

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
January 31, 2017**

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, January 31, 2017, 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
David J. Putnam
Robert W. Schlemmer
James R. Daley

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

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED 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.

Action:

EXHIBIT "A"

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

* * * * *

(2) Threatened.

(i) Northern Harrier (*Circus cyaneus*)

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

DRAFT

PROPOSED RULE MAKING

B. Create 58 Pa. Code §§ 147.315 through 147.318.

Commentary: Pheasant hunting in Pennsylvania has relied entirely upon stocking of farm raised pheasants during the past 20-30 years subsequent to disappearance of Pennsylvania's wild pheasant population. Four pheasant farms operated by PGC have produced about 200,000 pheasants per year. This program is popular and has many values related to hunter recruitment/retention/reactivation as well as providing an upland game bird hunting opportunity at a time when wild upland game bird populations are gone or in serious decline, but it has been costing PGC about \$4.7 million per year with no fee mechanism established to sustain the program. Recent budget pressures caused by increases in personnel benefit costs and declines in revenue have forced PGC to initiate cost cutting measures including closure of two of the four pheasant farms. These closures are estimated to save \$1.7 million per year while changes in operations are being implemented to further reduce costs while minimizing adverse impacts on the bird quality and quantity. Adoption of the proposed pheasant hunting permit at cost of \$25 for adults and \$1 for junior hunters is projected to produce about \$1.5 million of new revenue. Adoption of this pheasant stamp would make the program more self-sufficient and help ensure the future of pheasant hunting within the Commonwealth.

CHAPTER 147. SPECIAL PERMITS

Subchapter Q. PHEASANT PERMIT

§ 147.315. Purpose.

The purpose of this subchapter is to define and implement the Pheasant Hunting Program within this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during any applicable pheasant hunting seasons established in section 139.4 (relating to seasons and bag limits for the license year).

§ 147.316. Application.

(a) Form and content. Applications for pheasant hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the name, address, date of birth, Commission-issued Customer Identification Number of the applicant and any other information required by the Commission.

(b) Eligibility.

(1) Junior pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident junior hunting license. The fee for a junior pheasant hunting permit is \$1, plus any applicable transactional and issuing agent fees.

(2) Adult pheasant hunting permits applications are available for submission by applicants in possession of a valid resident or nonresident adult or senior hunting license or a valid mentored adult hunting permit. The fee for an adult pheasant hunting permit is \$25, plus any applicable transactional and issuing agent fees.

§ 147.317. Permit.

(a) A pheasant hunting permit is required for any person to hunt or take pheasants by any means or manner or device, including the use of dogs, within this Commonwealth.

(b) A pheasant hunting permit must be signed and carried on person when hunting or taking pheasants within this Commonwealth.

(c) This section and subchapter shall not be construed to require a permit for individuals engaged in lawful pheasant hunting activities pursuant to a valid commercial or noncommercial regulated hunting grounds issued under section 2928 of the act (relating to regulated hunting grounds permits).

§ 147.318. Violations.

Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations). Furthermore, the Director may deny, revoke or suspend a permit for any violation of the requirements of this subchapter upon written notice to the permittee.

Action:

C. Amend 58 Pa. Code § 141.28.

Commentary:

Huntable populations of wild pheasants have been successfully established in portions of the Central Susquehanna Wild Pheasant Recovery Area (WPRAs), while other portions of the WPRAs contain very few or no pheasants. In keeping with the goals of the WPRAs program, a reduction in size of the WPRAs is being proposed which will open unsuccessful portions to general pheasant hunting and to the stocking of pen-reared pheasants. Simultaneously, as a conservative approach in re-opening the successful portions of the WPRAs to pheasant hunting, language is proposed that would enable the Executive Director to authorize permit-based, youth-only pheasant hunting opportunities in the Central Susquehanna WPRAs. Such a hunt could occur as early as 2017-18.

When WPRAs were established, restrictions on small game hunting and dog training were included to avoid potential negative impacts to reintroduced pheasant populations. Research and monitoring results for all WPRAs have demonstrated that outside the nesting season, effects of these activities on pheasants are negligible. Therefore, it is proposed that all small game hunting restrictions (except for those related to pheasants) be removed from WPRAs and that the restricted period for dog training be shortened. As the WPRAs program transitions to an operational phase, these changes will provide additional recreational opportunities for hunters and dog handlers, without jeopardizing wild pheasant populations.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§141.28. Wild pheasant recovery areas.

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

* * * * *

(2) *Central Susquehanna WPRAs.* Portions of WMU 4E in Northumberland, Montour[,] and Columbia [and Lycoming] counties, [~~from the West Branch of the Susquehanna River south to the intersection with PA Rt. 642 and the West Branch of the Susquehanna River in Milton. The southern boundary is defined by PA Rt. 642 east from Milton to Mausdale, then north on PA Rt. 642 to just south of Jerseytown, proceeding east on Eversgrove Rd. to Evers Grove at PA Rt. 42. Proceeding south on PA Rt. 42 to Mordansville, northeast of Mordansville along Robbins Rd. (Rt. 600) to Mordansville Rd. (Rt. 541), south on~~

Millertown Rd. (Rt. 4011), then continuing east to follow Mount Pleasant Rd. (Rt. 4020) and Mount Pleasant St. (PA Rt. 4034) to Orangeville at the southeast corner of the WPR. PA Rt. 487 lines the eastern boundary from Orangeville north to Maple Grove/intersection with PA Rt. 254. The northern boundary begins with PA Rt. 254 west of Maple Grove to the intersection with Winters Rd. (Rt. 459) proceeding west to the intersection with Austin Trail (PA Rt. 4039). Continuing west on Owl Rd. (Rt. 599), north and west on Reese Rd. (Rt. 578), and north and west on Trivelpiece Rd. (Rt. 576). Eagle Rd. (PA Rt. 4037) then continues northwest to the intersection with Whitehorse Rd./Whitehorse Pike (Rt. 661) heading west to just south of Sereno, and then south on PA Rt. 42 to Millville. From Millville, proceeding southwest on PA Rt. 254 to Jerseytown. Then northwest on PA Rt. 44, north on Swartz Rd., west on Shultz Rd., north on Ants Hill Rd., west on Wolf Hollow Rd., then north on Katy's Church Rd. Crossing into Lyeoming County and proceeding northwest on G Wagner Rd., west on Ridge Rd., crossing into Montour County, southwest on County Line Rd., south on Muncy Exchange Rd. (PA Rt. 1003), west on Hickory Rd. (PA Rt. 1008), west on Mingle Rd. (Rt. 433), west on Hickory Rd. (PA Rt. 1008) for the second time, and proceeding north on Gearhart Hollow Rd. (Rt. 441). Continuing west on Showers Rd. (PA Rt. 1010), crossing into Northumberland County, proceeding north and west on Pugmore Lane, north on Hockley Hill Rd. (PA Rt. 1011), west on Miller Rd. (Rt. 653), continuing southwest on Balliet Rd. (Rt. 664). Proceeding northwest and west on Schmidt Rd. (Rt. 564), continuing north on Susquehanna Trail (PA Rt. 1007), continuing west on Hughes Rd. (Rt. 655), crossing under I-180, proceeding south on Crawford Rd. (Rt. 507) to PA Rt. 54. Proceeding northwest on PA Rt. 54 to the West Branch of the Susquehanna River] bounded and described as follows: Beginning in the Southwestern extent of the WPR at the intersection of Interstate 80 and Interstate 180, proceed north on Interstate 80 for approximately 7.2 miles to the intersection of Hughes Road The boundary follows Hughes Road east for .2 miles to Susquehanna Trail. Follow Susquehanna Trail south for .2 miles to Schmidt Road Follow Schmidt Road for 1.6 miles to Miller Road Follow Miller Road east for 1.1 miles to intersection of Hockey Hill Road Go right on Hockey Hill Road then left onto Pugmore Lane. Follow Pugmore Lane for .7 miles to Harrison Road The boundary follows Harrison Road south for .7 miles to Showers Road. Follow Showers Road for 1.2 miles east to intersection of Gearhart Road. Turn right on Gearhart Road and go south for .6 miles to the intersection of Hickory Road. The boundary follows Hickory Road east for .6 miles then left onto Mingle Road for .9 miles until rejoining Hickory Road for another .8 miles to the intersection of Muncy Exchange Road. The boundary follows Muncy Exchange Road south for 1.4 miles to bridge over the West Branch of Chillisquaque Creek near the intersection of State Highway 44. The boundary follows the West Branch of Chillisquaque Creek south for approximately 2.1 miles to the bridge on Arrowhead Road. The boundary follows Arrowhead Road west for .8 miles to the intersection of State Highway 54. Follow State Highway 54 south for 2.6 miles to the intersection of State Highway 254. Follow State Highway 254 east for 5.9 miles to the intersection of State Highway 44. Follow State Highway 44 south for 1.1 miles to the intersection of State Highway 642. Follow State Highway 642 southwest for 2.3 miles to the intersection of Billhime Road. Turn right onto Billhime Road and go 1.1 miles to the intersection of East Diehl Road. Turn right on East Diehl Road then left onto Cameltown Hill Road. Follow Cameltown Hill Road for 1 mile to the intersection of Blee Hill Road. The boundary follows Blee Hill Road northwestward for .6 miles to the intersection of Hillside Drive. Turn left onto Hillside Drive and follow west for 3.2 miles until State Highway 54. Cross State Highway 54 onto Steckermill Road and go .4 miles to the intersection of Keefer Mill Road. Turn right onto Keefer Mill Road and follow north for .8 miles to the intersection Mexico Road. Turn right on Mexico Road for .1 miles and then turn left onto Keefer Mill Road for .6 miles to the intersection of State Highway 254. The boundary

follows State Highway 254 west for 5.5 miles to the intersection of Interstate 80. Follow Interstate 80 west for 3.4 miles to the intersection Interstate 180 and the point of origin.

* * * * *

(b) *Prohibitions.* It is unlawful to:

(1) Release artificially propagated pheasants any time within any area designated as a wild pheasant recovery area.

(2) Train dogs in any manner [~~or hunt small game except crows, woodchucks and waterfowl from the first Sunday in February~~] from March 1 through July 31 within any area designated as a WPR.

(3) Hunt pheasants within any area designated as a WPR, except the Director may authorize limited youth pheasant hunting opportunities by Commission-issued access permit in the Central Susquehanna WPR. During any year youth pheasant hunting opportunities are authorized in the Central Susquehanna WPR, the Director will establish the number of hunting access permits to be issued, a manner of distribution for a limited number of access permits to be raffled off by an organization promoting pheasant recovery efforts within the Commonwealth, and designate the one or more pheasant hunt zones within the WPR prior to the opening of the earliest established youth pheasant season. The Director or his designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of any remaining limited youth pheasant hunting access permits within the Central Susquehanna WPR. Limited youth pheasant hunting access permits are not transferrable. A pheasant hunting access permit must be signed and carried on person when hunting or taking pheasants within the Central Susquehanna WPR.

Action:

D. 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 2017-2018 license year. The 2017-2018 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Proposed changes to small game seasons include: eliminating the post-Christmas segment of the ruffed grouse season in an effort to improve adult survival in light of significant recent population declines; opening the Central Susquehanna Wild Pheasant Recovery Area to a youth-only pheasant hunting season; and opening WMU 5A to put-and-take bobwhite quail hunting given the lack of wild quail in this area and the low likelihood of reintroduction efforts in this WMU in the near future; closures can be enacted at WMU or smaller scales as needed if and when restoration activities occur.

In regards to wild turkey seasons, in accordance with guidelines in the species management plan we are recommending opening a conservative, midweek fall season in WMU 5B, while reducing fall season length in 3 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 4A and 4B; and from 3 weeks + 3 days to 2 weeks + 3 days in WMU 4E.

No changes are recommended for the white-tailed deer seasons. While not a seasons and bag limits issue per se, it should be noted that the use of large DMAP areas surrounding locations of CWD-positive deer is being recommended in lieu of Disease Management Area permits to provide a simpler mechanism for hunters to reduce deer populations around known disease “hotspots.”

For black bear, we are recommending an earlier and one day longer statewide archery season, concurrent with the Monday through Saturday of the next to last week of the statewide archery deer season. This change would address requests from staff and constituents and would likely provide for a moderate increase in overall bear harvest.

There are no proposed changes in furbearer seasons.

Action:

“EXHIBIT A”

(SEASONS AND BAG LIMITS TABLE)

**2017-2018 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 Second Day
<i>Squirrel</i> – (Combined species) <i>Eligible Junior Hunters only</i> , with or without the required junior license	Sept. 30	Oct. 14	6	18
<i>Squirrel</i> – (Combined species)	Oct. 14 and Dec. 11 and Dec. 26	Nov. 25 Dec. 23 Feb. 28, 2018	6	18
<i>Ruffed Grouse</i>	Oct. 14 and Dec. 11	Nov. 25 Dec. 23	2	6
<i>Rabbit, Cottontail</i> – <i>Eligible Junior Hunters only</i> , with or without the required junior license	Sept. 30	Oct. 14	4	12
<i>Rabbit, Cottontail</i>	Oct. 14 and Dec. 11 and Dec. 26	Nov. 25 Dec. 23 Feb. 28, 2018	4	12
<i>Ring-necked Pheasant</i> – There is no open season for the taking of pheasants in the Somerset, Hegins-Gratz, or Franklin County wild pheasant recovery areas.				

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Ring-necked Pheasant</i> <i>Eligible Junior Hunters only</i> , with or without the required junior license WMUs 2A, 2C, 4C, 4E, 5A and 5B - <i>Male only</i> WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C, and 5D - <i>Male or female</i> Central Susquehanna Wild Pheasant Recovery Area – <i>Male only</i>	Oct. 7	Oct. 14	2	6
<i>Ring-necked Pheasant</i> WMUs 2A, 2C, 4C, 4E, 5A and 5B - <i>Male only</i> WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C, and 5D - <i>Male or female</i>	Oct. 21 and Dec. 11 and Dec. 26	Nov. 25 and Dec. 23 and Feb. 28, 2018	2	6
<i>Bobwhite Quail</i>	Oct. 21	Nov. 25	4	12
<i>Hare (Snowshoe Rabbits) or Varying Hare</i>	Dec. 26	Jan. 1, 2018	1	3
<i>Woodchuck (Groundhog)</i>	No closed season except during the regular firearms deer season(s). Hunting on Sundays is prohibited.		Unlimited	

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. 28 and Nov. 23	Nov. 17 Nov. 25		
WMU 1B	Oct. 28	Nov. 4		
WMUs 1A, 2A, 4A and 4B	Oct. 28 and Nov. 23	Nov. 4 Nov. 25		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 28 and Nov. 23	Nov. 11 Nov. 25		
WMU 2C	Oct. 28 and Nov. 23	Nov. 17 Nov. 25		
WMU 5A	Nov. 2	Nov. 4		
WMU 5B	Oct. 31	Nov. 2		
WMUs 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. 21, 2018	Apr. 21, 2018	1	1
<i>Turkey, Spring ¹ Bearded Bird only</i>	Apr. 28, 2018 and May 14, 2018	May 12, 2018 May 31, 2018	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 Second Day
<i>Crow</i> (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 8, 2018		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 Second Day
<i>Squirrel</i> – (Combined species)	Sept. 1	Mar. 31, 2018	6	18
<i>Quail</i>	Sept. 1	Mar. 31, 2018	4	12
<i>Ruffed Grouse</i>	Sept. 1	Mar. 31, 2018	2	6
<i>Cottontail Rabbits</i>	Sept. 1	Mar. 31, 2018	4	12
<i>Snowshoe or Varying Hare</i>	Sept. 1	Mar. 31, 2018	1	3
<i>Ring-necked Pheasant - Male and Female</i> - (Combined)	Sept. 1	Mar. 31, 2018	2	6

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

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
Deer, Archery (Antlered & Antlerless) ² With the required archery license WMUs 2B, 5C and 5D	Sept. 16 and Dec. 26	Nov. 25 Jan. 27, 2018	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered & Antlerless) 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	Sept. 30 and Dec. 26	Nov. 11 Jan. 13, 2018	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) 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 United States Armed Forces or U.S. Coast Guard	Oct. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered & Antlerless) ² WMUs 2B, 5A, 5B, 5C and 5D	Nov. 27	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Nov. 27	Dec. 1	One antlered deer.
Deer, Regular firearms (Antlered & Antlerless) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 2	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) 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. 13, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 27, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Season Species	First Day	Last Day	Limit
<i>Deer, Extended Regular firearms (Antlerless)</i> Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 27, 2018	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BLACK BEAR

Species	First Day	Last Day	Season Limit
<i>Bear, Archery</i> ⁴ WMUs 2B, 5C and 5D	Sept. 16	Nov. 25	1
<i>Bear, Archery</i> ⁴ WMU 5B	Sept. 30	Nov. 11	1
<i>Bear, Archery</i> ⁴ WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 30	Nov. 4	1
<i>Bear, Muzzleloader</i> ⁴ WMUs 2B, 5B, 5C & 5D	Oct. 14	Oct. 21	1
<i>Bear, Special firearms</i> 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 United States Coast Guard, with required antlerless license WMUs 2B, 5B, 5C & 5D	Oct. 19	Oct. 21	1
<i>Bear, Regular Firearms</i> ⁴ (Statewide)	Nov. 18	Nov. 22	1
<i>Bear, Extended firearms</i> ⁴ WMUs 3B, 3C, and 3D	Nov. 27	Dec. 2	1
<i>Bear, Extended firearms</i> ⁴ WMUs 2B, 5B, 5C and 5D	Nov. 27	Dec. 9	1
<i>Bear, Extended firearms</i> ⁴ WMUs 1B, 2C, 4B, 4C, 4D and 4E	Nov. 29	Dec. 2	1

ELK

Species	First Day	Last Day	Season Limit
<i>Elk, Special Conservation Tag⁵ and Special-License Tag⁵ (Antlered and Antlerless)</i>	Sept. 1	Nov. 4	1
<i>Elk, Regular⁵ (Antlered and Antlerless)</i>	Oct. 30	Nov. 4	1
<i>Elk, Extended⁵ (Antlered and Antlerless)</i>	Nov. 6	Nov. 11	1

FURTAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Mink and Muskrat</i>	Nov. 18	Jan. 7, 2018	Unlimited	
<i>Beaver</i>	Dec. 26	Mar. 31, 2018		
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>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i>	Oct. 22	Feb. 18, 2018	Unlimited	
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 18, 2018	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. 16	Jan. 7, 2018	1	1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E	Dec. 16	Dec. 27	1	1
<i>River Otter, with required otter permit</i> WMUs 3C & 3D	Feb. 17, 2018	Feb. 24, 2018	1	1

FUR TAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Coyote - (Outside of any big game season)</i>	May be taken with a hunting license or a furtaker's license.		Unlimited	
<i>Coyote - (During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker's license.		Unlimited	
<i>Opossum, Striped Skunk, Weasel</i>	No closed season.			
<i>Raccoon and Fox</i>	Oct. 21	Feb. 17, 2018	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. 13, 2018	Feb. 7, 2018	1	1
<i>Porcupine</i>	Sept. 1	March 31, 2018	3	10

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.

E. Amend 58 Pa. Code § 147.673.

Commentary: The Commission is statutorily charged with managing the Commonwealth's white-tailed deer herds on behalf of all of its citizens. To accomplish this responsibility, 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. This system addresses deer management state-wide.

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. Some communities in more urbanized areas have documented evidence that requiring individual landowners to individually submit DMAP applications has not been an effective method towards resolving localized deer management concerns. Subsequently, the Commission has recognized the need to increase deer harvests in local areas in response to growing concerns related to disease outbreaks.

The Commission is proposing to amend § 147.673 (relating to eligibility and application for DMAP) to allow the Commission to accept DMAP applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction. By expanding a political subdivision's and government agencies' ability to apply for permits on behalf of property owners, the Commission hopes to improve efforts to control deer populations using regulated DMAP hunting. Political subdivisions and government agencies making application in this manner will be required to submit a management plan. The Commission will allocate DMAP harvest permits based on current conditions relative to goals and objectives outlined in the Commission-approved management plan.

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.

* * * * *

(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.

(iv) Collective areas comprised of distinct, privately-owned and publically-owned lands managed by a local political subdivision or government agency applicant.

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

* * * * *

Action:

WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Amend 58 Pa. Code § 131.8

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 19, 2016, meeting to amend § 131.8 (relating to replacement costs for wildlife killed) to increase replacement costs for osprey from \$200 to \$2,500.

Action:

DRAFT

EXHIBIT "A"

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.

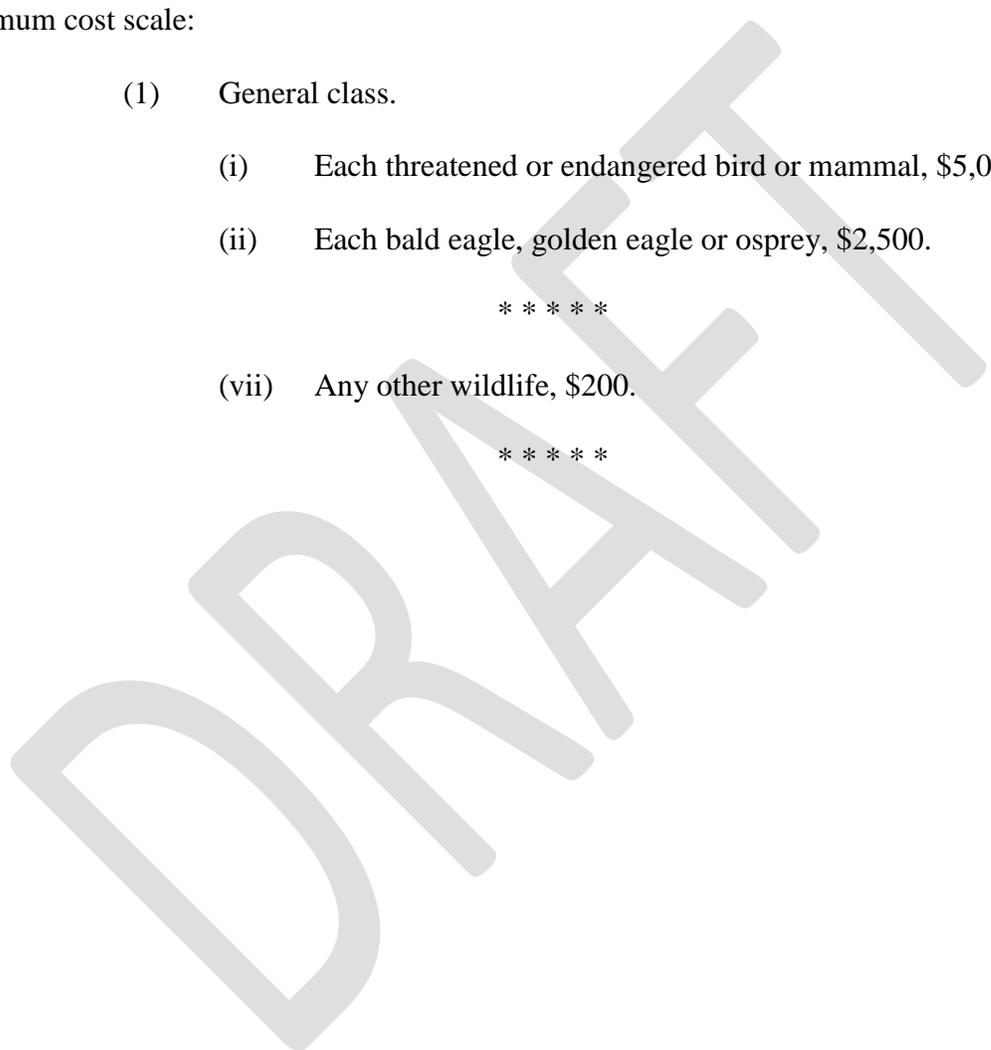
(i) Each threatened or endangered bird or mammal, \$5,000.

(ii) Each bald eagle, golden eagle or osprey, \$2,500.

* * * * *

(vii) Any other wildlife, \$200.

* * * * *



PROPOSED RULE MAKING

B. 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 2017-2018 hunting/trapping license year.

CHAPTER 141. HUNTING AND TRAPPING

Appendix G. Hunting Hours

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals 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, 2017 THROUGH JUNE 30, 2018**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
July 1	5:06	9:03	Dec. 31 – Jan. 6	6:52	5:16
July 2 – 8	5:10	9:01	Jan. 7 – 13	6:51	5:22
July 9 – 15	5:15	8:58	Jan. 14 – 20	6:51	5:29
July 16 – 22	5:20	8:53	Jan. 21 – 27	6:47	5:37
July 23 – 29	5:27	8:47	Jan. 28 – Feb. 3	6:42	5:45
July 30 – Aug. 5	5:33	8:39	Feb. 4 – 10	6:36	5:54
Aug. 6 – 12	5:40	8:31	Feb. 11 – 17	6:28	6:02
Aug. 13 – 19	5:46	8:21	Feb. 18 – 24	6:19	6:10
Aug. 20 – 26	5:53	8:07	Feb. 25 – Mar. 3	6:10	6:18
Aug. 27 – Sept. 2	6:00	8:00	Mar. 4 – 10	5:59	6:26
Sept. 3 – 9	6:06	7:49	Mar. 11 – 17 *Begins	6:48	7:33
Sept. 10 – 16	6:13	7:37	Mar. 18 – 24	6:37	7:41
Sept. 17 – 23	6:19	7:25	Mar. 25 – 31	6:24	7:49
Sept. 24 – 30	6:26	7:14	Apr. 1 – 7	6:15	7:55
Oct. 1 – 7	6:33	7:03	Apr. 8 – 14	6:04	8:02
Oct. 8 – 14	6:40	6:52	Apr. 15 – 21	5:53	8:09
Oct. 15 – 21	6:48	6:42	Apr. 22 – 28	5:43	8:16
Oct. 22 – 28	6:55	6:33	Apr. 29 – May 5	5:35	8:23
Oct. 29 – Nov. 4	7:03	6:25	May 6 – 12	5:25	8:30
Nov. 5 – 11 **Ends	6:11	5:18	May 13 – 19	5:17	8:37
Nov. 12 – 18	6:19	5:12	May 20 – 26	5:11	8:44
Nov. 19 – 25	6:27	5:08	May 27 – June 2	5:06	8:50
Nov. 26 – Dec. 2	6:35	5:05	June 3 – 9	5:03	8:55
Dec. 3 – 9	6:41	5:05	June 10 – 16	5:02	9:01
Dec. 10 – 16	6:45	5:06	June 17 – 23	5:03	9:02
Dec. 17 – 23	6:50	5:07	June 24 – 30	5:05	9:03
Dec. 24 – 30	6:52	5:11	*Daylight Saving Time Begins * -Ends**		

**MIGRATORY GAME BIRD HUNTING HOURS TABLE
2017-2018**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Aug. 27 – Sept. 2	6:00	7:30	Dec. 24 – 30	6:52	4:41
Sept. 3 – 9	6:06	7:19	Dec. 31 – Jan. 6	6:52	4:46
Sept. 10 – 16	6:13	7:07	Jan. 7 – 13	6:51	4:52
Sept. 17 – 23	6:19	6:55	Jan. 14 – 20	6:51	4:59
Sept. 24 – 30	6:26	6:43	Jan. 21 – 27	6:47	5:07
Oct. 1 – 7	6:33	6:34	Jan. 28 – Feb. 3	6:42	5:15
Oct. 8 – 14	6:40	6:22	Feb. 4 – 10	6:36	5:24
Oct. 15 – 21	6:48	6:12	Feb. 11 – 17	6:28	5:32
Oct. 22 – 28	6:55	6:03	Feb. 18 – 24	6:19	5:40
Oct. 29 – Nov. 4	7:03	5:55	Feb. 25 – Mar. 3	6:10	5:48
Nov. 5 – 11**Ends	6:11	4:48	Mar. 4 – 10	5:59	5:56
Nov. 12 – 18	6:19	4:42	Mar. 11 – 17 *Begins	6:48	7:03
Nov. 19 – 25	6:27	4:38	Mar. 18 – 24	6:37	7:11
Nov. 26 – Dec. 2	6:35	4:35	Mar. 25 – 31	6:24	7:19
Dec. 3 – 9	6:41	4:35	Apr. 1 – 7	6:15	7:25
Dec. 10 – 16	6:45	4:36	Apr. 8 – 14	6:04	7:32
Dec. 17 – 23	6:50	4:37	*Daylight Saving Time Begins * Ends **		

C. 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 use of automatic firearms, not to include semi-automatic firearms, is prohibited at Commission ranges; 4) Expand the six-round loading and discharge limitation to both rifle and handgun ranges; 5) Prohibit range users from operating, manipulating or discharging a loaded firearm in negligent disregard for the safety of other persons present at or nearby the range to improve safety; 6) Provide greater clarity in the regulations concerning range reservation, range closure, range designation and general range usage violations; and 7) Remove firearms possession related violations from this section to more closely conform to the limitations set forth in 18 Pa.C.S. § 6109(m.3)(2).

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(s) and the regular firearms bear ~~[season]~~ season(s), 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]~~ Applications 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]~~ Discharge a firearm from any location on the range other than an established shooting station on the firing line.

(2) Discharge a firearm ~~[, except from an established shooting station on the firing line at]~~ at any target other than a paper target placed on a permanent target backboard mounted by the Commission. 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]~~ Discharge an automatic firearm.

(6) ~~[Possess, load]~~ Load or discharge a firearm that contains more than ~~[three]~~ six rounds of single projectile ammunition ~~[, except as provided in subsection (e)].~~

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

(8) ~~[Possess, load]~~ Load or discharge a firearm or use a range facility 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) Operate, manipulate 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 a firearm, operating or manipulating a loaded firearm or discharging a 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. The Commission may designate any range as a handgun only range by posting appropriate signage.

Action:

D. Amend 58 Pa. Code § 147.553.

Commentary: Current regulations limit subpermittees exercising the privileges of a Red Tag Permit to hunt and take white-tailed deer from dawn to dusk. Most participants in this program understand this ambiguous timeframe to coincide with the legal hunting hours, but this link is not clear in the established regulations. The Commission is proposing to amend § 147.553 to replace the dawn to dusk terminology with a reference to legal hunting hours as set forth in § 141.4 and Appendix G (relating to hunting hours; and hunting hours). These amendments will more effectively guide and instruct subpermittees on the lawful periods during which they may exercise the privileges of a Red Tag Permit.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

§ 147.553. Permit.

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September 28 each calendar year, excluding Sundays, during ~~[the hours of dawn to dusk only]~~ legal hunting hours as set forth in § 141.4 and Appendix G (relating to hunting hours; and hunting hours).

(2) *Exceptions.* The permit is not valid from May 16 to June 30 during peak fawning season.

(3) *Posting.* Except in wildlife management units 5C and 5D, deer control permit signs provided by the Commission shall be conspicuously posted on the boundary of and along all public roadways traversing the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting shall be completed prior to February 1.

(4) *Fee for permit.* There is no fee for the issuance of the deer control permit.

Action:

E. Amend 58 Pa. Code §§ 131.2, 141.22, 141.43, 141.44, 141.45, 141.47 and 141.67.

Commentary:

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) made two significant changes to Section 2308 the act (relating to unlawful devices and methods). First, the legislation eliminated the Commonwealth's historic prohibition against the use of air guns for hunting. Second, the legislation effectively eliminated the Commonwealth's historic prohibition against the use of semi-automatic rifles for hunting. It is important to note that this legislation was not extended to authorize the Commission to allow any use of semi-automatic handguns.

In an effort to expand hunting opportunities within the Commonwealth, the Commission is proposing to amend §§ 131.2, 141.22, 141.43, 141.44, 141.45, 141.47 and 141.67 to authorize the use of air guns and semi-automatic rifles for designated species of wildlife and hunting seasons. These amendments will also expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

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

Act— Title 34 of the *Pennsylvania Consolidated Statutes*...

Aggregate ammunition capacity—A firearm's total cumulative ammunition capacity that includes the ammunition capacity of both the chamber and magazine.

Air gun—A firearm operated by air or gas cylinder by which a projectile can be discharged or propelled.

Antlered deer—

(i) In Wildlife Management Units...

* * * * *

Meat or animal products—For the purpose of section 2361(a)(13) of the act...

Muzzleloading firearm—Any firearm designed and manufactured to be loaded with loose ammunition components (projectile(s) and propellant charge) from the muzzle or forward, open end of the firearm’s barrel. This term shall also include breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm. This term does not authorize any firearm that accepts cartridge ammunition.

Plugged shotgun—For the purpose of section 2308(a)(4) of the act

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.22. Small game seasons.

(a) Permitted devices. It is lawful to hunt small game, except woodchucks, during any small game season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun. The firearm must be ~~[-.23]~~ .22 caliber or less, that ~~[projects]~~ propels single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that ~~[projects]~~ propels multiple-projectile shotgun ammunition not larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot). The shotgun’s magazine capacity shall not exceed two rounds nor shall the shotgun’s total aggregate ammunition capacity exceed three rounds.

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that ~~[projects]~~ propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor must be lawfully possessed under a falconry permit pursuant to section 2925 of the act (relating to falconry permits).

(7) An air gun. The firearm must be between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) Prohibitions. While hunting small game during any small game season, except woodchucks, it [H] is unlawful to:

(1) Use or possess single-projectile ammunition larger than ~~[-.23]~~ .22 caliber or multiple-projectile shotgun ammunition larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) ~~[Woodchucks (Groundhogs)]~~ Woodchuck (Groundhog) season.

(1) Permitted devices. It is lawful to hunt woodchucks during woodchuck season with the following devices:

(i) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot). The shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor must be lawfully possessed under a falconry permit pursuant to section 2925 of the act (relating to falconry permits).

(vii) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(2) Prohibitions. While hunting woodchucks during woodchuck season, it is unlawful to ~~[use or possess a device or ammunition not provided for in this section.]:~~

(i) Use or possess multiple-projectile shotgun ammunition larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(iii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

Subchapter C. BIG GAME

§ 141.43. Deer.

(a) Archery deer season.

(1) Permitted devices. It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) Prohibitions. While hunting deer during the archery deer season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(b) Flintlock muzzleloading deer season.

(1) Permitted devices. It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open or aperture sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) Prohibitions. While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(c) Muzzleloading deer season.

(1) Permitted devices. It is lawful to hunt deer during the muzzleloading deer season with a muzzleloading firearm. ~~[The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design.]~~ The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) Prohibitions. While hunting deer during the muzzleloading deer season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(d) Regular and special firearms deer seasons.

(1) Permitted devices. It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

(i) A manually operated or semiautomatic, centerfire [firearm] rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds.

(a)(1)(i). ~~[(ii)]~~ (iii) A bow and arrow as permitted under subsection

(a)(1)(ii). ~~[(iii)]~~ (iv) A crossbow and bolt as permitted under subsection

~~[(iv)]~~ (v) A muzzleloading firearm as permitted under subsection (b)(1) or (c)(1).

(2) Prohibitions. While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(e) Cooperating while hunting during any deer season. Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

(f) .22 caliber or less rimfire required for furbearers. When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

§ 141.44. Bear.

(a) Archery bear season.

(1) Permitted devices. It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) Prohibitions. While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) Muzzleloading bear season.

(1) Permitted devices. It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. ~~[The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design.]~~ The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) Prohibitions. While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) Regular and extended firearms bear seasons.

(1) Permitted devices. It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) A manually operated or semiautomatic, centerfire ~~[firearm]~~ rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity shall not exceed five rounds nor shall the firearm's total aggregate ammunition capacity exceed six rounds.

(iii) A bow and arrow as permitted under subsection (a)(1)(i).

~~[(iii)]~~ (iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

~~[(iv)]~~ (v) A muzzleloading firearm as permitted under subsection (b)(1).

(2) Prohibitions. While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

§ 141.45. Turkey.

(a) Fall turkey season.

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

(i) ~~[A firearm.]~~ A manually operated or semiautomatic ~~[centerfire, rimfire]~~ rifle or manually operated handgun that propels single-projectile ammunition ~~[or muzzleloading firearm using single projectile ammunition, except as otherwise prohibited in paragraph (2)(i)].~~ The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the rifle's total aggregate ammunition capacity exceed six rounds.

(ii) ~~[A shotgun.]~~ A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun ~~[using shot]~~ that propels single-projectile ammunition or multiple projectile shotgun ammunition no larger than #4 lead, #2 steel or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot). The semiautomatic shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

~~[(iv)]~~ (v) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) Prohibitions. While hunting turkey during the fall turkey season, it is unlawful to:

(i) Use or possess a ~~[manually operated centerfire, rimfire or muzzleloading]~~ firearm using single projectile ammunition in Wildlife Management Units 2B,

5B, 5C and 5D, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(b) Spring turkey season.

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

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than #4 lead, #2 steel or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot). The shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

(ii) A bow and arrow as permitted under subsection (a)(1)(iii).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(iv).

(2) Prohibitions. While hunting turkey during the spring turkey season, it is unlawful to:

(i) Use or possess a centerfire, rimfire or muzzleloading firearm ~~[using]~~ that propels single projectile ammunition, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess single projectile ammunition, except arrows or bolts, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(iii) Use drives or any method other than hand or mouth calling.

(iv) Use or possess an electronic caller or a live turkey as a decoy.

(v) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

§ 141.47. Elk.

(a) Permitted devices. It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated or semiautomatic, centerfire rifle or manually operated, centerfire handgun. The firearm must be a .27 caliber or larger firearm that propels single-projectile ammunition 130 grains or larger. The semiautomatic rifle's magazine capacity shall not exceed five rounds nor shall the rifle's total aggregate ammunition capacity exceed six rounds.

(2) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity shall not exceed five rounds nor shall the shotgun's total aggregate ammunition capacity exceed six rounds.

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(b) Prohibitions. While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick's Run no hunt zone, this being the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within .3 mile of Route 555.

Subchapter D. FURBEARERS

§ 141.67. Furbearer ~~hunting~~ seasons.

~~[It is unlawful to take furbearers using shot larger than #4 buckshot.]~~

(a) Permitted devices. It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than #4 buckshot. The shotgun's magazine capacity shall not exceed two rounds nor shall the shotgun's total aggregate ammunition capacity exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) Prohibitions. While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than #4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

Action:

F. Amend 58 Pa. Code § 135.106.

Commentary:

Controlled deer hunts have been held at the Pymatuning Wildlife Management Area (PWMA) (SGL 214) since at least the 1970s. Over the years various formats have been used to manage the controlled deer hunts, including hunts during the regular firearms deer season, flintlock/archery hunts during the after-Christmas season, and flintlock/archery hunts outside the regular seasons. Season lengths have also varied over the years ranging from hunts lasting one day to others lasting five days. The Commission has observed that the very limited timeframe and extent of this hunting pressure within the PWMA coupled with the higher hunting pressure on surrounding areas outside of the PWMA has resulted in dramatic increases in deer populations during the fall. This increase in population, albeit temporary, has had a significant negative impact on the PWMA's existing habitat.

The PWMA controlled deer hunts have proven quite popular with hunters, with over 1000 applications received every year. The pre-hunt influx and retention of higher deer populations is expected to be the cause of this popularity as hunters have regularly described abundant deer sightings. The Commission has observed that typical hunts in the PWMA result in low harvest, but high wounding loss, likely the result of the high hunting pressure in the area during the controlled deer hunt.

The Commission is proposing to amend § 135.106 (relating to Pymatuning Wildlife Management Area) to establish new parameters for establishing and managing the PWMA controlled deer hunt. The goals of these changes is to provide a higher quality hunt for the participants of this limited program primarily by spreading the same number of hunters across a few weeks of the regularly established fall deer seasons rather than a few days. Hunting opportunities within the PWMA will be managed by a lottery process that is intended to more predictably and logically distribute hunting access to participants.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.106. Pymatuning Wildlife Management Area.

(a) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Pymatuning Wildlife Management Area:

(1) Entering, hunting or trapping on the controlled goose and duck areas is by permit only.

(2) Waterfowl hunting is permitted Monday, Wednesday, Friday and Saturday. ~~[Starting time shall conform with State and Federal regulations. Shooting ends at 12:30 p.m.]~~

(3) Hunting shall conform to the legal hunting hours set forth in § 141.4 and Appendix G (relating to hunting hours; and hunting hours), except legal hunting hours for waterfowl hunting ends each open day at 12:30 p.m.

(b) The following apply to reservations for the controlled duck hunting area:

(1) Reservations will be made on each designated shooting day at the registration center. Hunting is limited to 85 hunters at one time on the two areas combined. Reservations will be issued on a first-come, first served basis if there are 85 hunters or less applying at the registration center and 1 1/2 hours prior to the opening hunting hour. If there are more than 85 applicants present, a drawing will be held to determine to whom the 85 permits are issued.

(2) Permits returned to the registration center prior to 10 a.m. may be released to another applicant.

(c) The following apply to the controlled duck hunting areas:

(1) Ducks, coots and mergansers are the only legal game; taking other wild birds or mammals is prohibited, except by permit issued by the Director or a designee.

(2) A hunter shall ~~[display]~~ possess on his person the identification tag furnished by the Commission while on the areas. The identification tag is valid for entry upon the area indicated on the tag. Entry upon another area is prohibited. Identification tags shall be returned to the registration center at check-out time.

~~[(3) — Boats without motors are permitted on controlled duck areas.]~~

(d) ~~[The following apply to special hunts on the controlled area:]~~ Special deer hunts within the Pymatuning Wildlife Management Area.

(1) ~~[Special deer hunts will be by permit only, limited to archery and muzzleloading firearms]~~ Authority to establish special hunt. The Director may authorize special deer hunts within the Pymatuning Wildlife Management Area by permit. The Director shall establish the number of access permits to be issued and designate the one or more hunt zones within the controlled area prior to the opening of the earliest established deer season.

(2) Permit authorization. During any year the Director authorizes a special deer hunt within the Pymatuning Wildlife Management Area, permitted hunters are eligible to access the controlled area to hunt deer during any applicable antlered or antlerless deer season established in section 139.4 (relating to seasons and bag limits for the license year) using valid antlered and antlerless licenses and harvest tags issued to them. Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Executive Director may designate dates for deer hunting outside of established seasons and bag

limits within the controlled area as authorized by section 139.3 (relating to authority to alter seasons and bag limits).

(3) ~~[A drawing of applications to determine successful hunters will be held at the Pymatuning Wildlife Management Area headquarters on a date and time designated by the Executive Director or a designee]~~ Applications. Any individual possessing a valid hunting license for the current license year may submit a maximum of one application per year to participate in a special deer hunt within the Pymatuning Wildlife Management Area. Applications shall include the applicant's name, address, date of birth and Commission-issued Customer Identification Number and any other information required by the Commission. Applicants shall submit completed applications in the manner directed by the Director or his designee. Incomplete, illegible or duplicate applications will not be included in the drawing.

(4) ~~[Applications will be received at the area headquarters no later than the close of business of the day prior to the date and time of the drawing]~~ Drawing. The Director or his designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of special deer hunt permits within the Pymatuning Wildlife Management Area. Special deer hunt access permits are not transferrable.

(5) ~~[One official application per person to hunt deer on the controlled area may be submitted each license year. Anyone submitting more than one application for a permit will have all applications rejected. The application shall contain archery or muzzleloading license stamp numbers]~~ Hunting hours and duration of access limited. Hunting during the special deer hunt shall conform to the legal hunting hours set forth in § 141.4 and Appendix G (relating to hunting hours; and hunting hours), except legal hunting hours for deer begins each open day at 12:30 p.m. Permittees may access the controlled area no sooner than the start of legal hours and all permittees must vacate the controlled area within one hour after the close of hunting hours. Entering or remaining in the controlled area after this period must be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(6) ~~[The number of permits to be drawn shall be set by the Executive Director or a designee prior to the drawing]~~ Access to controlled area limited. A permittee may enter and hunt deer only within the hunt zone or hunt zones designated by his permit. Entry into other hunt zones or areas outside of the hunt zones to pursue a wounded deer must be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(7) ~~[If a successful applicant does not appear to claim a reservation on the day assigned, prior to the opening hunting hour, the permit becomes invalid and is not transferable]~~ Parking. A permittee shall park only in assigned parking areas and shall display the provided parking placard on the dashboard of their vehicle in a manner that allows it to be read from the exterior of the vehicle.

(8) ~~[A successful hunter shall submit a harvested deer for examination to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours]~~ Reporting. Any permittee that successfully harvests a deer during the special deer hunt shall report the harvest to the Commission within 10 days of the kill

by completing the report card supplied with the special deer hunt permit for reporting deer killed and mail the report card to the Pymatuning Wildlife Management Area in Hartstown or by any other method designated by the Director.

(9) ~~[Unsuccessful hunters shall return the permit to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours.]~~ Violations. A person violating any requirement or restriction established within this section may be prosecuted under sections 721 (relating to control of property) or other applicable provision of the act and, upon conviction, be sentenced to pay the fine prescribed in the act. Furthermore, the Director may deny, revoke or suspend a permit for any violation of the requirements of this subchapter upon written notice to the permittee.

~~[(10) Hunters participating in the special archery and muzzleloading hunts inside the controlled area shall wear a minimum of 250 square inches of fluorescent orange-colored material on the head, back and chest combined.]~~

Action:

G. Add 58 Pa. Code § 137.35.

Commentary: Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids). CWD is caused by prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids. There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids. CWD is designated as a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 *et seq.*) at 3 Pa.C.S. § 2321(d). CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials. CWD is of particular concern to the Commonwealth of Pennsylvania because it has potential to have a catastrophic detrimental impact on both Pennsylvania’s wild and captive cervid populations. The Pennsylvania Department of Agriculture (PDA) has detected CWD in captive deer in Adams, Franklin, Jefferson and York counties. The Commission has also detected CWD in free-ranging deer in Bedford, Blair, Cambria and Fulton counties. The Maryland Department of Natural Resources has detected CWD in free-ranging deer in Allegany County within 10 miles of the Pennsylvania border. The Commission is proposing to add § 137.35 (relating to chronic wasting disease restrictions) to give more permanent status and structure to the requirements and restrictions previously established and maintained by executive order during the past decade.

CHAPTER 137. WILDLIFE

§ 137.35. Chronic Wasting Disease Restrictions.

(a) Importation.

(1) It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic State or Canadian Province into the Commonwealth of Pennsylvania.

(2) This subsection shall not be construed to limit the importation of non-high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic State or Canadian Province into the Commonwealth of Pennsylvania.

(b) Exportation.

(1) It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management Area established within the Commonwealth of Pennsylvania.

(2) This subsection shall not be construed to limit the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management Area established within the Commonwealth of Pennsylvania.

(3) This subsection shall not be construed to limit the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management Area established within the Commonwealth of Pennsylvania if such parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for the above described purposes will be made known through public announcement, website and other means reasonably intended to reach the widest audience.

(4) All cervids harvested, taken or killed within any Disease Management Area established within the Commonwealth of Pennsylvania are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations pursuant to conditions set forth in a forthcoming notice. The submission process, if any, will be made known through public announcement, website and other means reasonably intended to reach the widest audience. The cost of such testing, sampling and analysis will be borne by the Commission.

(5) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management Area established within the Commonwealth of Pennsylvania.

(6) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management Area established within the Commonwealth of Pennsylvania.

(7) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management Area established within the Commonwealth of Pennsylvania. This prohibition shall not be construed to apply to normal or accepted agricultural, habitat management, oil and gas drilling, mining, forest management or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting such activity. Failure to discontinue such activity is a violation of this section.

(8) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management Area established within the Commonwealth of Pennsylvania.

(c) *Non-applicability.*

(1) Nothing in this section shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal

Law) or the requirements of a lawful quarantine order issued by Pennsylvania Department of Agriculture.

(2) Nothing in this section shall be construed to limit the Commission's authority to establish or enforce additional importation, exportation, possession, transportation or testing requirements or restrictions on cervid parts or materials pursuant to the authority of § 137.34.

(d) Authority to designate. The Executive Director shall have the authority to designate and publish a list of current CWD-endemic States and Canadian Provinces and Disease Management Area(s) established within the Commonwealth. The Executive Director shall publish this list and any updates in the Pennsylvania Bulletin.

(e) Definitions. The following words and terms, when used in this section have the following meanings, unless the context clearly indicates otherwise:

Cervid—Any member of the family Cervidae (deer), specifically including the following species: black-tailed deer, caribou, elk, fallow deer, moose, mule deer, red deer, sika deer, white-tailed deer, and any hybrids thereof.

Chronic Wasting Disease or CWD—The Transmissible Spongiform Encephalopathy of cervids.

CWD-endemic States or Canadian Provinces—Any States or Canadian Provinces where CWD has been detected in wild or captive cervid populations.

Disease Management Area—Any geographic area of the Commonwealth of Pennsylvania influenced by a positive case of chronic wasting disease and targeted by the Commission for chronic wasting disease management activities.

Feeding—The act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

High-risk parts or materials—Any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following: head (including brain, tonsils, eyes, and lymph nodes); spinal Cord / Backbone (vertebra); spleen; skull plate with attached antlers, if visible brain or spinal cord material is present; cape, if visible brain or spinal cord material is present; upper canine teeth, if root structure or other soft material is present; any object or article containing visible brain or spinal cord material; and brain-tanned hide.

Non-high-risk parts or materials—Any parts or materials, derived from cervids, which are not known to accumulate abnormal prions. This includes any of the following: meat, without the backbone; skull plate with attached antlers, if no visible brain or spinal cord material is present; tanned hide or rawhide with no visible brain or spinal cord material present; cape, if no visible brain or spinal cord material is present; upper canine teeth, if no root structure or other soft material is present; and taxidermy mounts, if no visible brain or spinal cord material is present.

(f) *Violations.* A person violating any requirement or restriction established within this section may be prosecuted under sections 2102 (relating to regulations) or 2307 (relating to unlawful taking or possession of game or wildlife) of the act and, upon conviction, be sentenced to pay the fine prescribed in the act.

Action:

DRAFT

H. Amend 58 Pa. Code § 135.41.

Commentary:

The Commission is routinely tasked with addressing unlicensed drivers operating motor vehicles on State game lands roads, parking lots and other areas. Wildlife Conservation Officers and Deputy Wildlife Conservation Officers do not directly possess the authority to enforce the Vehicle Code under Section 901 of the Game and Wildlife Code. As a result, the Commission must attempt to transfer these matters to Pennsylvania State Police or other appropriate local police jurisdiction. Often the Commission's attempt to transfer these matters has been unsuccessful. In an effort to rectify this lack of enforcement, the Commission is proposing to amend § 135.41 (relating to State game lands) to prohibit a person from operating or controlling a motor vehicle requiring registration on lands or waters designated as State game lands if the operator is not properly licensed under the Vehicle Code.

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:

* * * * *

(24) Operate or control a motor vehicle requiring registration under 75 Pa.C.S. Chapter 13 (relating to registration of vehicles) while in violation of 75 Pa.C.S. Chapter 15 (relating to licensing of drivers).

Action:

I. Amend 58 Pa. Code § 135.41.

Commentary:

The Commission traditionally conducts the majority of its annual pheasant stocking operations on State game lands to provide adequate pheasant hunting opportunities across the Commonwealth. The Commonwealth's pheasant hunting opportunities are directly linked to and limited by the existence and availability of pheasants stocked by the Commission each year. The Commission has become increasingly aware that dog training activities occurring on State game lands during the period just prior to and concurrent with the various pheasant seasons are consistently causing pheasants recently stocked by the Commission to scatter and disperse far away from designated release sites where they are intended to temporarily remain for the duration of the pheasant seasons. The Commission is proposing to amend § 135.41 (relating to State game lands) to prohibit a person from engaging in any dog training activities from the Monday prior to the start of the youth pheasant season until the close of the pheasant season. These amendments will not limit dog training activities on private lands.

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:

* * * * *

(24) Engage in any dog training on small game activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season set forth in § 139.4 (relating to seasons and bag limits for the license year). This subsection shall not be construed to limit dog training activities on any other public or private lands or waters not designated as State Game Lands.

Action:

J. Amend 58 Pa. Code § 139.6.

Commentary: The Commission first established triple possession limits in § 139.4 (relating to seasons and bag limits for the license year) for the 2014/2015 license year. Unfortunately, the Commission did not contemporaneously amend § 139.6 (relating to field possession and transportation limits) with these same amendments. The Commission is proposing to amend § 139.6 to increase the daily possession limit from double to triple the daily limit.

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.6. Field possession and transportation limits.

(a) *Opening day of season.* It is unlawful for a person to possess or transport game or wildlife, in excess of the daily limit as set forth in § 139.4 (relating to seasons and bag limits for the license year).

(b) *Following ~~opening~~ the second day of season.* ~~After the second day of season,~~ it is unlawful for a person to possess or transport game or wildlife, at or between the place where taken and his place of permanent residence, in excess of ~~twice~~ triple the daily limit, or the season limit, whichever applies, as set forth in § 139.4 (relating to seasons and bag limits for the license year).

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. L-3705, State Game Land No. 245, Washington County

Commentary: David A. Celko, M.D. is offering a donation of 29.4 +/- acres of land in West Finley Township, Washington County which is located near State Game Land No. 245 (Exhibit RED 1). Dr. Celko will retain the oil, gas and mineral rights. The property is mostly forested with mixed hardwoods, is traversed by Blockhouse Run and has a five-acre scrub/shrub wetland complex. A natural gas pipeline bisects the tract. Access is from Blockhouse Run Road.

Action:

DRAFT

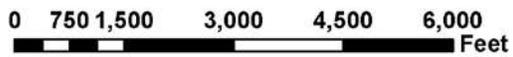
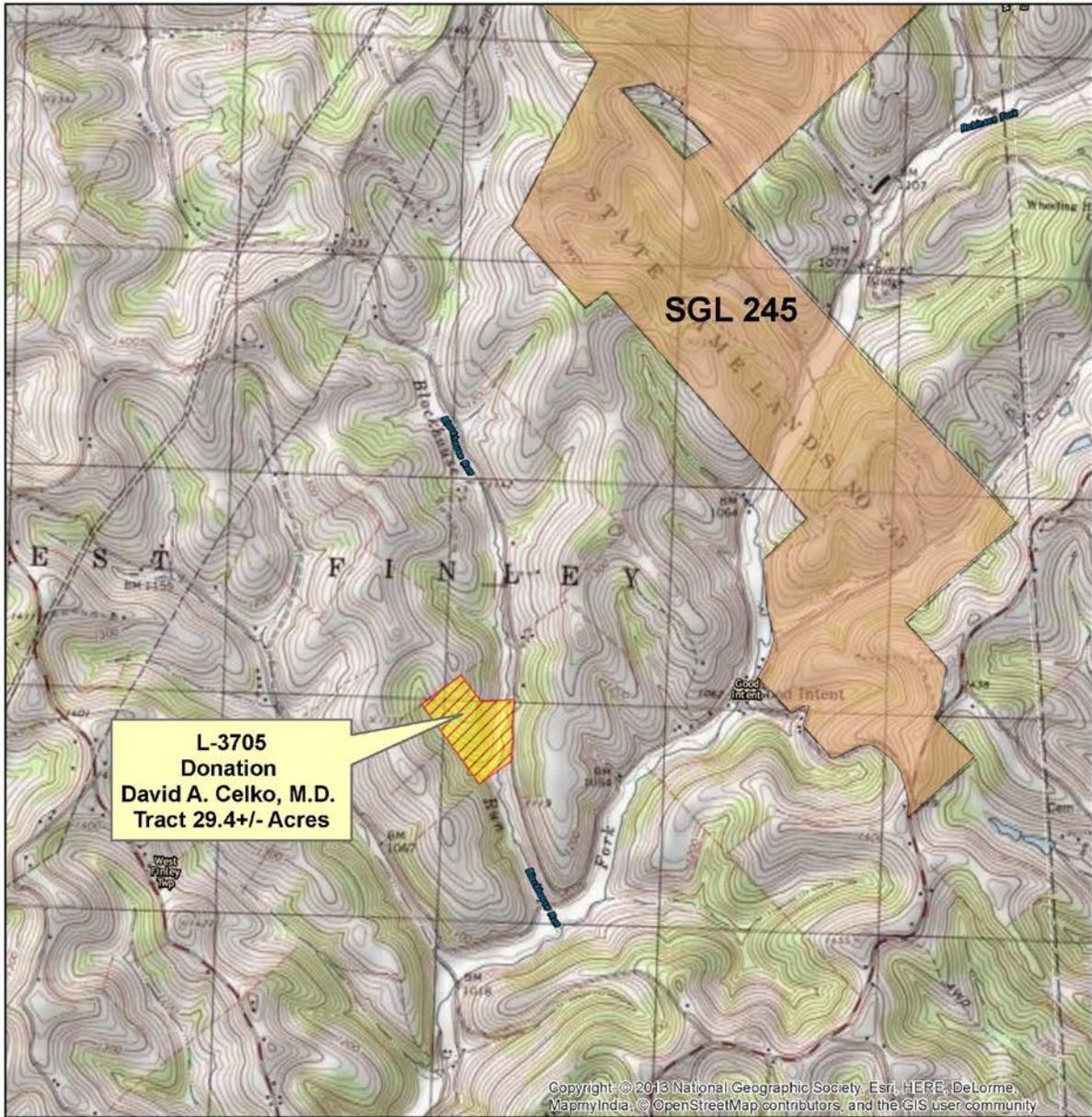


Exhibit RED 1
State Game Land No. 245

L-3705
Donation
David A. Celko, M.D.
Tract 29.4+/- Acres

West Finley Township
Washington County
Southwest Region

Contract No. L-3706, State Game Land No. 43, Chester County

Commentary:

Natural Lands Trust is offering to donate two parcels of land totaling 34+/- acres located in Warwick Township, Chester County adjoining State Game Land No. 43 (Exhibit RED 2). Tract 1 is 16+/- acres and Tract 2 is 18+/- acres. Both tracts are forested with an oak/hickory mix along the small ridgetop which transitions to tulip poplar, birch, and maple down slope to a shallow drainage with intermittent flow. The parcels lie within the Hopewell Big Woods Important Mammal Area and the Hay Creek French Creek Forest Block Important Bird Area. Access from the east is from a private drive off Pine Swamp Road (SR 0345) and from Laurel Road (T-519) to the west.

Action:

DRAFT

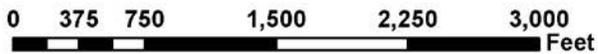
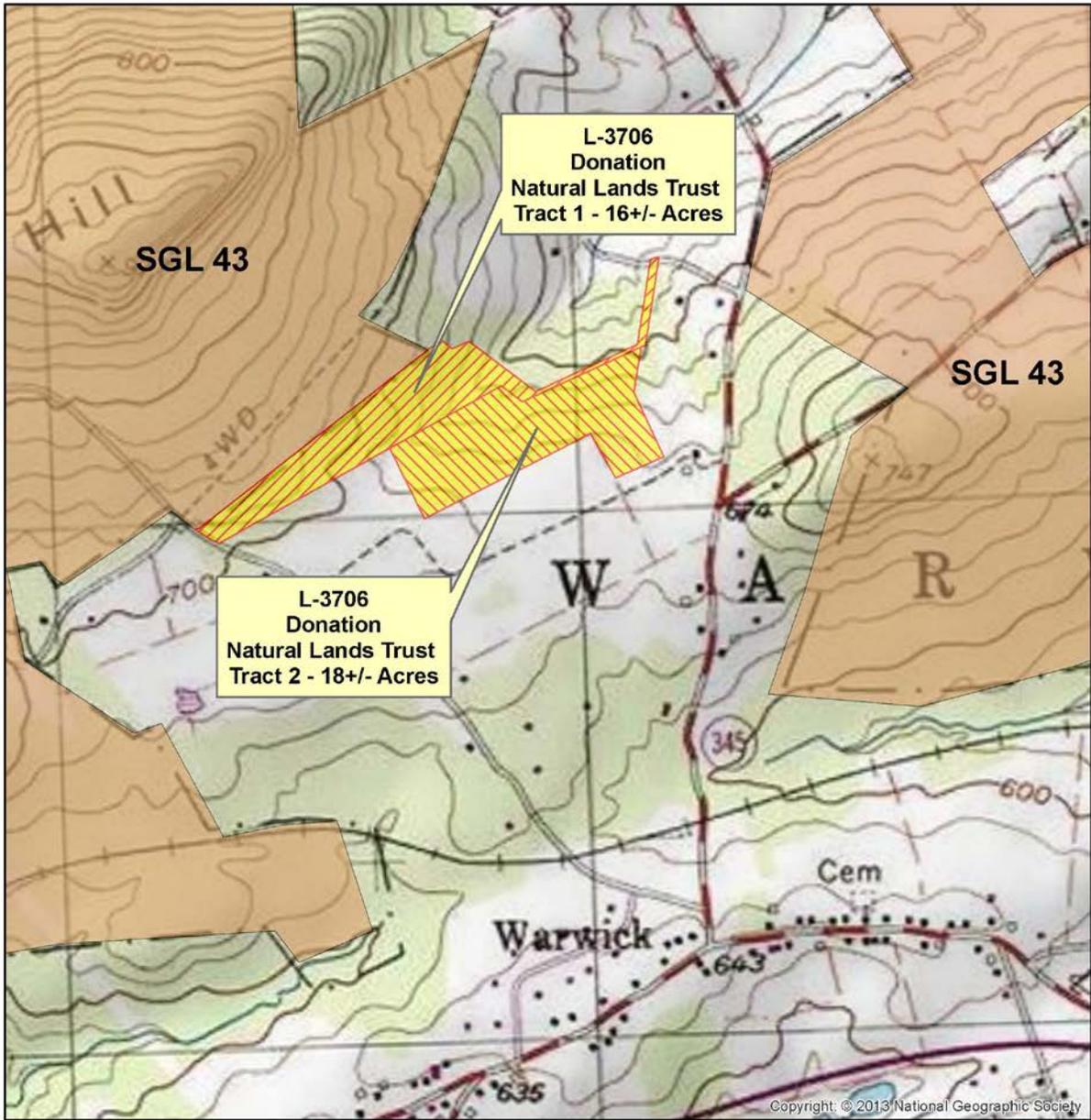


Exhibit RED 2
State Game Land No. 43

L-3706
 Donation
 Natural Lands Trust
 Tract 1 - 16+/- Acres
 Tract 2 - 18+/- Acres

Warwick Township
 Chester County
 Southeast Region

B. Interagency Transfer

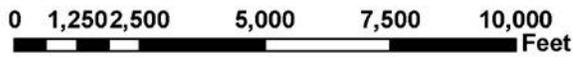
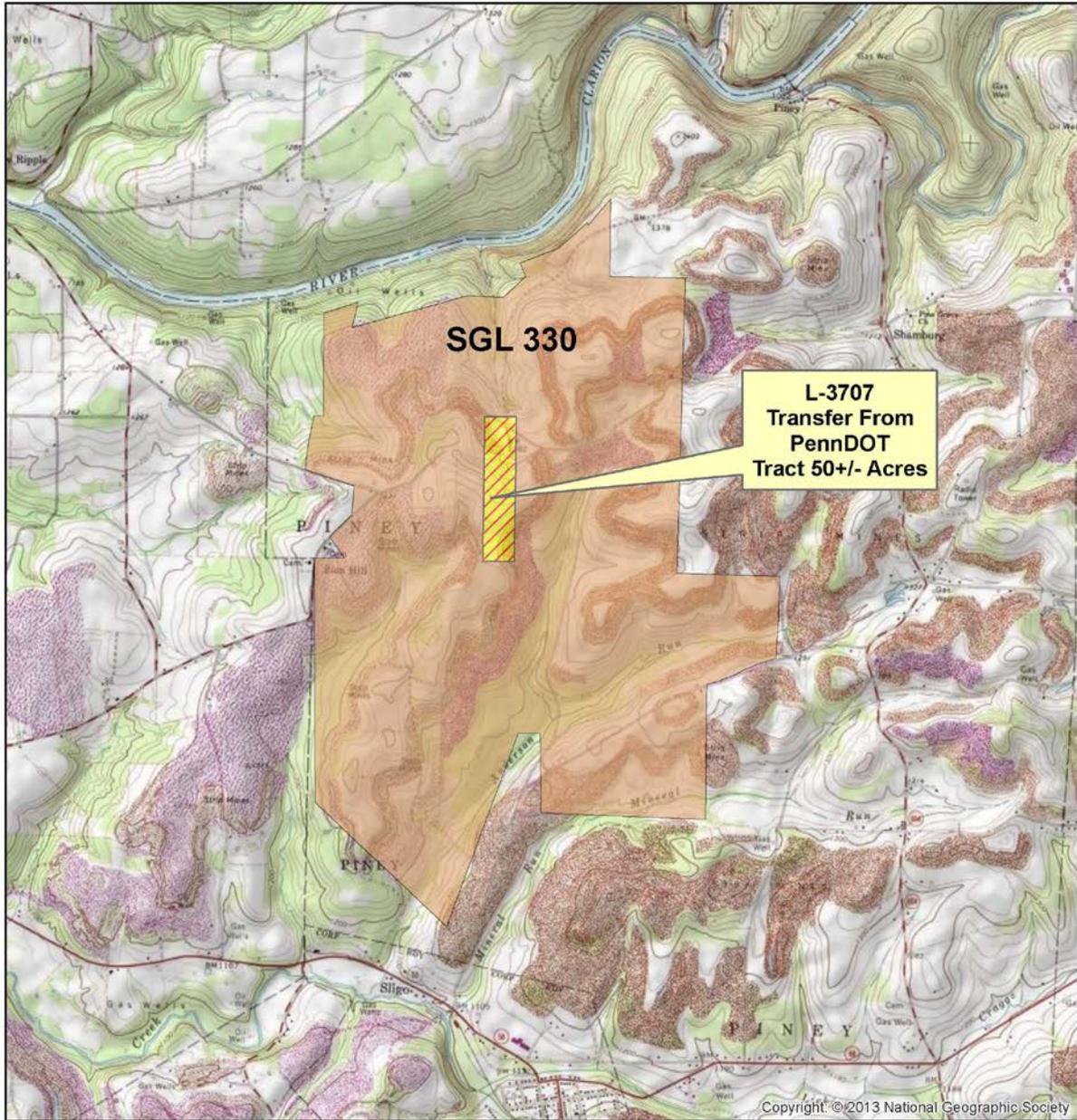
On May 15, 2008, the Game Commission entered into a Cooperative Interagency Agreement for Interdepartmental Land Transfer and Establishment of State Game Land Banks with the Pennsylvania Department of Transportation and the Federal Highway Administration. The State Game Land Banking Agreement will streamline transportation development projects by allowing PennDOT Districts to establish State Game Land Banks in advance of highway projects impacting less than five acres of State Game Lands. This agreement will expedite the mitigation process where impacts can be debited from existing land banks instead of being addressed on a case-by-case basis. The following tract has been identified as being an acceptable site for use as a State Game Land Bank in accordance with the agreement.

Contract No. L-3707, State Game Land No. 330, Clarion County

Commentary:

PennDOT is offering to transfer exclusive jurisdiction and control of 50+/- acres of land located in Piney Township, Clarion County, which is an interior in State Game Land No. 330 (Exhibit RED 3). Approximately half the property is grassland with the remaining half planted in red and Scotch pine. The tract is located within a core area deemed as critical and unique habitat for the following species; Pennsylvania endangered short-eared owl, upland sandpiper and dickcissel; Pennsylvania threatened northern harrier and documented as breeding and nesting habitat for Henslow's sparrow, a species of special concern. Access is from Mount Zion Road (T-841) which bisects the property to the north.

Action:



**Exhibit RED 3
State Game Land No. 330**

**L-3707
Transfer From
PennDOT
Tract 50+/- Acres**

**Piney Township
Clarion County
Northwest Region**

OIL/GAS & MINERALS

C. Coal Refuse Reclamation Agreement

Tract 332A-16, State Game Land No. 332, Indiana County

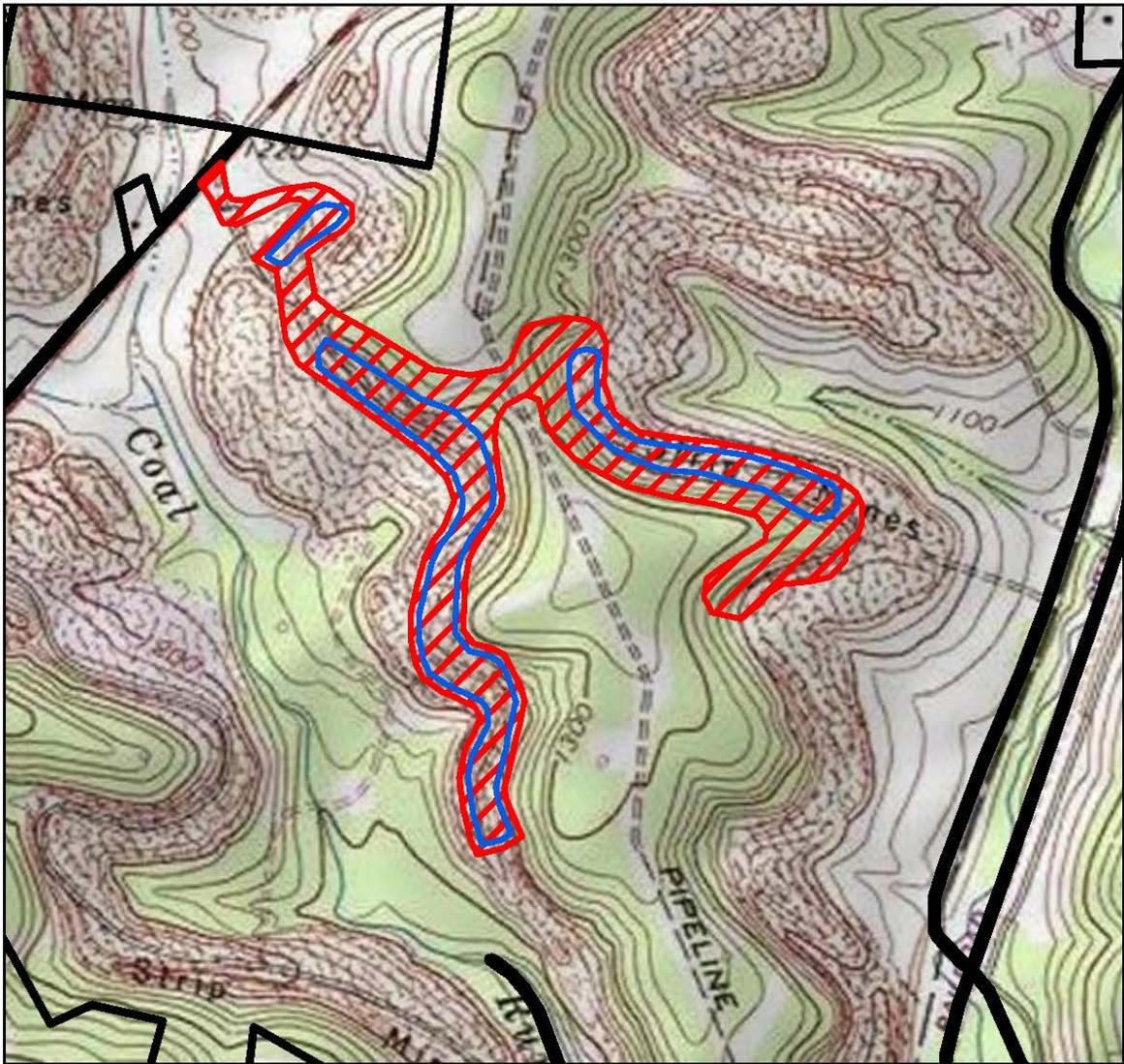
Commentary:

Robindale Energy Services, Inc. (RES) of Armagh Pennsylvania has requested an Agreement to mine and remove an estimated 1.8 million tons of economically recoverable coal refuse material beneath approximately 23 acres of State Game Land No. 332, and the right to occupy an additional 41 acres for a total of approximately 64 acres to include placement of alkaline coal ash material for beneficial use and reclamation of approximately 850 linear feet of abandoned highwalls (Exhibit OGM 1). The Game Commission owns the surface and surface support rights, and coal refuse conveyed with the property. Removal of potential acid-forming coal refuse, improved water quality along with wildlife habitat enhancements exist with the proposed project.

The terms are a six-year agreement, a royalty rate of thirty cents (\$0.30) per ton of coal refuse removed from the premises, and a royalty rate of thirty cents (\$0.30) per ton of coal ash produced by the combustion of coal, coal refuse, and limestone at the RES Seward waste coal-fired power plant that is deposited on the premises.

All coal refuse and coal ash royalty payments will be deposited into the Game Fund. Mining will be regulated by the Commonwealth's Mining Regulations and the Commission's Standard Coal Refuse Reclamation Agreement.

Action:

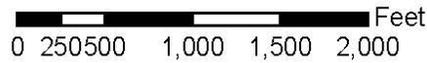
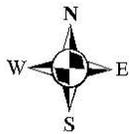


-  State Game Land Boundary
-  Agreement Area 64 +/- Acres
-  Coal Refuse Area

OGM 1

**State Game Land No.332
Robindale Energy
Coal Refuse Reclamation Agreement
Tract 332A-16**

Young Township, Indiana County
Southwest Region



D. Non-Surface Use Oil and Gas Cooperative Agreement, Mt. Wheeler Tower Site, Washington County

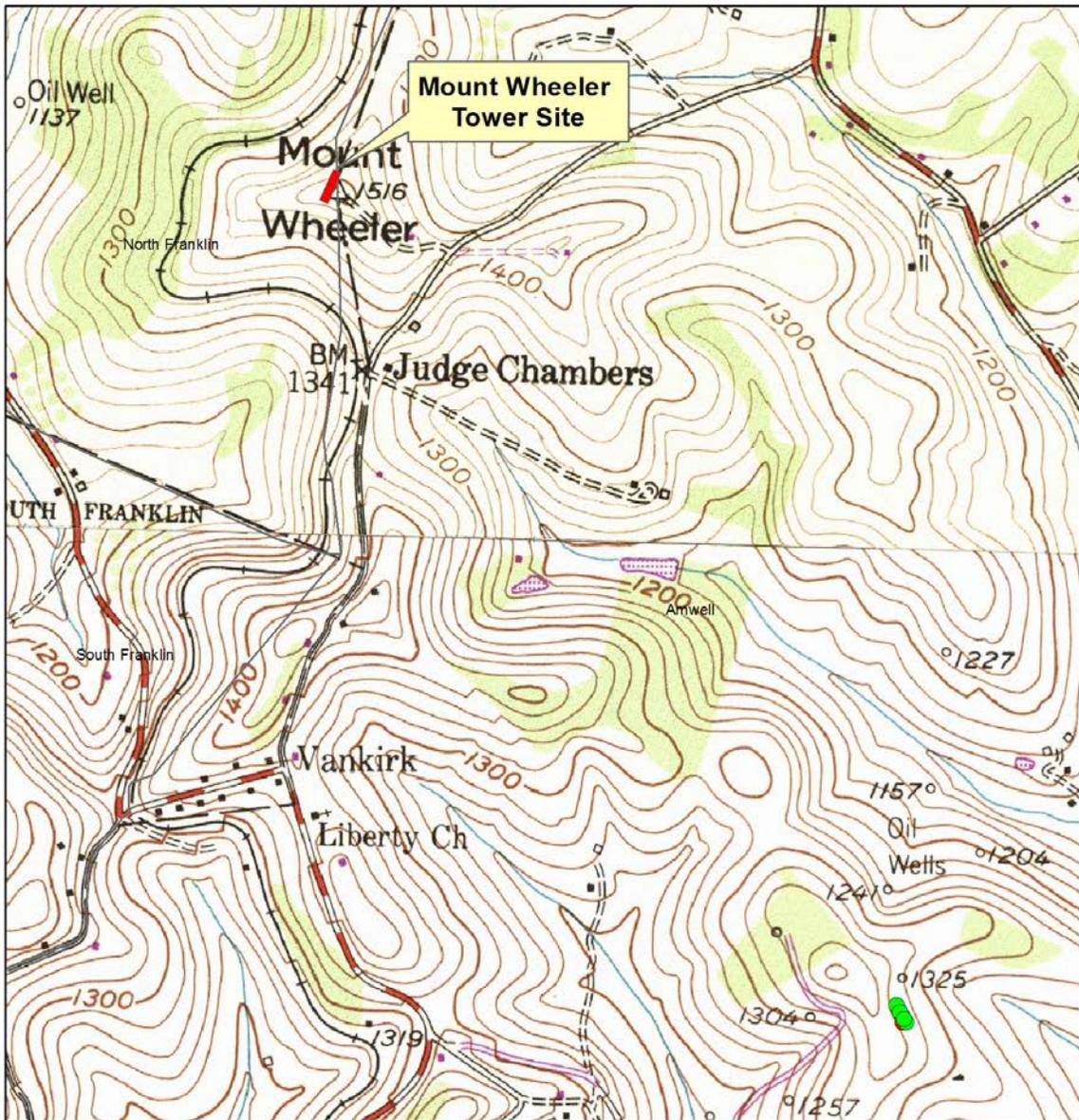
Commentary: Range Resources (Range) requested the Commission offer its 0.36 acre oil and gas rights under the Mt. Wheeler Tower Site located in Washington County for non-surface use development agreement. (Exhibit OGM 2).

The Game Commission acquired the Mt. Wheeler Tower site in 2008. Range has a strong privately owned oil/gas lease position surrounding Mt. Wheeler Tower, has initiated unconventional well drilling and development in the vicinity of the proposed tract, and has the ability to unitize and develop the Commission's oil and gas reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the site. The OGM staff has negotiated the proposed terms of the agreement with Range in an effort to prudently develop the Commission's oil and gas reserve.

The terms of the Agreement are a five-year paid up non-surface use oil and gas agreement, a \$2,000 bonus payment and 20% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. All royalties, rentals and the bonus payment of \$2,000 shall 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 Non-Surface Use Oil and Gas Cooperative Agreement.

Action:



 Mt. wheeler
 Tower Site
 PGC OGM

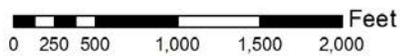


EXHIBIT OGM 2
Mt. Wheeler Tower Site
Non-Surface Use
Oil & Gas Cooperative Agreement
Range Resources
Tract Wheeler Tower A-16
0.36 +/- Acres

North FranklinTwp., Washington County

E. Surface Coal Mining Agreement, State Game Land No. 75, Lycoming County

Commentary: Fisher Mining Company (FMC) of Montoursville, PA requests to add a 40 acre tract of lower and middle Kittanning coals for surface mining to a previously approved 66 acre tract to the Thomas Northeast II surface mine extension on State Game Land No. 75 located in Pine Township Lycoming County (Exhibit OGM 3).

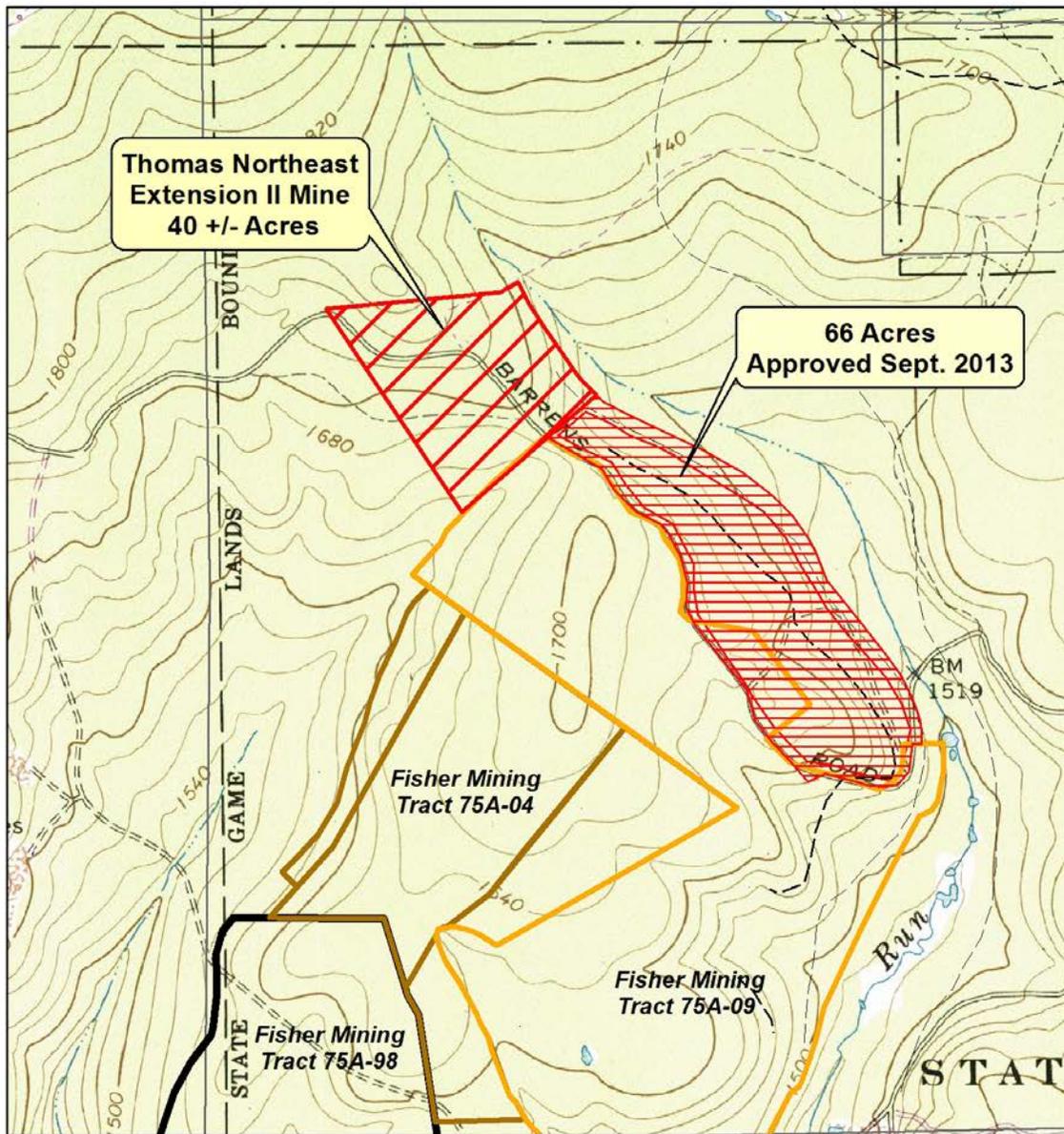
The Board of Commissioners approved FMC's request to mine a 66 acre tract at the September 2013 meeting. Since the 2013 meeting, FMC has evaluated the viability of surface mining of the Lower and Middle Kittanning coals on the additional acreage, which has an estimated 183,141 ton reserve base and an estimated minimum royalty value of \$503,637. FMC and the Commission have mutually agreed to eliminate the \$1,500,000 advance royalty payment provision that was approved in the September 2013 proposal. FMC will pay the Commission a royalty of 12% FOB pit price or a minimum of \$2.75 per ton, whichever the greater for each ton of coal mined and sold from the additional area. Royalty payments will be made by FMC on a quarterly basis with all payments being deposited into the Game Fund. The proposed surface mining is an extension of and is immediately adjacent to FMC's Thomas Northeast Mine operation on State Game Land No. 75 also known as Tract 75A-09.

The reclamation plan will incorporate the Appalachian Reforestation Reclamation Initiative reclamation type plan, to the extent that adequate soil material is available, to achieve post mining land uses of wildlife habitat and forestland. The mining and reclamation plan includes adding a minimum of 1,200 tons/acre of alkaline addition material on the pit floor and within the backfill to ensure alkaline post mining water quality.

The estimated coal royalty value of the proposed additional mining on the 40 acre tract has been estimated to be approximately \$503,637. The term of the agreement is seven years which will commence upon the issuance of a valid surface mining permit to FMC by the Department of Environmental Protection, and can be extended on a year to year basis to facilitate removal of economically minable coal reserves. All merchantable timber, which is cut and/or impacted by this mining operation, will be assessed by the Commission's Northcentral Regional forestry staff at a double stumpage rate.

Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's Standard Surface Mining Agreement.

Action:



-  40 Acre Amendment Area
-  Thomas Northeast Extension Mine area
Approved at September 2013 BOC meeting



EXHIBIT OGM 3
State Game Land No. 75
Surface Coal Mining Agreement
Fisher Mining Company
Tract 75A-13 Amendment

Pine Twp., Lycoming County
 NorthcentralRegion

F. Non-Surface Use Oil and Gas Cooperative Agreement, Tract 223A-17, State Game Land No. 223, Greene County

Commentary: Energy Corporation of America (ECA) requested the Commission offer its oil and gas rights under a portion of State Game Land No. 223 for non-surface use development. The proposed tract, containing approximately 370.6 acres is located in Greene and Cumberland Townships, Greene County (Exhibit OGM 4).

ECA has a strong privately owned oil/gas lease position surrounding this portion of State Game Land No. 223, has initiated unconventional well drilling and development in the vicinity of the proposed tract, and has the ability to unitize and develop the Commission's oil and gas reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the Game Land. Additionally, ECA has no partnerships with other operators in relation to the proposed lease. The OGM staff has negotiated the proposed terms of the agreement with ECA in an effort to prudently develop the Commission's oil and gas reserves and simultaneously protect the wildlife resources and recreational use of State Game Land No. 223.

The terms of the Agreement are a five-year paid up non-surface use oil and gas agreement, a \$4,000 per net oil and gas acre bonus payment and 18% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. All royalties, rentals and the bonus payment of approximately \$1,482,400 shall 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 Non-Surface Use Oil and Gas Cooperative Agreement.

Action:

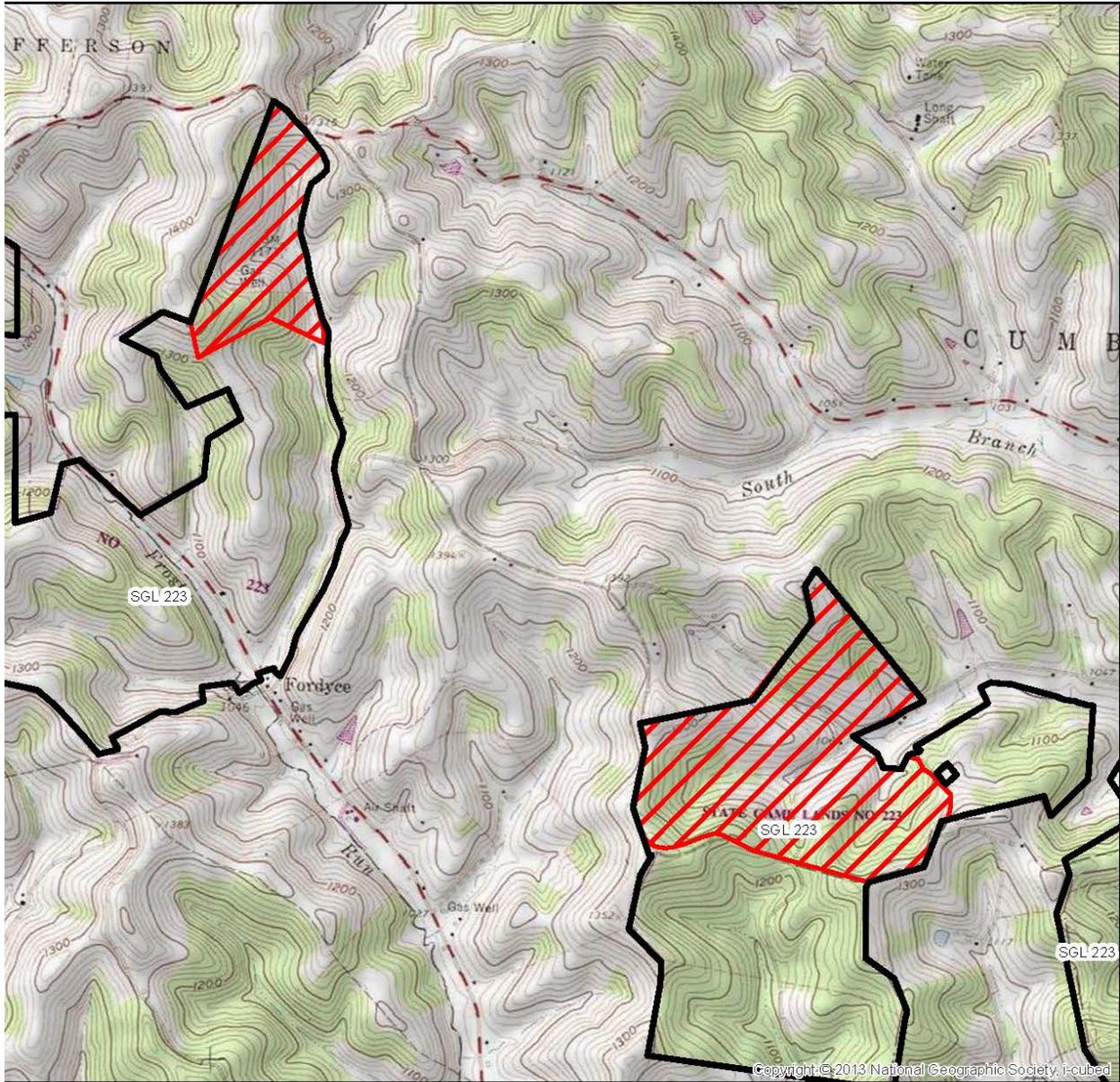
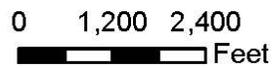
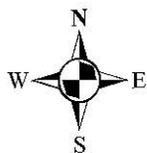


EXHIBIT OGM 4

State Game Land No. 223

Non-Surface Use
 Oil & Gas Cooperative Agreement
 Energy Corporation of America
 Tract 223A-17
 370.6 +/- Acres

Greene/Cumberland Twps., Green County
 Southwest Region



OTHER NEW BUSINESS

Next Working Group Meeting

Proposed Commission Meeting Dates:

April
July
Sept.

Election of Officers

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

Adjournment

DRAFT