced by Jefferson County Tax Map 529, Parcel No. 105C located in Henderson and Gaskill Townships, Jefferson County under a portion of State Game Land No. 195 (Exhibit RED 2); and (3) A one-third interest in clay and other hard minerals, except coal, on 1,780.45+/- acres referenced by Jefferson County Tax Map 529, Parcel Nos. 105A, 105B, 105C, 105D and 105E; Jefferson County Tax Map 549, Parcel Nos. 105F, 105G, 105H and 105I; and Jefferson County Tax Map 569, Parcel Nos. 105J and 105K located in Henderson and Gaskill Townships, Jefferson County under a portion of State Game Land No. 195 (Exhibit RED 2). Acquiring these fractional interests in mineral rights will provide more control of the surface on these portions of State Game Land Nos. 54 and 195.

Action:

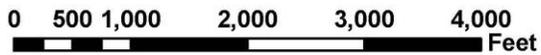
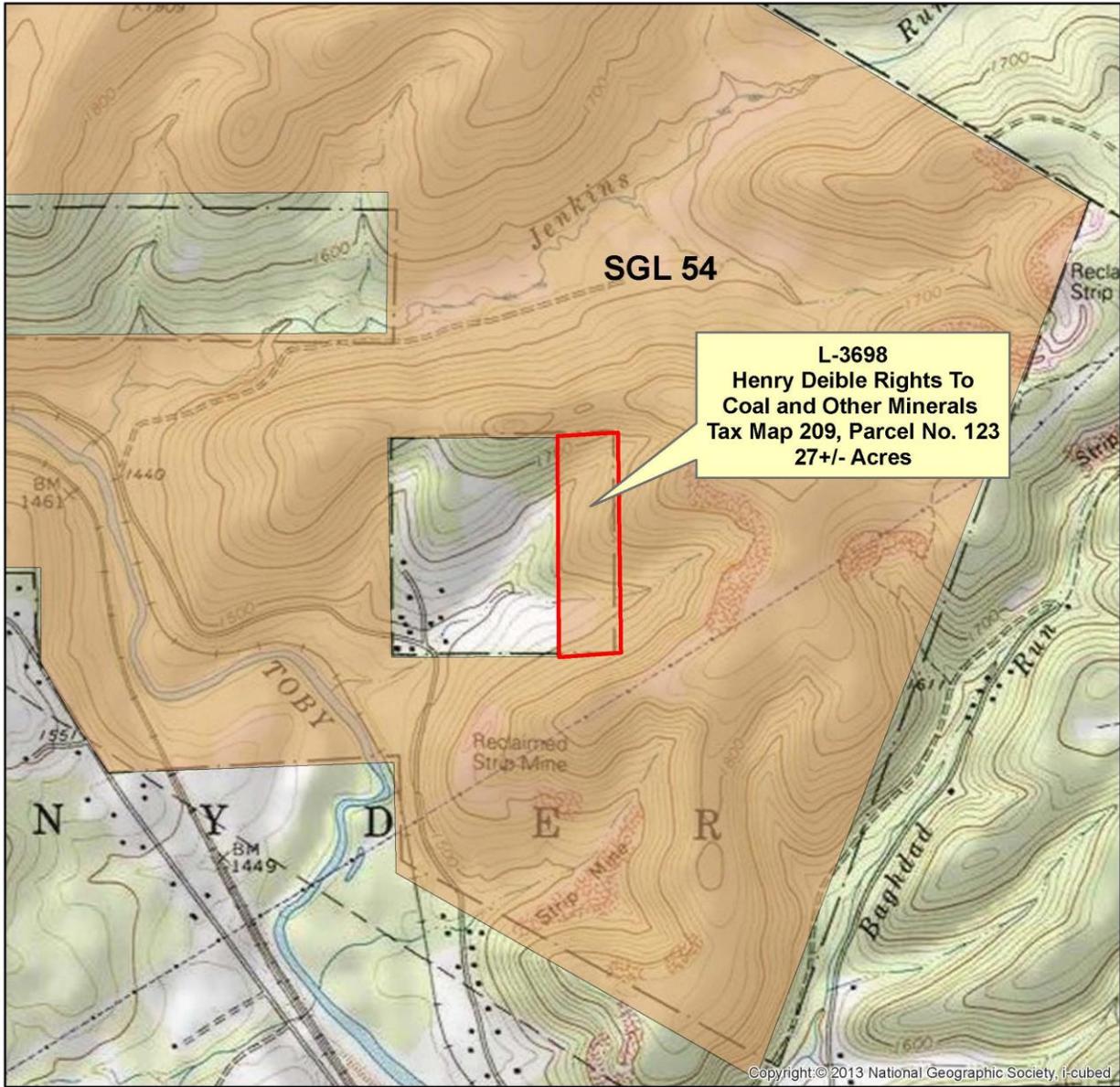
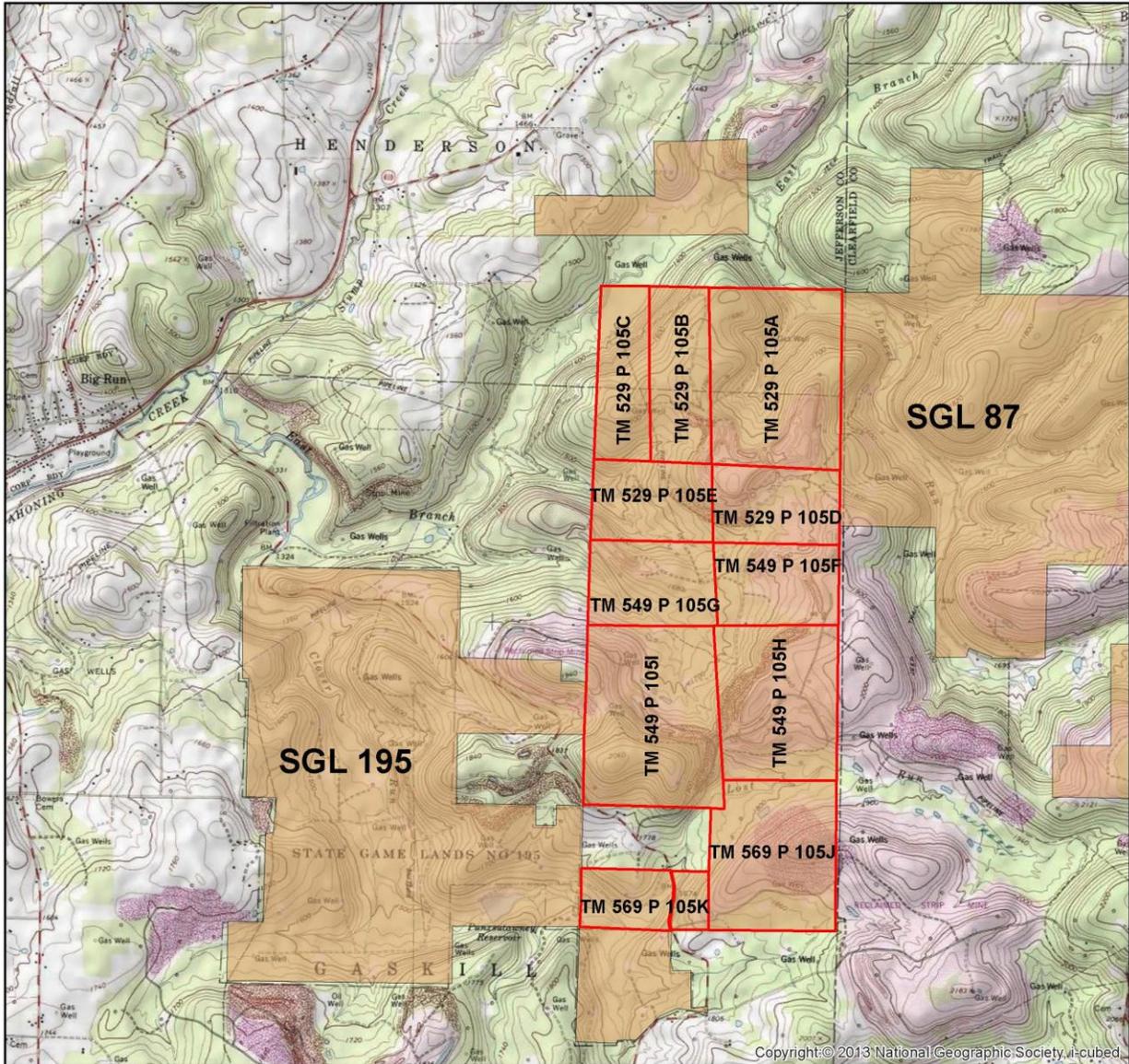


Exhibit RED 1
State Game Land No. 54

L-3698
Henry Deible Rights To
Coal and Other Minerals
Tax Map 209, Parcel No. 123
27+/- Acres

Snyder Township
Jefferson County
Northwest Region



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Exhibit RED 2

State Game Land No. 195

L-3698

Henry Deible Rights To

Clay and Other Hard Minerals, Except Coal, 1,780.45+/- Acres
In Addition

Coal and Other Hard Minerals, 136.49+/- Acres

Tax Map 529, Parcel No. 105C



Henderson & Gaskill Townships
Jefferson County
Northwest Region

Contract No. L-3699, State Game Land No. 33, Centre County

Commentary:

Woodduck Chapter Trout Unlimited is offering a donation of 171.3+/- acres of land in Rush Township, Centre County, adjoining State Game Land No. 33 (Exhibit RED 3). The property is mostly forested with mixed oaks, aspen, maple, birch, and cherry. Mountain laurel, rhododendron, witch-hazel and greenbrier are in the understory. Located on approximately 30 acres are seven impoundments one acre or less which are part of an acid mine discharge passive treatment system for a tributary to Cold Stream. Cold Stream is a stocked trout stream running through the western side of the property. A five-acre shrub land/reverting old field from a reclaimed surface mine is found on the northeast edge. A 70-foot wide easement for ingress, egress, construction of a roadway, running of all types of utilities, utility lines, pipelines, telephone and communication lines bisects the northern corner of the property. Access is from Dike Road (T-324) east of State Route 322.

Action:

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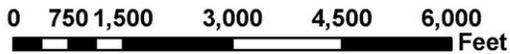
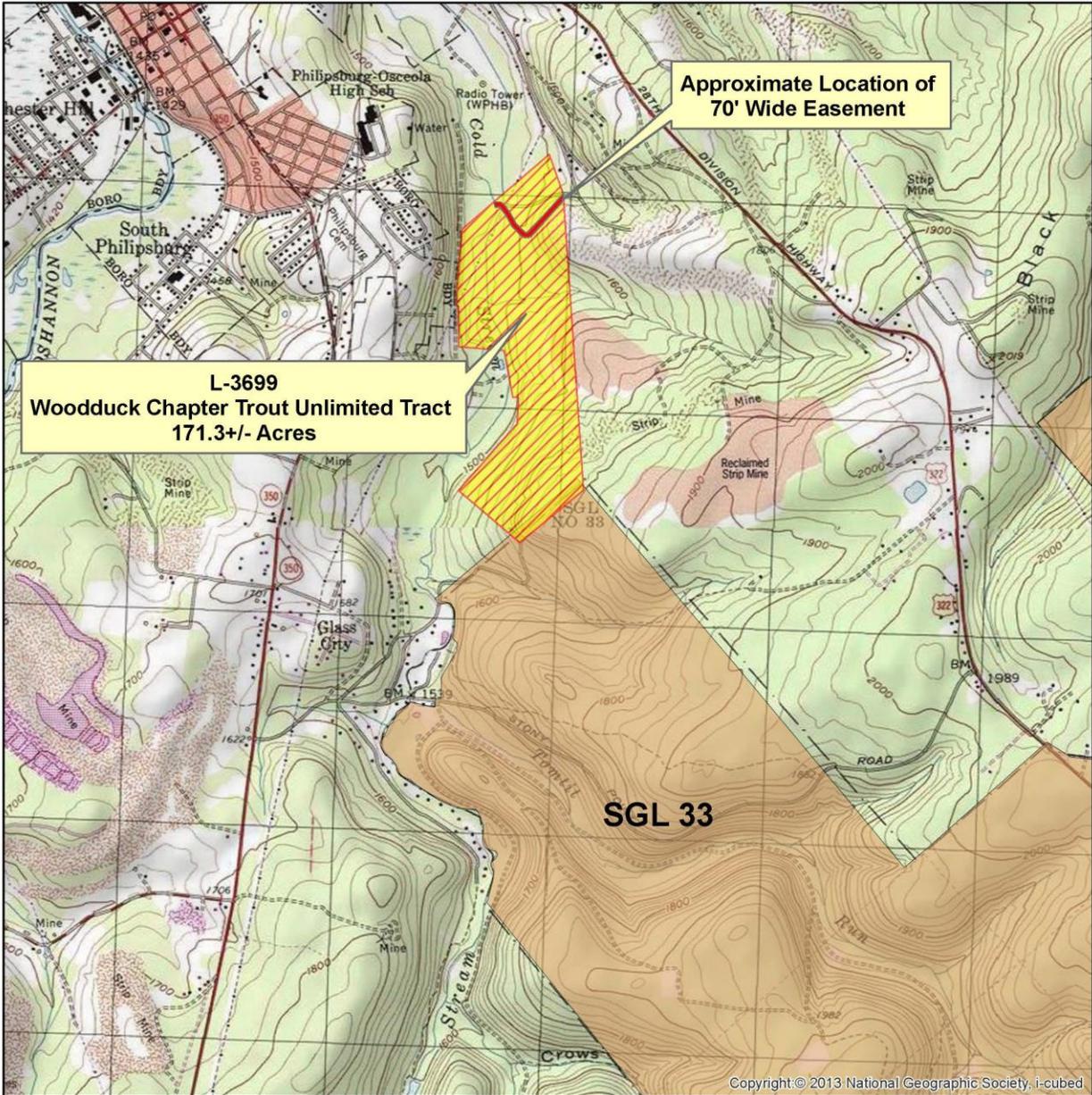


Exhibit RED 3
State Game Land No. 33

L-3699
Woodduck Chapter Trout Unlimited Tract
171.3+/- Acres
with a 70' Wide Easement

Rush Township
Centre County
Northcentral Region

Contract No. L-3700, State Game Land No. 57, Wyoming County

Commentary:

Camp Earl, Incorporated is offering to donate a right-of-way through their property for access into State Game Land No. 57 (Exhibit RED 4). Camp Earl owns property in Forkston Township, Wyoming County, which is surrounded by State Game Land No. 57 on three sides. Camp Earl is willing to convey a 50-foot wide right-of-way approximately 1,590 feet in length along their northwestern boundary line. Camp Earl has reserved the right to use the right-of-way provided such use does not impair access to State Game Land No. 57. Access to the right-of-way will be from Windy Valley Road (S.R. 3001) and will provide access into a portion of State Game No. 57 which currently has limited access.

Action:

DRAFT

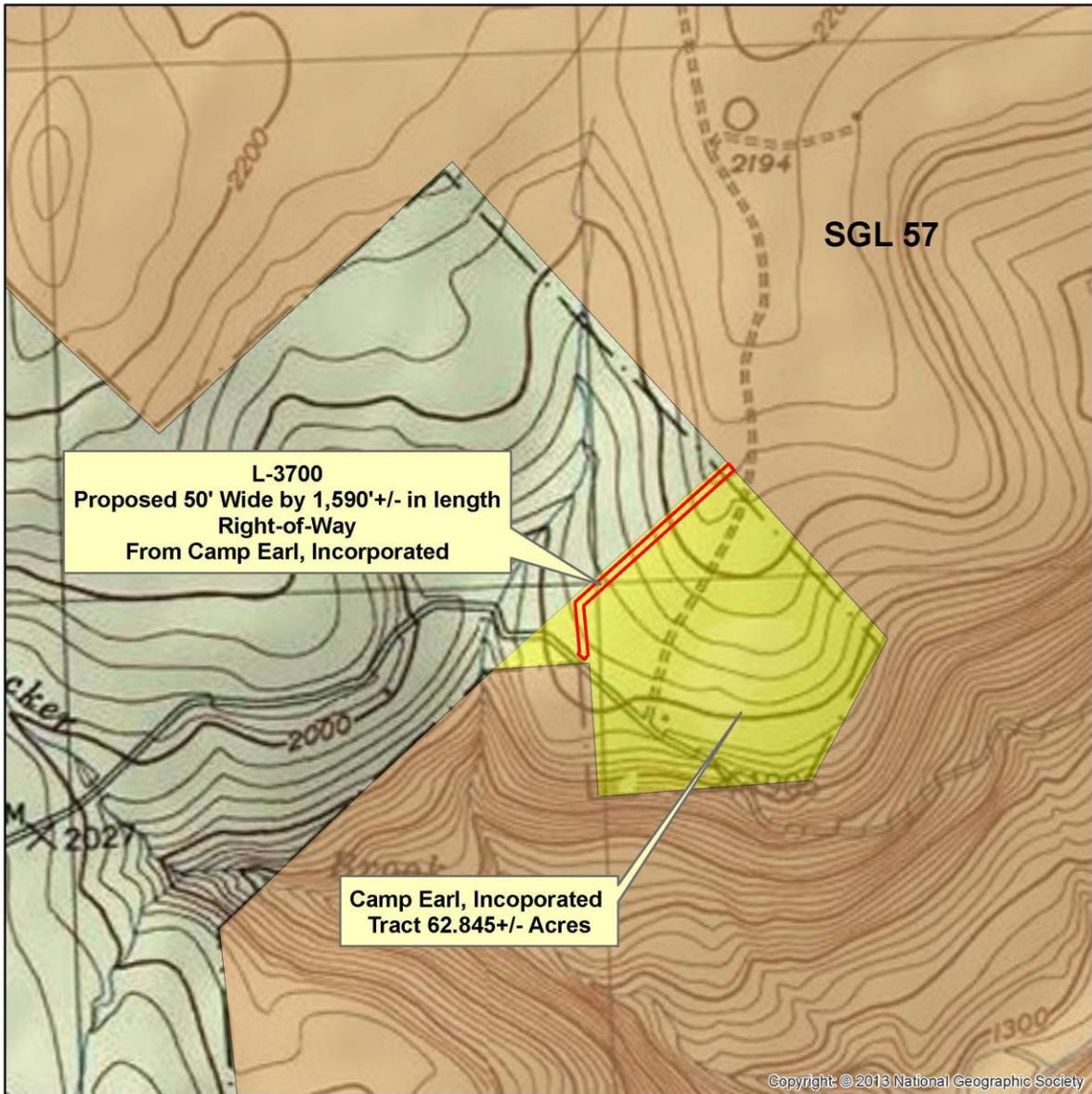


Exhibit RED 4

State Game Land No. 57
L-3700
Proposed 50' Wide by 1,590'+/- in length
Right-of-Way
From Camp Earl, Incorporated
 Forkston Township
 Wyoming County
 Northeast Region

B. Exchange

Contract No. L-3701, State Game Land Nos. 168 and 300, Monroe and Lackawanna Counties

Commentary: Transcontinental Gas Pipe Line Company, LLC (TRANSCO) is offering 117+/- acres of land in Eldred Township, Monroe County, adjacent to State Game Land No. 168 (Exhibit RED 5) and 120+/- acres of land in Jefferson Township, Lackawanna County, adjacent to State Game Land No. 300 (Exhibit RED 6). Both parcels of land are in exchange for a license for right-of-way (License) that TRANSCO requested in order to construct, operate, maintain and remove a new 42-inch natural gas pipeline across a portion of State Game Land No. 211 in Union Township, Lebanon County. TRANSCO has agreed to cause to convey these parcels, totaling 237+/- acres, to the Commission in addition to paying the Commission's standard habitat, surface and timber damages, as well as paying the Commission's standard annual license fee so long as the License remains active.

The License will authorize 1,320 linear feet of 42-inch natural gas pipeline within a new 50-foot wide right-of-way, occupying 1.52 acres of State Game Land No. 211 immediately adjacent to our southern boundary (Exhibit RED 7). TRANSCO will use and reclaim an additional 1.32 acres of game lands outside of this right-of-way during construction and reclamation. The pipeline crosses the Appalachian Trail (AT) on State game lands, and TRANSCO will be installing that crossing via a conventional bore, thereby avoiding any surface impacts for a minimum of 107 feet on either side of the AT. As a result, 0.25 acre of the 1.52 acres of the licensed right-of-way will not sustain any surface impacts whatsoever. In addition, TRANSCO will implement an extensive reclamation plan within 1.80 acres of the temporary workspace and portions of the right-of-way to include a variety of tree and shrub plantings.

The Monroe County parcel offered by TRANSCO is located in the Aquashicola Creek watershed, and contains the headwaters of an unnamed tributary thereto. The habitat is primarily mature forest with stands of white pine, hemlock, Norway spruce, hickory, red oak, poplar, black gum and black birch. The understory is comprised of witch-hazel, dogwood and black haw. Access is available by way of Camp Wind Gap Drive south of Upper Smith Gap Road (S.R. 3002). The Lackawanna County parcel is located in the Lackawanna River watershed, and contains the headwaters of White Oak and Laurel Runs. The habitat is primarily a mature oak-maple forest along with some limited scrub oak, and the understory is comprised of bracken fern and sassafras. Access to the property is limited to existing State game lands roads from the east off of Archibald Mountain Road (S.R. 1012). Both properties will serve to reduce the acreage of indentures into these State game lands.

Action:

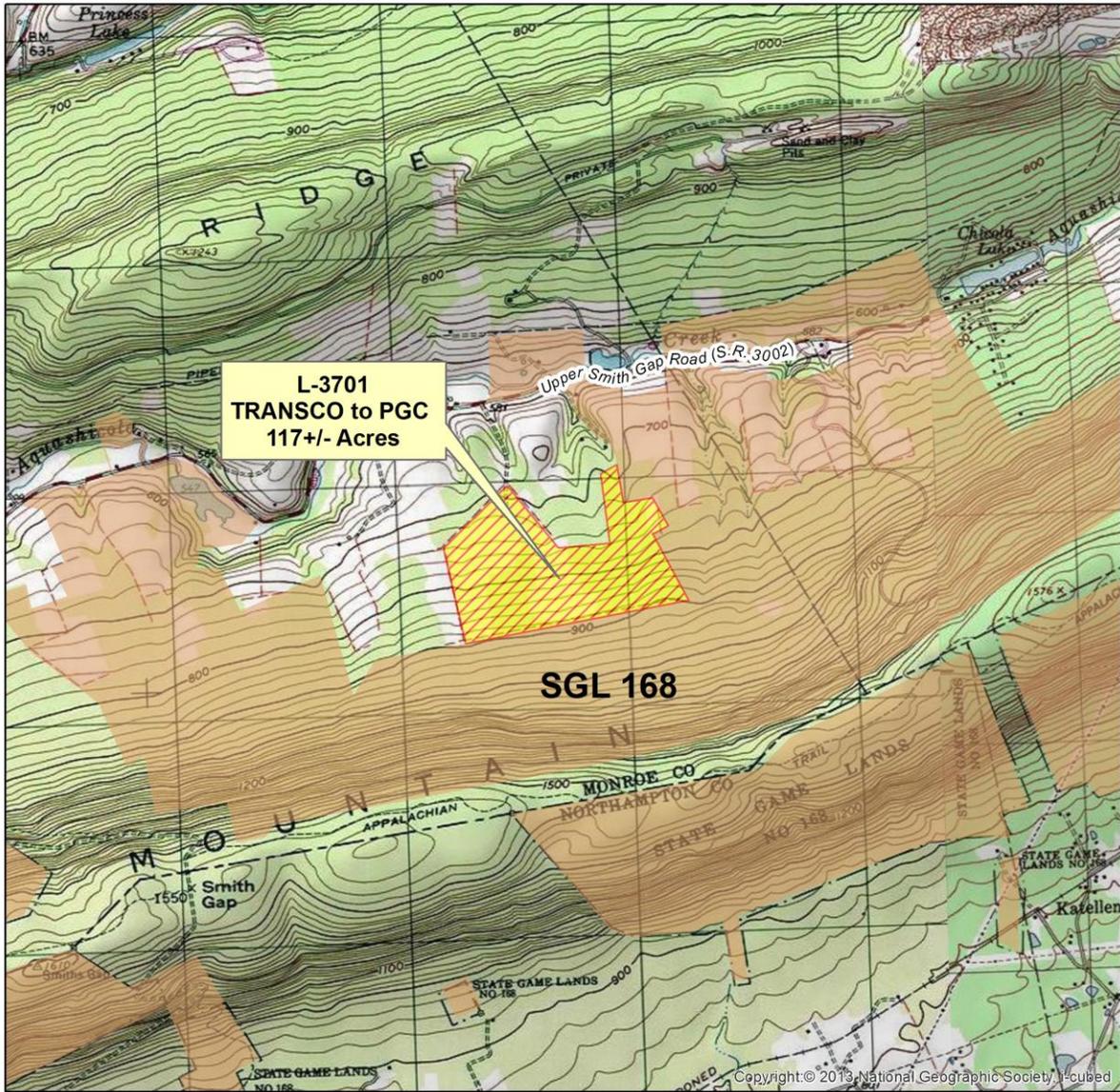
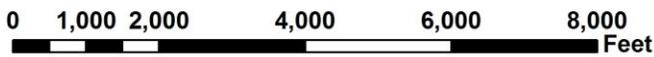


Exhibit RED 5

State Game Land No. 168



**L-3701
Transcontinental Gas Pipe Line Company, LLC (TRANSCO)
to PGC
117+/- Acres**



**Eldred Township
Monroe County
Southeast Region**

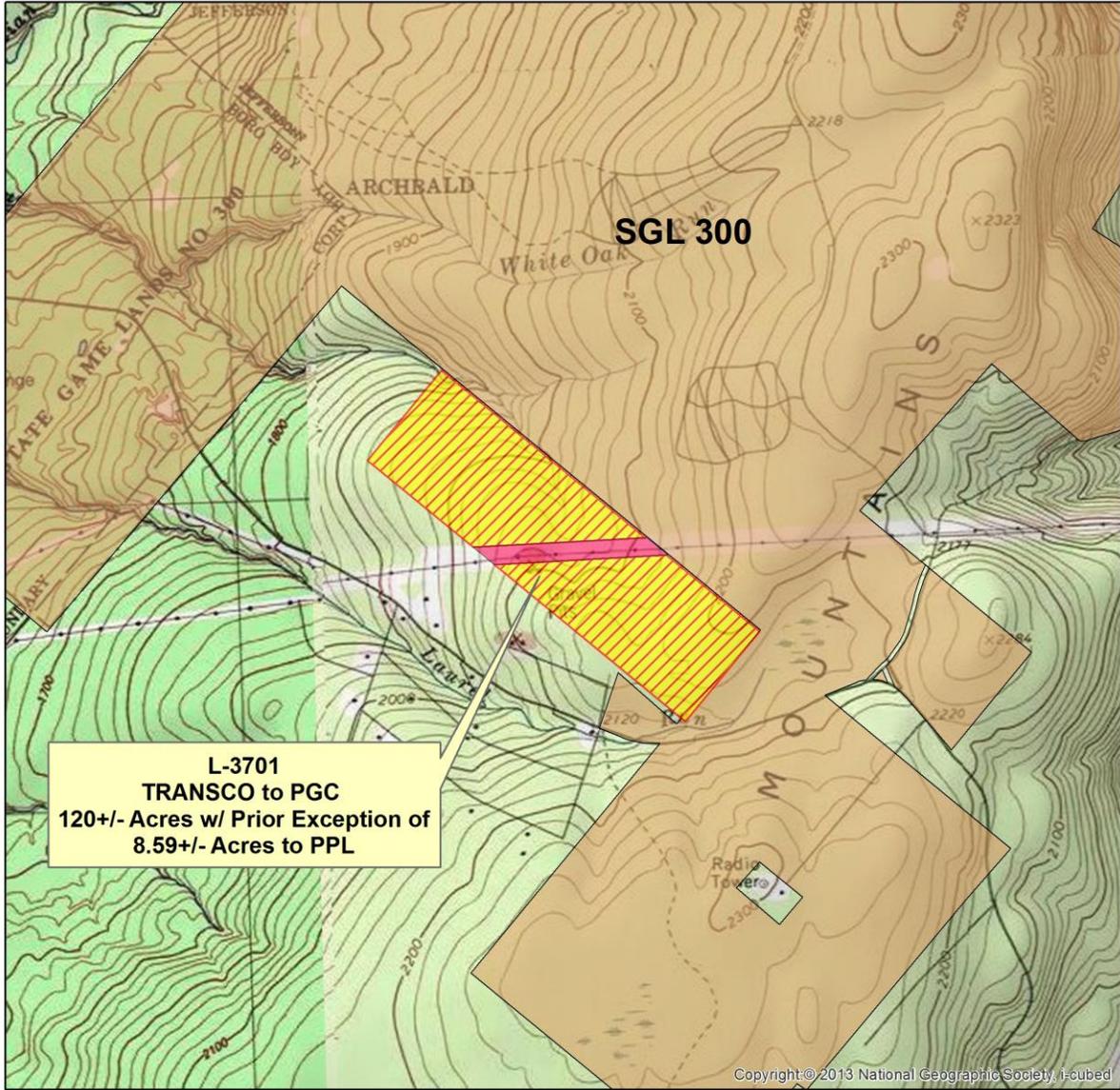
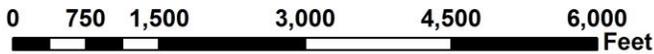


Exhibit RED 6

State Game Land No. 300



**L-3701
Transcontinental Gas Pipe Line Company, LLC (TRANSCO)
to PGC
120+/- Acres**



**Jefferson Township
Lackawanna County
Northeast Region**

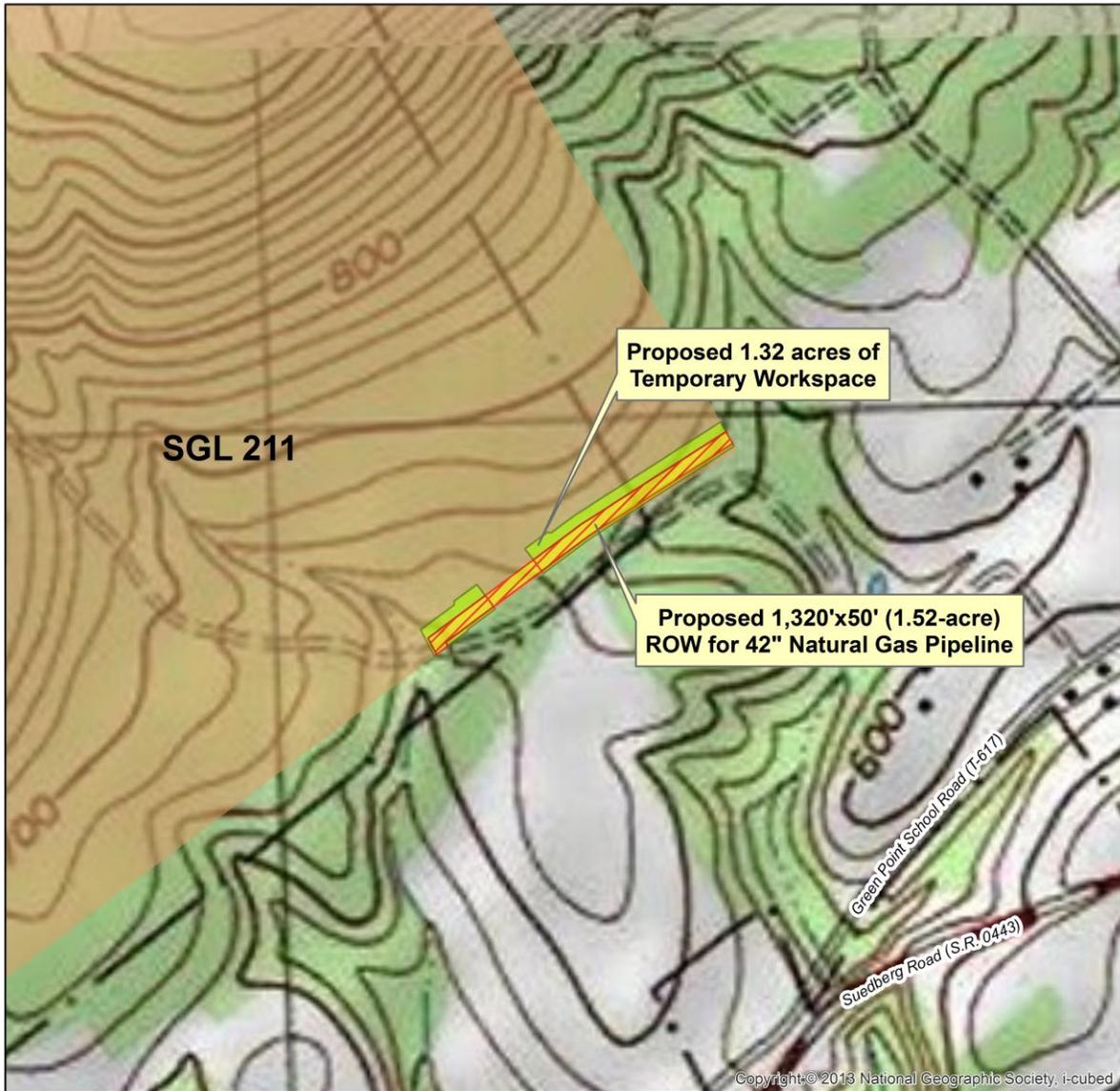


Exhibit RED 7

State Game Land No. 211



L-3701
Transcontinental Gas Pipe Line Company, LLC (TRANSCO)
ROW License/Land Exchange



Union Township
 Lebanon County
 Southeast Region

C. Legal Settlement

Barkman Settlement Agreement

Contract No. L-3702, State Game Land No. 97, Bedford County

Commentary: The Estate of Rae F. Barkman is offering 103.98+/- acres of land for sale in Monroe Township, Bedford County, adjacent to State Game Land No. 97 (Exhibit RED 8). The proposed sale is part of a negotiated settlement agreement intended to resolve a long-standing legal dispute concerning the Commission and public's use of an access road that crosses a portion of the Barkman Tract and provides valuable access to a remote section of State Game Land No. 97. The Barkman Estate has offered to convey this 103.98+/- acre tract of forested land to the Commission for \$235,000. The Estate will be responsible for the 2016 real estate taxes (no proration) and all transfer taxes associated with the conveyance.

The habitat is primarily mature forest with stands of dry-oak heath and northern hardwoods. The understory is comprised of blueberry and oak seedlings, flowering dogwood, serviceberry, hornbeam, spice bush, and which-hazel. Access to the property is provided by Frankies Road (T-351) and an existing all-year PGC access road (WestVaco Access Rd.). Two retired skid roads provide additional access within the property interior. Acquisition of this tract will aid in the reduction of indentures into State Game Land No. 97 and will guarantee long-term and reliable public and administrative access to this remote section of State Game Land No. 97.

Action:

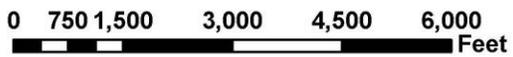
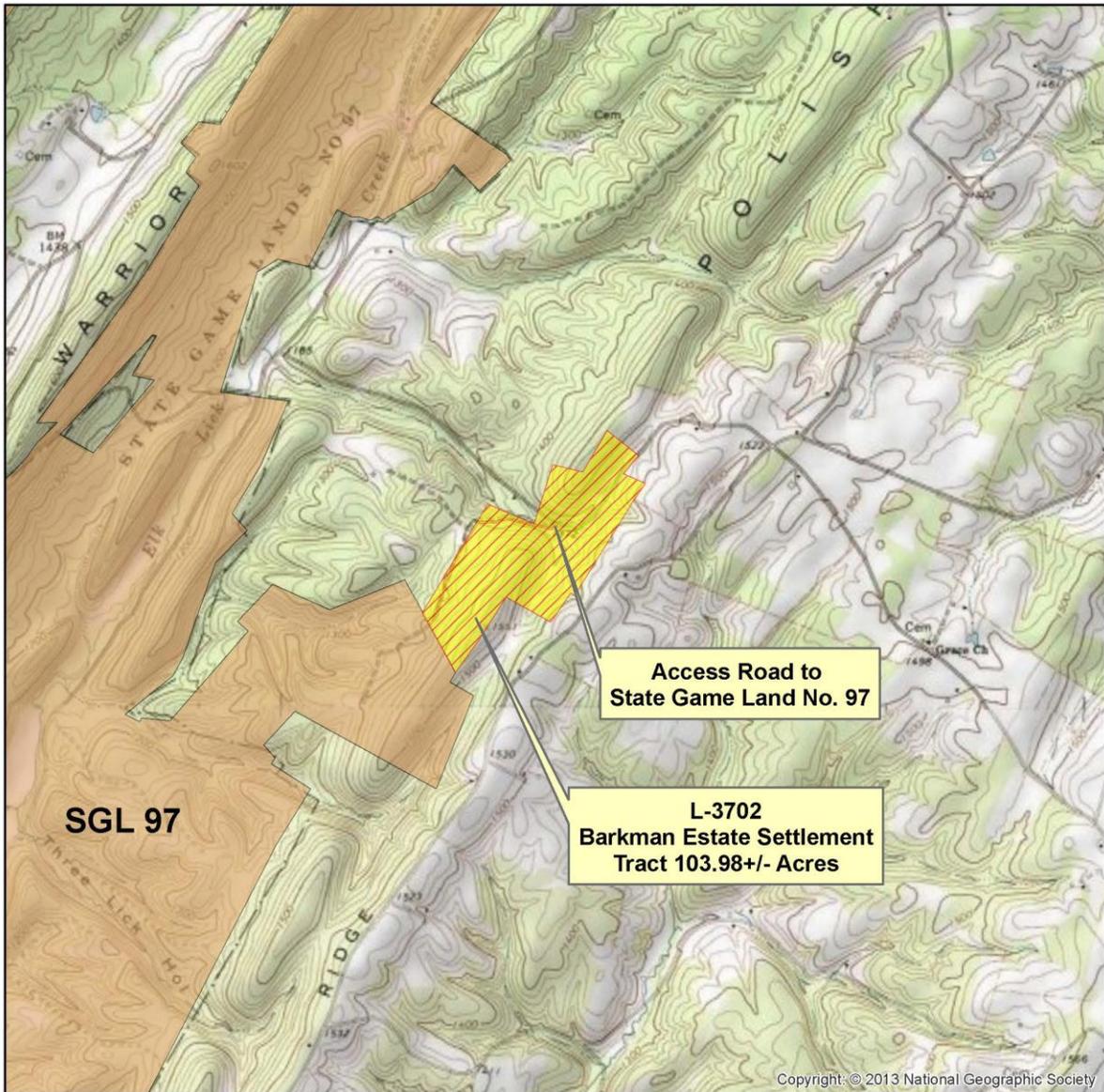


Exhibit RED 8
State Game Land No. 97

L-3702
Barkman Estate Settlement
Tract 103.98+/- Acres
With Access Road to
State Game Land No. 97

Monroe Township
Bedford County
Southcentral Region

OIL/GAS & MINERALS

D. Bituminous Surface Coal Mining Agreement

Loyalhanna Coal Reserve, Somerset County

Commentary:

Mountaineer Mining Corporation (Mountaineer) of Berlin, Pennsylvania has requested an agreement to mine and remove an estimated 6,000-8,000 combined tons of Upper and Lower Kittanning coal from an approximately 2.2 acre Commission owned coal reserve. The operation will occur on private lands and will not impact any Game Commission surface lands. The proposed coal mining operation is located in Shade Township, Somerset County (Exhibit OGM 1).

The terms are a five-year agreement, an initial advanced royalty payment of \$10,000, and 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 is greater.

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



-  State Game Land Boundary
 -  Limit of Disturbance 6.5 +/- Acres
 -  Surface Mining Lease Area 2.2 +/- Acres
- Note: PGC coal ownership only - surface is not owned by PGC

OGM 1
Surface Coal Mining Agreement
Mountaineer Mining Corporation
Loyalhanna Coal Reserve
Ferko Property
2.2 +/- Acres
 Shade Township, Somerset County
 Southwest Region



OTHER NEW BUSINESS

Next Working Group Meeting - ??

The September Commission Meeting will be held on September 19-20, 2016 at Harrisburg Headquarters

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

Adjournment

DRAFT