

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
September 19, 2016**

R. Matthew Hough

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Executive Director

Table of Contents

Call to Order1

Pledge of Allegiance1

Roll Call of Commissioners.....1

Public Comments1

Staff Reports1

Approval of Minutes of Meeting held July 19, 2016.....1

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

 A. Amend 58 Pa. Code § 133.21.2

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

 A. Amend 58 Pa. Code § 135.181 3-5

PROPOSED RULE MAKING

 B. Amend 58 Pa. Code § 133.21.6

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

 A. Acquisition

 Contract No. L-3703, State Game Land No. 323, Centre County 7-8

Other New Business.....9

Executive Session, if necessary, will be held immediately following the close of the
Commission Meeting9

Adjournment9

Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, September 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

Public Comments

Staff Reports

Approval of Minutes of Commission Meeting held July 19, 2016.

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 133.21.

Commentary:

In accordance with the goals and objectives stated in the Management Plan for Osprey in Pennsylvania, 2015-2025 (hereafter, Plan), the osprey (*Pandion haliaetus*) has achieved a population level, geographical distribution, and tolerance of human activity that no longer meets the definition of a threatened species. As of the 2016 nesting season, osprey populations have met the objectives outlined: at least 50 total nesting pairs with a steady or increasing population including at least 10 nesting pairs in each of 4 watersheds for the second consecutive comprehensive survey. Delisting of the osprey can be accomplished by amending Pa Code § 133.21 as outlined below. Upon delisting, ospreys will continue to be a protected species under state statutes and will continue to be afforded protection under the Migratory Bird Treaty Act. Pennsylvania Game Commission staff will continue to implement the Plan and monitor osprey nests to ensure that this species does not regress toward endangerment.

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

* * * * *

(2) Threatened.

(i) [Osprey (*Pandion haliaetus*)

(ii)] Northern Harrier (*Circus cyaneus*)

(iii)] (ii) Long-eared Owl (*Asio otus*)

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Amend 58 Pa. Code § 135.181.

Commentary:

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), proposed at its July 19, 2016, meeting to amend § 135.181 (relating to rifle and handgun ranges) 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.

Action:

EXHIBIT "A"

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 firearms deer 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. 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 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) Use or possess a fully-automatic firearm.

(6) Possess, load or discharge a firearm that contains more than the maximum number of rounds of single projectile ammunition 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) 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.

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

B. Amend 58 Pa. Code § 131.8.

Commentary:

In accordance with the goals and objectives stated in the Management Plan for Osprey in Pennsylvania, 2015-2025 (hereafter, Plan), the osprey (*Pandion haliaetus*) has achieved a population level, geographical distribution, and tolerance of human activity that no longer meets the definition of a threatened species. As a result, the Commission has proposed the removal of the osprey from the Commonwealth's threatened species list. Current replacement costs for osprey as a listed threatened species is \$5,000. Upon delisting, replacement costs for osprey will reduce to \$200. Notwithstanding its proposal to delist, the Commission has determined that the osprey necessitates further protection from unlawful takings in the form of increased replacement costs upon its effective delisting date. The Commission is proposing to amend § 131.8 to increase replacement costs for osprey 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 jurisdiction and penalties), 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 bald eagle, [Ø] golden eagle or osprey, \$2,500.

* * * * *

- (vii) Any other wildlife, \$200.

* * * * *

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisition

Contract No. L-3703, State Game Land No. 323, Centre County

Commentary:

Joshua and Vivian First are offering for sale 18 (+/-) acres in Howard Township, Centre County, which is an indenture into State Game Land No. 323 (Exhibit RED 1). The option price is \$36,000 lump sum to be paid with funds from third party commitments for compensation of habitat and recreational losses which occurred on State Game Lands from previously approved projects. This transaction is contingent upon transfer of an easement currently held by Pennsylvania Department of Conservation and Natural Resources on the property to the Pennsylvania Game Commission for no consideration. The tract is forested with mixed northern hardwoods. Access to this property is through State Game Land No. 323 and a 15-foot and a 50-foot right of way which leads to Township Route 663, also known as Old Route 220.

Action:

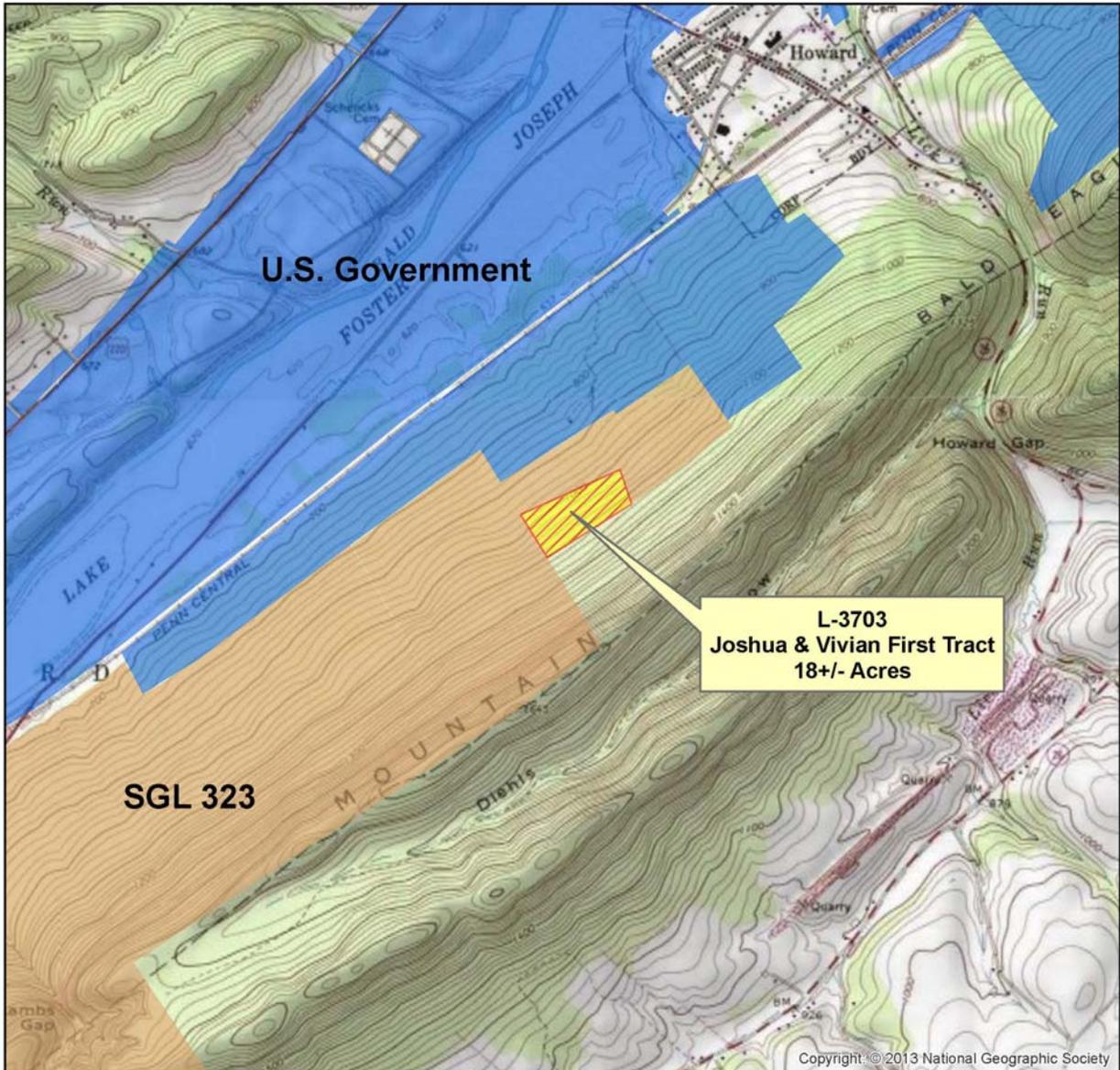


Exhibit RED 1
State Game Land No. 323

L-3703
Joshua & Vivian First Tract
18+/- Acres



Howard Township
Centre County
Northcentral Region

OTHER NEW BUSINESS

Next Working Group Meeting December 5, 2016

The January Commission Meeting will be held on January 29-31, 2017 at Harrisburg Headquarters

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

Adjournment

DRAFT