

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
April 22, 2008

A handwritten signature in black ink, appearing to read "Carl G. Roe". The signature is stylized with a large, looped "C" and a sharp, pointed "R".

Carl G. Roe
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, April 22, 2008, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Invocation

Roll Call of Commissioners

Roxane S. Palone, President
Gregory J. Isabella, Vice President
James J. Delaney, Jr., Secretary
Russell E. Schleiden
Thomas E. Boop
H. Daniel Hill
David W. Schreffler

Approval of Minutes of Meeting held January 29, 2008

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §139.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 29, 2008 meeting, proposed the following change:

Amend §139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2008-2009 hunting license year.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "A."

Action:

EXHIBIT "A"

(SEASONS AND BAG LIMITS TABLE)

2008-2009 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels – (Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 11	Oct. 17	6	12
Squirrels – (Combined species)	Oct. 18 and Dec. 15 and Dec. 26	Nov. 29 and Dec. 23 and Feb. 7, 2009	6	12
Ruffed Grouse - (Statewide)	Oct. 18 and Dec. 15 and Dec. 26	Nov. 29 and Dec. 23 and Jan. 24, 2009	2	4
Rabbits, Cottontail	Oct. 25 and Dec. 15 and Dec. 26	Nov. 29 and Dec. 23 and Feb. 7, 2009	4	8

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Ringneck Pheasant - Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A & 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 11	Oct. 18	2	4
Ringneck Pheasant - Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 11	Oct. 18	2	4
Ringneck Pheasant - Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A & 5B	Oct. 25	Nov. 29	2	4
Ringneck Pheasant - Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D	Oct. 25 Dec. 15 Dec. 26	and and and Nov. 29 Dec. 23 Feb. 7, 2009	2	4
Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Bobwhite Quail - The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 25	Nov. 29	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2009	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	

Species	First Day	Last Day	Daily Limit	Season Limit
Turkey - Male or Female			1	1
Wildlife Management Units 1A, 1B & 2A (Shotgun, Bow & Arrow only)	Nov. 1	Nov. 15		
Wildlife Management Unit 2B (Shotgun, Bow & Arrow only)	Nov. 1	Nov. 22		
Wildlife Management Units 2C, 2E, 2F, 4A & 4B	Nov. 1	Nov. 15		
Wildlife Management Units 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D & 4E	Nov. 1	Nov. 22		
Wildlife Management Units 5A & 5B	Closed to fall turkey hunting			
Wildlife Management Units 5C & 5D (Shotgun, Bow & Arrow Only)	Nov. 1	Nov. 7		
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	April 25, 2009	May 25, 2009	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 18, 2009	April 18, 2009	1	1

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. §§ 703-711) as published in the Federal Register on or about August 27 and September 28 of each year.

Exceptions:

(a) Hunting hours in §141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	Jul. 4, 2008	Apr. 5, 2009		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited
Wild Boar	May be taken while lawfully hunting deer, bear and fall turkey.			Unlimited

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
FALCONRY				
Squirrels – (Combined species)	Sept. 1	Mar. 31, 2009	6	12
Quail	Sept. 1	Mar. 31, 2009	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2009	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2009	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2009	1	2
Ringneck Pheasant - Male and Female - (Combined)	Sept. 1	Mar. 31, 2009	2	4

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

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlered & Antlerless - (Statewide) ² (Archery - Bows and Arrows Only)	Oct. 4	Nov. 15	One antlered and an antlerless deer with each required antlerless license.
Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Dec. 26	Jan. 10, 2009	

DEER - (Continued)

Species	First Day	Last Day	Season Limit
Deer, Antlerless – WMUs 2B, 5C & 5D (Archery – Bows and Arrows & Crossbows)	Sep. 20 and Nov. 17 and Dec. 15	Oct. 3 Nov. 29 Dec. 23	An antlerless deer with each required antlerless license.
Deer, Regular Antlered & Antlerless ² WMUs 1A, 1B, 2A, 2B, 2C, 2E, 2F, 3A, 3B, 3D, 4A, 4C, 4D, 4E, 5A, 5B, 5C & 5D	Dec. 1	Dec. 13	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular Antlered only ^{2&8} WMUs 2D, 2G, 3C & 4B	Dec. 1	Dec. 5	One antlered deer
Deer, Regular Antlered & Antlerless ^{2&8} WMUs 2D, 2G, 3C & 4B	Dec. 6	Dec. 13	One antlered, and an antlerless deer with each required antlerless license.
Deer, Antlerless only - (Statewide) Only Junior and Senior License Holders, ³ PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 23	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Antlerless only - (Statewide) (Muzzleloading season)	Oct. 18	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless - (Statewide) ² (Flintlock Muzzleloading season)	Dec. 26	Jan. 10, 2009	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 2B, 5C & 5D	Dec. 15 and Dec. 26	Dec. 23 Jan. 24, 2009	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age – (Bows & Arrows only) ⁴ WMUs 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B & 4D	Nov. 19	Nov. 20	1	1
Bear, any age - (Statewide) ⁴	Nov. 24	Nov. 26	1	1
Bear, any age ⁴ Wildlife Management Units 3C and that portion of 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Dec. 1	Dec. 6	1	1
Also, those portions of WMUs 2G and 3B in Lycoming County that lies North of the West Branch of the Susquehanna River from the Rt. 405 bridge, West to the Rt. 220 bridge, East of Rt. 220 to Rt. 44 and East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.				
Bear, any age ⁴ WMUs 4C, 4D & 4E	Dec. 3	Dec. 6	1	1
Bear, any age ⁴ Rockview Prison	Dec. 1	Dec. 6	1	1

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Antlered & Antlerless ⁵ (With each required license)	Nov. 3	Nov. 8	1	1
Elk, Antlered & Antlerless ⁵ (With each required license) Elk Hunt Zone 1	Sep. 1	Sep. 27	1	1

FUR TAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats - (Statewide)	Nov. 22	Jan. 11, 2009		Unlimited

FUR TAKING – TRAPPING (Continued)

Species	First Day	Last Day	Daily Limit	Season Limit
Beaver - (Statewide)	Dec. 26	Mar. 31, 2009		
Wildlife Management Units 2E, 2F & 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels - (Statewide)	Oct. 26	Feb. 22, 2009		Unlimited
Coyotes & Foxes – (Statewide) (Cable restraint devices may be used)	Jan. 1, 2009	Feb. 22, 2009		Unlimited
Bobcat ⁶ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D & 4D	Oct. 26	Feb. 22, 2009	1	1

FUR TAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes - (Statewide)				Unlimited
Coyotes - (During any archery deer season)				May be taken while lawfully hunting deer or with a furtaker's license.
Coyotes - (During the regular firearms deer season and any bear season)				May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360 degree arc.
Coyotes - (During the spring gobbler turkey season)				May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.
Opossums, Skunks, Weasels ⁷ (Statewide)				No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.

FUR TAKING – HUNTING (Continued)

Species	First Day	Last Day	Daily Limit	Season Limit
Raccoons and Foxes - (Statewide) ⁷	Oct. 25	Feb. 21, 2009		Unlimited
Bobcat ⁶				
Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D & 4D	Oct. 25	Feb. 21, 2009	1	1

No open seasons on other wild birds or wild mammals.

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

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

³Includes persons 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).

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

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

⁶Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁷May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁸Season changes in Wildlife Management Units 2D, 2G, 3C and 4B are for the purpose of a 4 year study which must be completed before additional units are modified.

B. Adoption of proposed amendments to §139.17.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 29, 2008 meeting, proposed the following change:

Amend §139.17 (relating to wildlife management units) to provide updated wildlife management unit boundaries.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "B."

Action:

EXHIBIT "B"

CHAPTER 139. SEASONS AND BAG LIMITS

§139.17. Wildlife management units.

* * * * *

(b) The outline map of Pennsylvania sets forth wildlife management units.

(See map of Pennsylvania Wildlife Management Units)

C. Adoption of proposed amendments to §§141.48, 143.203, 143.206 and 143.207.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 29, 2008 meeting, proposed the following change:

Amend §§141.48 (relating to elk hunt zones), 143.203 (relating to drawing), 143.206 (relating to validity of license), and 143.207 (relating to unlawful acts) to redesignate "elk management areas/units" as "elk hunt zones."

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "C."

Action:

EXHIBIT "C"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.48. Elk hunt zones.

(a) The divisional line between two or more elk hunt zones shall be the center of the highway, natural water course, other natural boundary or marked boundary.

(b) The elk hunt zones will be established by the Director prior to the opening of elk season.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter K. ELK LICENSES

§143.203. Drawing.

* * * * *

(d) Qualified applicants and alternates drawn for an elk license shall be required to obtain a regular hunting license and complete an orientation program as prescribed by the Director.

* * * * *

§143.206. Validity of license.

An elk license is valid for taking elk only in the elk hunt zones designated on the elk license and is valid for an antlerless, antlered or either sex elk as designated on the elk license.

§143.207. Unlawful acts.

It is unlawful for a person to:

* * * * *

(3) Hunt for elk in an elk hunt zone other than the elk hunt zone designated on the elk license.

* * * * *

D. Adoption of proposed amendments to §147.701.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 29, 2008 meeting, proposed the following change:

Amend §147.701 (relating to bobcat hunting-trapping permit) to permit nonresident furtaker license holders to apply for and receive a bobcat hunting-trapping permit, to permit the Commission to automatically select bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow, and to update the bobcat tagging procedures and remove the requirement that all bobcat carcasses be physically presented to the Commission for examination, data collection and permanent tagging.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "D."

Action:

EXHIBIT "D"

CHAPTER 147. SPECIAL PERMITS

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under §139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.

* * * * *

(5) Current applicants with the maximum number of preference points as specified by the Director will automatically receive a bobcat harvest permit. The selection of additional permit applications will be made by random drawing from all eligible applications submitted. Incomplete, illegible or duplicate applications will not be included in the drawing. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and will be open to the public.

(6) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits will be mailed by the first Friday in October. The total number of permits issued for the license year will be set by the Director no later than the first day of June.

(7) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, wildlife management unit of harvest and method of harvest and attach the tag to the bobcat. The temporary carcass tag must remain attached to the animal until a permanent tag is provided. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth.

(ii) A permitted person taking a bobcat shall report the harvest to the Commission within 48 hours of the taking by telephoning the number specified on the permit.

(iii) A permanent tag for a bobcat taken under authority of a special permit shall be in the persons' possession and locked immediately upon receipt of the tag.

* * * * *

PROPOSED RULE MAKING

E. Amend 58 Pa. Code, §§139.2, 141.1 and 141.41.

Commentary: Currently, §139.2 defines field possession limit for deer in such a manner so as to prohibit the harvest of a second deer (when multiple harvests per day are authorized) before tagging a deer previously harvested. In light of its continued efforts to find solutions to the overabundant deer populations in the urban environments found in the Special regulations areas, the Commission is proposing to amend §141.1 to allow a hunter to harvest more than one deer at a time without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter. For all other areas of the Commonwealth outside of the Special regulations areas the traditional "tag before second harvest" requirement will remain, but will be relocated from §139.2 to §141.41 where it is more appropriately located.

CHAPTER 139. SEASONS AND BAG LIMITS

§139.2. Definitions.

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

* * * * *

~~[Field possession limit deer — When multiple harvests of deer per day are authorized, only one deer at a time may be harvested. Before harvesting additional deer, the deer previously harvested shall be lawfully tagged.]~~

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.1. Special regulations areas.

(d) Permitted acts. It is lawful to:

* * * * *

(6) Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter.

Subchapter C. BIG GAME

§141.41. General.

* * * * *

(b) It is unlawful to:

* * * * *

(7) Except as otherwise provided in §141.1 (relating to special regulations areas), harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized.

Recommendation: The Executive Director and staff recommend the Commission approve this change.

Action:

F. Amend 58 Pa. Code, §147.675.

Commentary: At the January 2008 Commission meeting the Commission proposed the creation of a bifurcated regular firearms season in Wildlife Management Units 2D, 2G, 3C and 4B during which the first 5 days will be limited to the harvest of antlered deer only and the last 7 days open to the harvest of both antlered and antlerless deer. The Commission has recognized that the intentional shortening of the regular firearms season for antlerless deer will also cause a resulting one week reduction in the time periods during which DMAP permits would be valid. In its continuing interest assisting landowners in achieving deer densities consistent with their land use goals through the use of licensed hunters, the Commission is proposing to amend §147.675 to continue the eligibility period for the validity of DMAP permits to include open seasons for antlerless deer during the regular firearms season. In an effort to curb confusion, the Commission is also proposing to amend §147.675 to clarify that DMAP harvest permits are valid only to harvest antlerless deer.

CHAPTER 147. SPECIAL PERMITS

Subchapter. R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§147.675. Validity of permit.

(a) DMAP harvest permits are valid [~~only~~] during open seasons for hunting antlered or antlerless deer.

* * * * *

(c) DMAP harvest permits are valid only to harvest antlerless deer.

Recommendation: The Executive Director and staff recommend the Commission approve this change.

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to §141.45.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 29, 2008 meeting, proposed the following change:

Amend §141.45 (relating to turkey) to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "A."

Action:

EXHIBIT "A"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.45. Turkey.

(a) While hunting wild turkey it is unlawful to:

* * * * *

(2) Use drives or electronic callers.

* * * * *

B. Adoption of proposed amendments to §137.1.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 29, 2008 meeting, proposed the following change:

Amend §137.1 (relating to importation, possession, sale and release of certain wildlife) to require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth and to prohibit the importation, possession, sale and release of all non-human primates within this Commonwealth.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of this amendment to 58 Pa. Code as shown on EXHIBIT "B."

Action:

EXHIBIT "B"

CHAPTER 137. WILDLIFE

§137.1. Importation, possession, sale and release of certain wildlife.

(a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following wild animals or wild birds or the eggs of the birds or a crossbreed or hybrid of the wild animals or wild birds, which are similar in appearance:

(1) In the *family Felidae*. Species and subspecies, except species which are commonly called house cats which may be possessed but not released into the wild. Lawfully acquired bobcats – *Lynx rufus* – may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Importation permits and transfer permits as mentioned in subsections (d) and (e) are not required for bobcats imported for propagation for fur farming purposes. Bobcats imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild.

(2) In the *family Canidae*. Species and subspecies of the coyote, the red and gray fox and a full-blooded wolf or crossbreed thereof not licensed by the Department of Agriculture. Lawfully acquired coyotes and red or gray foxes may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Coyotes and red and gray foxes imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild. This subsection does not permit the sale for release or the release of the mammals into the wild.

* * * * *

(7) The order Primates. All families of nonhuman primates.

(8) An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious.

(9) The Monk Parakeet, *Myiopsitts monachus*, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.

(10) Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of this Commonwealth's wild fauna.

(11) Game or wildlife held captive. Game or wildlife held in captivity or captive bred in another state or nation.

* * * * *

(c) Nothing in this section prevents zoological gardens from importing wildlife.

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, shall first obtain an importation permit from the Commission subject to the following:

* * * * *

(2) A person wishing to import wildlife for a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation purposes shall be in possession of a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation permit prior to submitting the application for an import permit. See Chapter 147 (relating to special permits).

* * * * *

PROPOSED RULE MAKING

C. Amend 58 Pa. Code, §141.4.

Commentary: Each year there is a shift in calendar days for each month. As a result of this occurrence, the time tables found in §141.4 must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. Towards this end, the Commission is proposing to amend §141.4 by replacing the current sunrise/sunset table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.4. Hunting hours.

Except as otherwise provided, wild birds and animals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

* * * * *

(See Pennsylvania Meridian Map and [~~Sunrise/Sunset~~] Hunting Hours and Migratory Game Bird Hunting Hours Table)

* * * * *

**SUNRISE/SUNSET TABLE
FOR JULY 1, 2007 THROUGH JULY 5, 2008**

Dates	Sunrise	Sunset	Dates	Sunrise	Sunset
July 1—July 7	5:39	8:32	Jan. 6—Jan. 12	7:22	4:55
July 8—July 14	5:43	8:29	Jan. 13—Jan. 19	7:20	4:57
July 15—July 21	5:49	8:25	Jan. 20—Jan. 26	7:20	5:05
July 22—July 28	5:55	8:20	Jan. 27—Feb. 2	7:15	5:15
July 29—Aug. 4	6:01	8:10	Feb. 3—Feb. 9	7:10	5:25
Aug. 5—Aug. 11	6:08	8:05	Feb. 10—Feb. 16	7:00	5:30
Aug. 12—Aug. 18	6:15	7:55	Feb. 17—Feb. 23	6:50	5:40
Aug. 19—Aug. 25	6:21	7:43	Feb. 24—Mar. 1	6:40	5:48
Aug. 26—Sept. 1	6:28	7:33	Mar. 2—Mar. 8	6:30	5:55
Sept. 2—Sept. 8	6:35	7:21	Mar. 9—Mar. 15	7:20	7:05
Sept. 9—Sept. 15	6:40	7:10	Mar. 16—Mar. 22	7:10	7:10
Sept. 16—Sept. 22	6:48	6:58	Mar. 23—Mar. 29	6:58	7:17
Sept. 23—Sept. 29	6:55	6:47	Mar. 30—Apr. 5	6:47	7:25
Sept. 30—Oct. 6	7:00	6:35	Apr. 6—Apr. 12	6:35	7:30
Oct. 7—Oct. 13	7:09	6:25	Apr. 13—Apr. 19	6:25	7:40
Oct. 14—Oct. 20	7:15	6:15	Apr. 20—Apr. 26	6:15	7:45
Oct. 21—Oct. 27	7:25	6:05	Apr. 27—May 3	6:05	7:55
Oct. 28—Nov. 3	7:26	6:03	May 4—May 10	5:55	8:00
Nov. 4—Nov. 10	6:40	4:50	May 11—May 17	5:49	8:05
Nov. 11—Nov. 17	6:50	4:45	May 18—May 24	5:41	8:14
Nov. 18—Nov. 24	6:56	4:40	May 25—May 31	5:36	8:20
Nov. 25—Dec. 1	7:05	4:36	June 1—June 7	5:34	8:25
Dec. 2—Dec. 8	7:10	4:35	June 8—June 14	5:32	8:30
Dec. 9—Dec. 15	7:15	4:36	June 15—June 21	5:30	8:31
Dec. 16—Dec. 22	7:20	4:39	June 22—June 28	5:32	8:34
Dec. 23—Dec. 29	7:22	4:43	June 29—July 5	5:35	8:33
Dec. 30—Jan. 5	7:23	4:49			

HUNTING HOURS TABLE
FOR JUNE 29, 2008 THROUGH JULY 4, 2009

<u>Dates</u>	<u>Begin A.M.</u>	<u>End P.M.</u>	<u>Dates</u>	<u>Begin A.M.</u>	<u>End P.M.</u>
<u>June 29 – July 5</u>	<u>5:09</u>	<u>9:02</u>	<u>Jan. 4 – 10</u>	<u>6:53</u>	<u>5:20</u>
<u>July 6 – 12</u>	<u>5:13</u>	<u>9:00</u>	<u>Jan. 11 – 17</u>	<u>6:50</u>	<u>5:25</u>
<u>July 13 – 19</u>	<u>5:18</u>	<u>8:55</u>	<u>Jan. 18 – 24</u>	<u>6:49</u>	<u>5:34</u>
<u>July 20 – 26</u>	<u>5:24</u>	<u>8:50</u>	<u>Jan. 25 – 31</u>	<u>6:45</u>	<u>5:42</u>
<u>July 27 – Aug. 2</u>	<u>5:30</u>	<u>8:43</u>	<u>Feb. 1 – 7</u>	<u>6:39</u>	<u>5:50</u>
<u>Aug. 3 – 9</u>	<u>5:37</u>	<u>8:34</u>	<u>Feb. 8 – 14</u>	<u>6:32</u>	<u>5:56</u>
<u>Aug. 10 – 16</u>	<u>5:44</u>	<u>8:25</u>	<u>Feb. 15 – 21</u>	<u>6:23</u>	<u>6:07</u>
<u>Aug. 17 – 23</u>	<u>5:50</u>	<u>8:15</u>	<u>Feb. 22 – 28</u>	<u>6:14</u>	<u>6:15</u>
<u>Aug. 24 – 30</u>	<u>5:57</u>	<u>8:04</u>	<u>Mar. 1 – 7</u>	<u>6:04</u>	<u>6:23</u>
<u>Aug. 31 – Sept. 6</u>	<u>6:04</u>	<u>7:53</u>	<u>Mar. 8 – 14*ends</u>	<u>6:53</u>	<u>7:30</u>
<u>Sept. 7 – 13</u>	<u>6:10</u>	<u>7:32</u>	<u>Mar. 15 – 21</u>	<u>6:42</u>	<u>7:38</u>
<u>Sept. 14 – 20</u>	<u>6:19</u>	<u>7:30</u>	<u>Mar. 22 – 28</u>	<u>6:30</u>	<u>7:45</u>
<u>Sept. 21 – 27</u>	<u>6:23</u>	<u>7:19</u>	<u>Mar. 29 – Apr. 4</u>	<u>6:19</u>	<u>7:52</u>
<u>Sept. 28 – Oct. 4</u>	<u>6:30</u>	<u>7:07</u>	<u>Apr. 5 – 11</u>	<u>6:08</u>	<u>7:59</u>
<u>Oct. 5 – 11</u>	<u>6:37</u>	<u>6:56</u>	<u>Apr. 12 – 18</u>	<u>5:57</u>	<u>7:54</u>
<u>Oct. 12 – 18</u>	<u>6:45</u>	<u>6:46</u>	<u>Apr. 19 – 25</u>	<u>5:43</u>	<u>8:13</u>
<u>Oct. 19 – 25</u>	<u>6:52</u>	<u>6:36</u>	<u>Apr. 26 – May 2</u>	<u>5:37</u>	<u>8:20</u>
<u>Oct. 26 – Nov.1</u>	<u>7:00</u>	<u>6:28</u>	<u>May 3 – 9</u>	<u>5:28</u>	<u>8:27</u>
<u>Nov. 2 – 8*ends</u>	<u>6:08</u>	<u>5:20</u>	<u>May 10 – 16</u>	<u>5:20</u>	<u>8:34</u>
<u>Nov. 9 – 15</u>	<u>6:16</u>	<u>5:14</u>	<u>May 17 – 23</u>	<u>5:14</u>	<u>8:41</u>
<u>Nov. 16 – 22</u>	<u>6:24</u>	<u>5:09</u>	<u>May 24 – 30</u>	<u>5:08</u>	<u>8:47</u>
<u>Nov. 23 – 29</u>	<u>6:32</u>	<u>5:06</u>	<u>May 31 – June 6</u>	<u>5:04</u>	<u>8:53</u>
<u>Nov. 30 – Dec. 6</u>	<u>6:38</u>	<u>5:05</u>	<u>June 7 – 13</u>	<u>5:02</u>	<u>8:57</u>
<u>Dec. 7 – 13</u>	<u>6:44</u>	<u>5:06</u>	<u>June 14 – 20</u>	<u>5:01</u>	<u>9:01</u>
<u>Dec. 14 – 20</u>	<u>6:51</u>	<u>5:08</u>	<u>June 21 – 27</u>	<u>5:04</u>	<u>9:03</u>
<u>Dec. 21 – 27</u>	<u>6:49</u>	<u>5:13</u>	<u>June 28 – July 4</u>	<u>5:07</u>	<u>9:03</u>
<u>Dec. 28 – Jan. 3</u>	<u>6:53</u>	<u>5:18</u>	<u>*Daylight Saving</u>		
			<u>Time</u>		

MIGRATORY GAME BIRD HUNTING HOURS TABLE

<u>Dates</u>	<u>Begin A.M.</u>	<u>End P.M.</u>	<u>Dates</u>	<u>Begin A.M.</u>	<u>End P.M.</u>
<u>Aug. 31 – Sept. 6</u>	<u>6:04</u>	<u>7:23</u>	<u>Dec. 7 – 13</u>	<u>6:44</u>	<u>4:36</u>
<u>Sept. 7 – 13</u>	<u>6:10</u>	<u>7:02</u>	<u>Dec. 14 – 20</u>	<u>6:51</u>	<u>4:38</u>
<u>Sept. 14 – 20</u>	<u>6:19</u>	<u>7:00</u>	<u>Dec. 21 – 27</u>	<u>6:49</u>	<u>4:43</u>
<u>Sept. 21 – 27</u>	<u>6:23</u>	<u>6:49</u>	<u>Dec. 28 – Jan. 3</u>	<u>6:53</u>	<u>4:47</u>
<u>Sept. 28 – Oct. 4</u>	<u>6:30</u>	<u>6:37</u>	<u>Jan. 4 – 10</u>	<u>6:53</u>	<u>4:50</u>
<u>Oct. 5 – 11</u>	<u>6:37</u>	<u>6:26</u>	<u>Jan. 11 – 17</u>	<u>6:50</u>	<u>4:56</u>
<u>Oct. 12 – 18</u>	<u>6:45</u>	<u>6:16</u>	<u>Jan. 18 – 24</u>	<u>6:49</u>	<u>5:04</u>
<u>Oct. 19 – 25</u>	<u>6:52</u>	<u>6:06</u>	<u>Jan. 25 – 31</u>	<u>6:45</u>	<u>5:12</u>
<u>Oct. 26 – Nov. 1</u>	<u>7:00</u>	<u>5:58</u>	<u>Feb. 1 – 7</u>	<u>6:39</u>	<u>5:20</u>
<u>Nov. 2 – 8*ends</u>	<u>6:08</u>	<u>4:50</u>	<u>Feb. 8 – 14</u>	<u>6:32</u>	<u>5:30</u>
<u>Nov. 9 – 15</u>	<u>6:16</u>	<u>4:44</u>	<u>Feb. 15 – 21</u>	<u>6:23</u>	<u>5:37</u>
<u>Nov. 16 – 22</u>	<u>6:24</u>	<u>4:39</u>	<u>Feb. 22 – 28</u>	<u>6:14</u>	<u>5:45</u>
<u>Nov. 23 – 29</u>	<u>6:32</u>	<u>4:36</u>	<u>Mar. 1 – 7</u>	<u>6:04</u>	<u>5:53</u>
<u>Nov. 30 – Dec. 6</u>	<u>6:38</u>	<u>4:35</u>	<u>Mar. 8 – 14*ends</u>	<u>6:53</u>	<u>7:00</u>
			<u>*Daylight Saving</u>		
			<u>Time</u>		

Recommendation: The Executive Director and staff recommend the Commission approve this change.

Action:

- D. Hunting License Revocations - Convictions - Proposed recommendations to revoke the hunting and furtaking privileges of the individuals convicted of violating the Game and Wildlife Code.

Commentary: The Commission, under authority of the Game and Wildlife Code, may revoke any hunting license and furtaker's license and deny any person the right to secure a license or to hunt and furtake anywhere in the Commonwealth, with or without a license, if said licensee or person has been convicted, or signed an acknowledgment of violating any provision of the Game and Wildlife Code. The Commission may revoke such licenses for a period of not to exceed three (3) years for the first offense; for a second or subsequent offense, for such period of time as the Commission shall determine.

1. Persons denied the right to hunt or furtake in the Commonwealth, through this action, are notified by Certified Mail that the revocation will commence July 1, 2008, and continue for such period of time as set forth following the individual's name. The symbol "RA" means the revocation was added to an existing revocation.
2. In accordance with the Administrative Agency Law of April 28, 1978, P.L. 202, No. 53 5, 2 PA CSA 502 et seq., the person placed on revocation has the opportunity for an Administrative Hearing concerning the hunting license revocation. If an Administrative Hearing is requested, a petition for review must be filed at the Commission Headquarters within thirty (30) days from the date of notice. Unless deemed in the best interest of the Commission by the Director or a designee, hearings shall be conducted at the central office. Hearings will be conducted in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code 31.1 et seq. The hearing itself will be conducted in accordance with Chapter 35 of the Rules and Chapter 145 of the Pa. Code.

Recommendation: The Executive Director and the Wildlife Protection Director recommend that the Commission revoke the hunting and furtaking license privileges of the persons named by the BUREAU OF WILDLIFE PROTECTION. Such revocation shall become effective July 1, 2008, and shall continue for such period of time and under the conditions set forth following each individual's name.

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisition

1. Option No. 50019

27.56 +/- acres of land in West Wheatfield Township, Indiana County, an indenture into State Game Land No. 153 (Exhibit RED 1). The option price is \$16,200 lump sum to be paid from the Game Fund. The Western Pennsylvania Conservancy, Inc. is acquiring this property on behalf of the Commission. The oil, gas and minerals have been reserved by a prior reservation held by Garfield Refractories Company. The property is entirely wooded with mixed hardwoods mostly in early forest succession. There are a number of spring seeps located on the property. Roaring Run also flows through the property. The property is surrounded on three sides by State Game Land No. 153 and acquiring this tract will result in a reduction of future boundary line maintenance.

Recommendation: The Executive Director and staff recommend the option listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the acquisition of this tract.

Action:

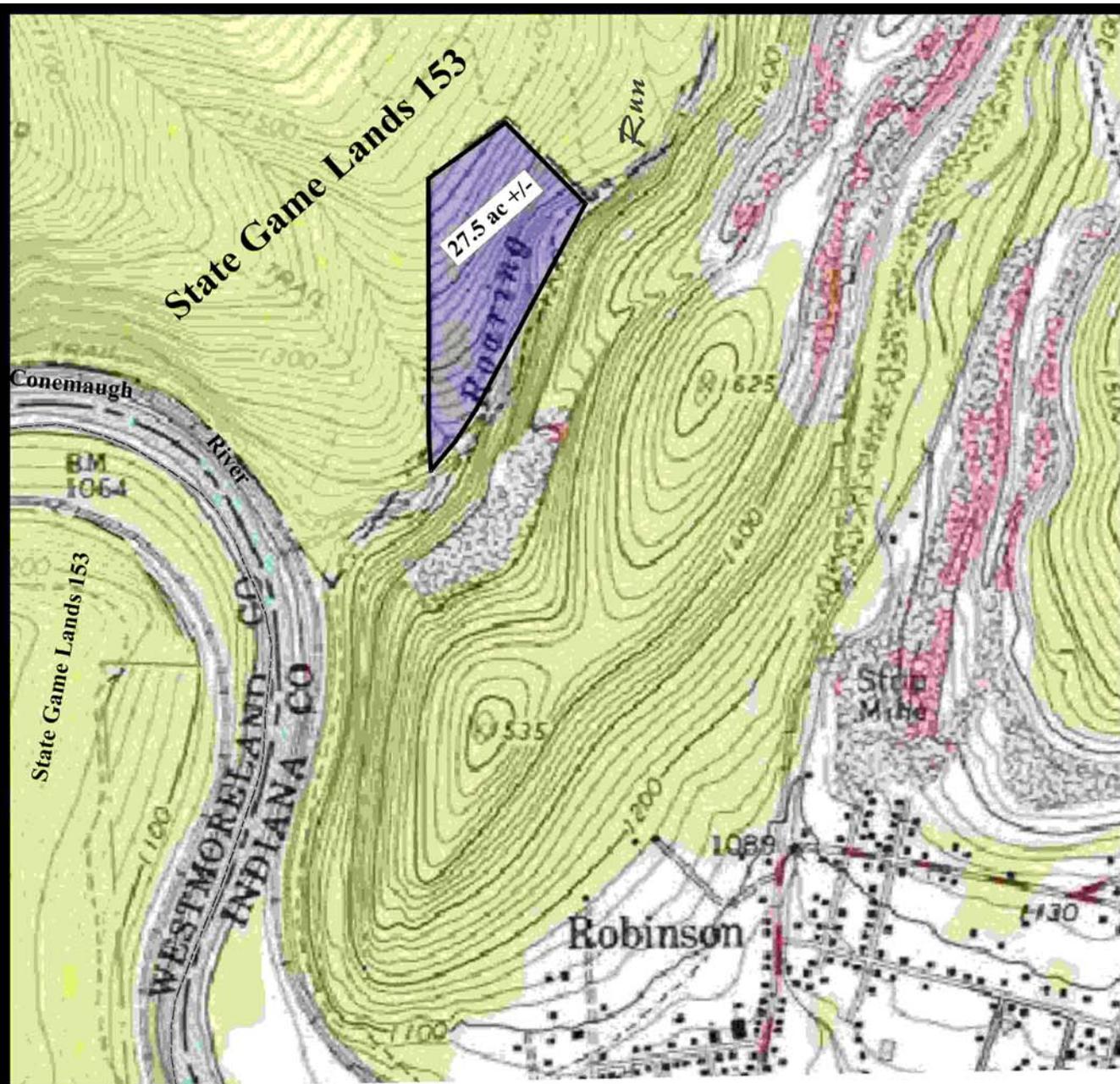


Exhibit RED 1
 State Game Lands 153
 Western Pennsylvania Conservancy
 to the Pennsylvania Game Commission
 West Wheatfield Twp., Indiana County
 Southwest Region

B. Donation

1. Option No. 50058

An administrative right-of-way in Forkston Township, Wyoming County, adjoining State Game Land No. 57 (Exhibit RED 2). Ron and Janis Hollenbeck of Montrose, Pennsylvania own property adjoining State Game Land No. 57 that extends from our common boundary line to S.R. 3001. The Hollenbecks are willing to donate an administrative right-of-way through their property to the Commission for access into a portion of State Game Land No. 57 currently inaccessible. The Hollenbecks learned of the Commission's wildlife habitat management practices and desire to make it easier for the Commission to enhance habitat in this area of the State Game Land No. 57 adjoining their property.

Recommendation: The Executive Director and staff recommends that the donation listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with acquiring this right-of-way.

Action:

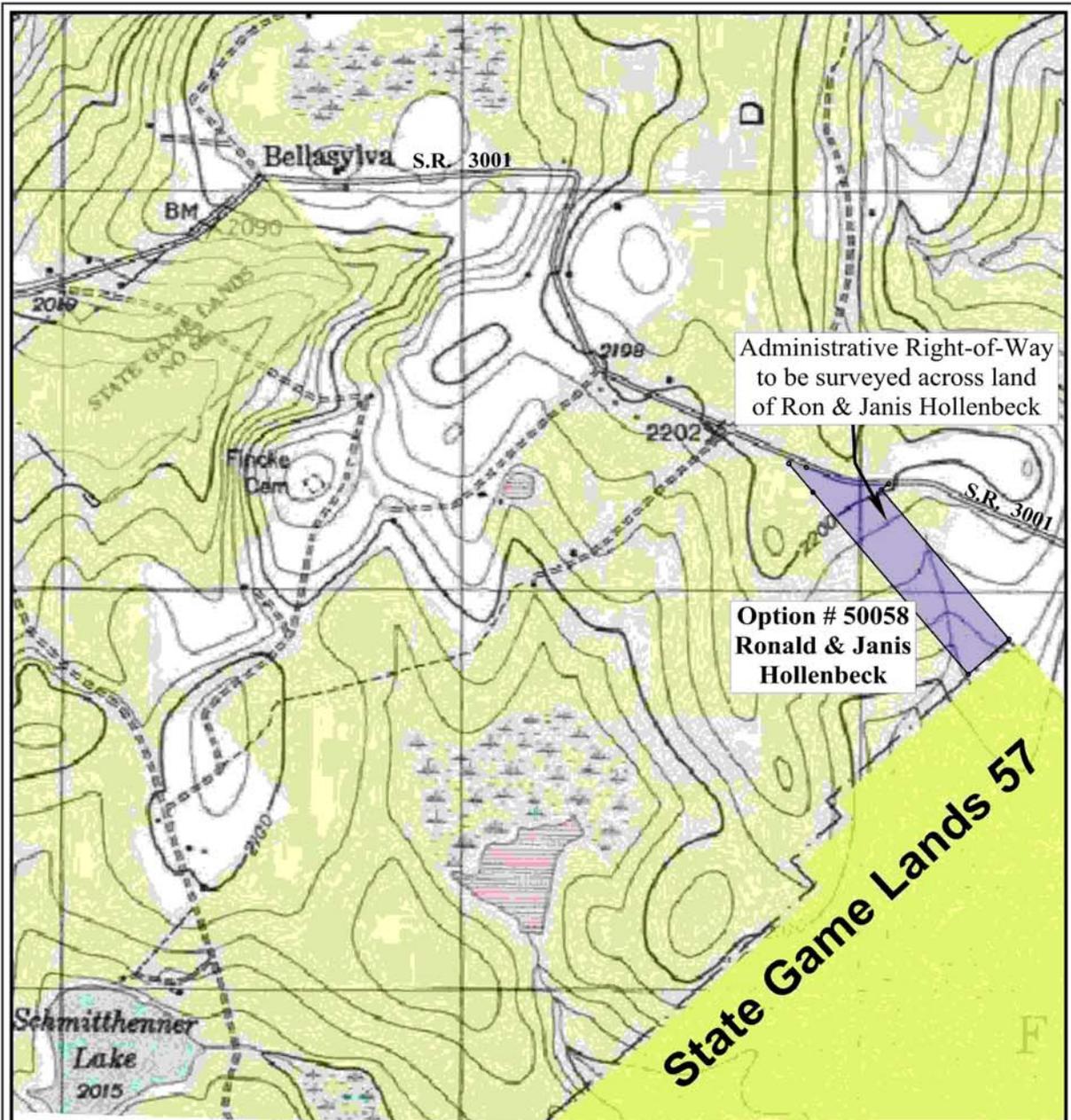


Exhibit RED 2
 State Game Lands 57
 Ron & Janis Hollenbeck to PGC
 Forkston Twp., Wyoming County
 Northeast Region

C. Land Exchange

1. Option No. 50067

State Game Land No. 284, Mercer County and State Game Land No. 314, Erie County.

Commentary:

Larry P. and Linda D. Bruno have agreed to a land exchange involving a 0.78 acre +/- tract of land, part of an abandoned railroad grade, State Game Land No. 284 situate in Springfield Township, Mercer County (Exhibit RED 3).

In exchange for the land listed above, the Brunos have agreed to provide \$4,500 towards the acquisition of 91.5+/- acres of land located in Springfield Township, Erie County, State Game Land No. 314 (Exhibit RED 4) or other lands acceptable to the Commission. The purchase price will also include \$400 per acre to be paid from the Game Fund. The exchange with the Brunos will require approval from the Department of Conservation and Natural Resources and the National Park Service because the portion of State Game Land No. 284 involved in the land exchange was acquired in part with funding through The Land and Water Conservation Fund Act.

This project is made possible through the efforts of the Lake Erie Regional Conservancy (LERC). LERC had originally applied for acquisition of this tract with a federal grant application through the National Scenic Byways Program and a grant from the Department of Conservation and Natural Resources. A small portion of the property was to be used as a parking area and trailhead for the Seaway Trail PA located in northwest Pennsylvania that runs parallel to the Lake Erie shoreline. After submission, the National Scenic Byways grant was not approved. Because the property adjoined State Game Land No. 314 and was, in fact partially contiguous, LERC requested assistance from the Commission.

All of State Game Land No. 314 is contained within the Lake Shoreline Landscape Conservation Area and is designated as an Important Bird Area. Migrating birds use State Game Land No. 314 as a stopover and resting place. Acquiring this property from LERC will increase the protection of this sensitive area. The property has similar shrub thickets and young deciduous forest characterized by red maple and aspen. A small portion of the property near Route 5 consists of old fields which are starting to revert to early shrub/forestland. LERC will retain 2 acres, more or less next to the existing highway Route 5 for a possible trailhead. The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife.

Recommendation: The Executive Director and staff recommends that the land exchange listed above be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with these exchanges.

Action:

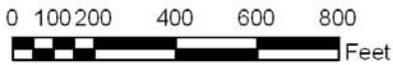
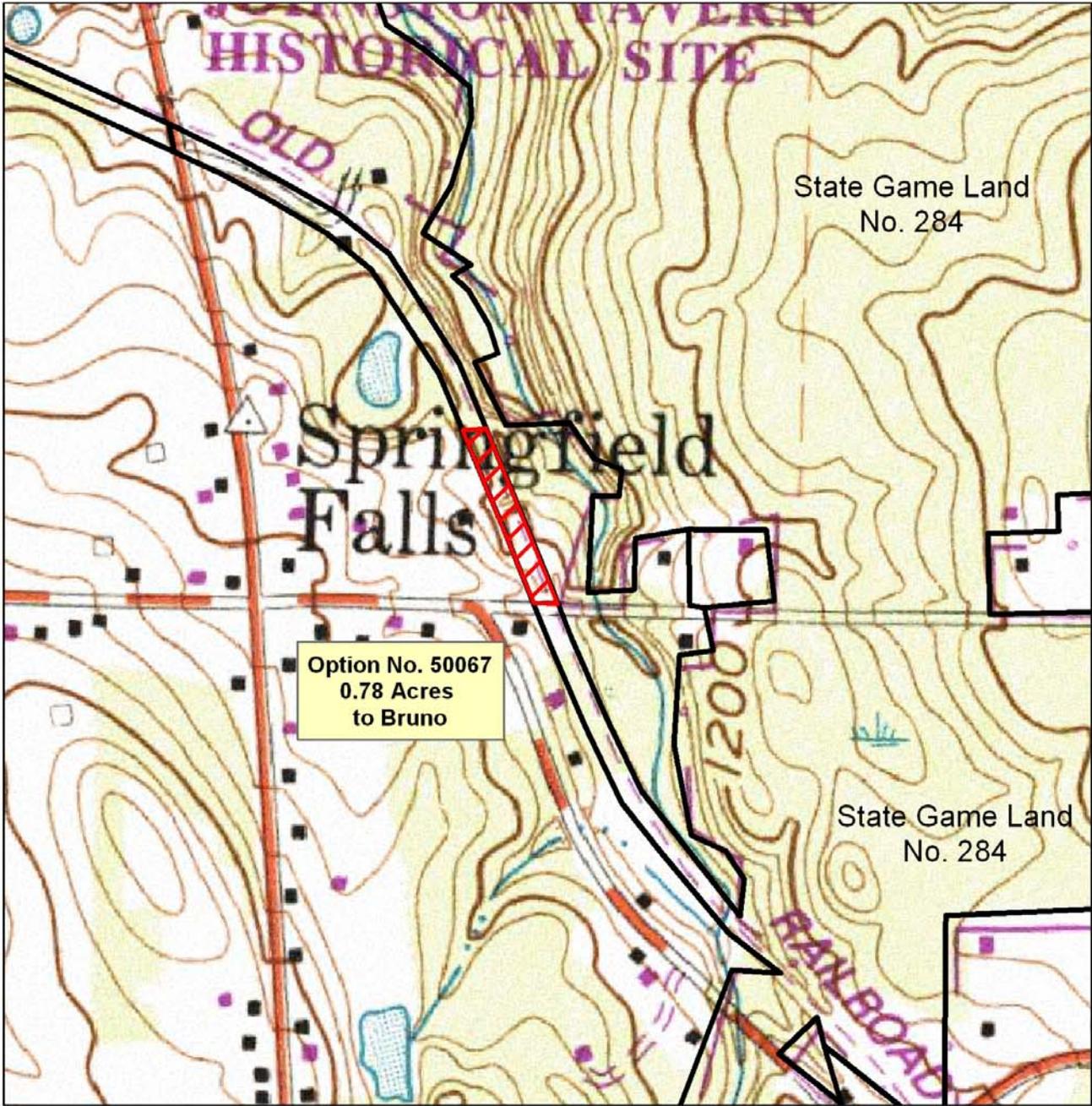


EXHIBIT RED 3
STATE GAME LAND No. 284

PGC to
Larry P. & Linda D. Bruno
0.78 +/- Acres

Springfield Twp.
Mercer County
Northwest Region

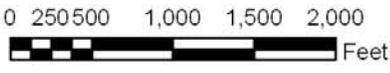
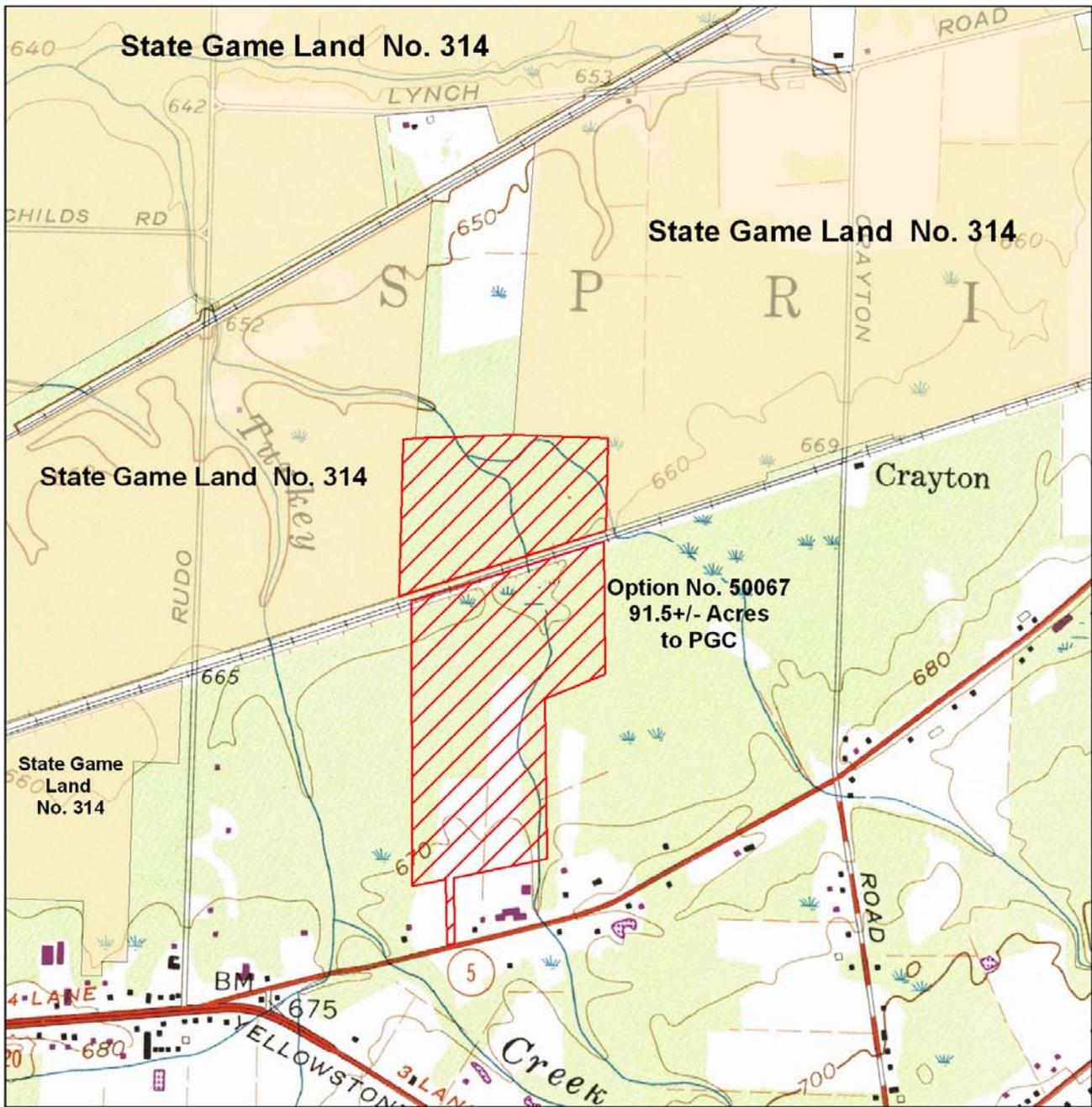


EXHIBIT RED 4
STATE GAME LAND No. 314
 Lake Erie Region Conservancy
 to
 PGC
 91.5+/- Acres
 Springfield Twp.
 Erie County
 Northwest Region

OIL/GAS & MINERALS

A. Surface Mining Coal Lease

State Game Land No. 77, Clearfield County

Commentary:

P & N Coal Company, Inc. of Punxsutawney, PA has requested a lease to surface mine and remove approximately 79,450 tons of coal from a portion of a 121-acre tract of land on State Game Land No. 77 (Exhibit OGM 1) in conjunction with an abandoned mine reclamation and remediation of acid mine drainage discharges. The Commission is considered to be the owner of the coal and surface mining rights on this tract of land.

The proposed re-mining operation will have a total surface impact of approximately 35 acres for the actual mining and 86 acres for reclamation, erosion and sedimentation controls and operational support. The re-mining initiative will entail the reclamation of approximately 7,000 linear feet of abandoned highwall, and reclaim approximately 28.2 acres of abandoned mine spoil. Coal removal will be limited to advance no further than 200 feet from the current abandoned highwall or up to a maximum of an 85 foot highwall. This successful completion of this project is intended to remediate abandoned acid mine drainage discharges to Slab Run through re-mining and alkaline addition. P & N Coal will also reconstruct a stream channel which currently flows through an unreclaimed surface mine pit and mine spoils and construct a wetland system to enhance water quality and improve local wildlife habitat. The value of the abandoned mine reclamation work is estimated at approximately \$800,000.

All timber to be impacted as a result of the proposed surface re-mining and abatement/reclamation project will be assessed by the Game Commission forestry staff. P & N Coal will pay a single stumpage rate for timber impacted within the reclamation project area and at a single stumpage rate for timber impacted within 50 feet of the existing highwall. Any other timber will be assessed at a double stumpage rate.

In exchange for the lease from the Commission, P & N Coal Company, Inc., will pay the Commission on a monthly basis, a royalty rate of two dollars and seventy-five cents (\$2.75) or 12% of the then current F.O.B. pit price, whichever the greater, for each marketable ton of coal removed from the lease area. P & N Coal Company, Inc. has further agreed to pay the Commission an advanced coal royalty payment of \$100,000 upon final execution of the lease and the issuance of a mining permit from the Department of Environmental Protection. The advanced royalty payment shall be deposited into an interest bearing escrow account to be used for the future purchase of land(s) acceptable to the Commission.

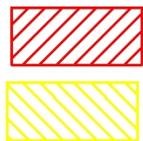
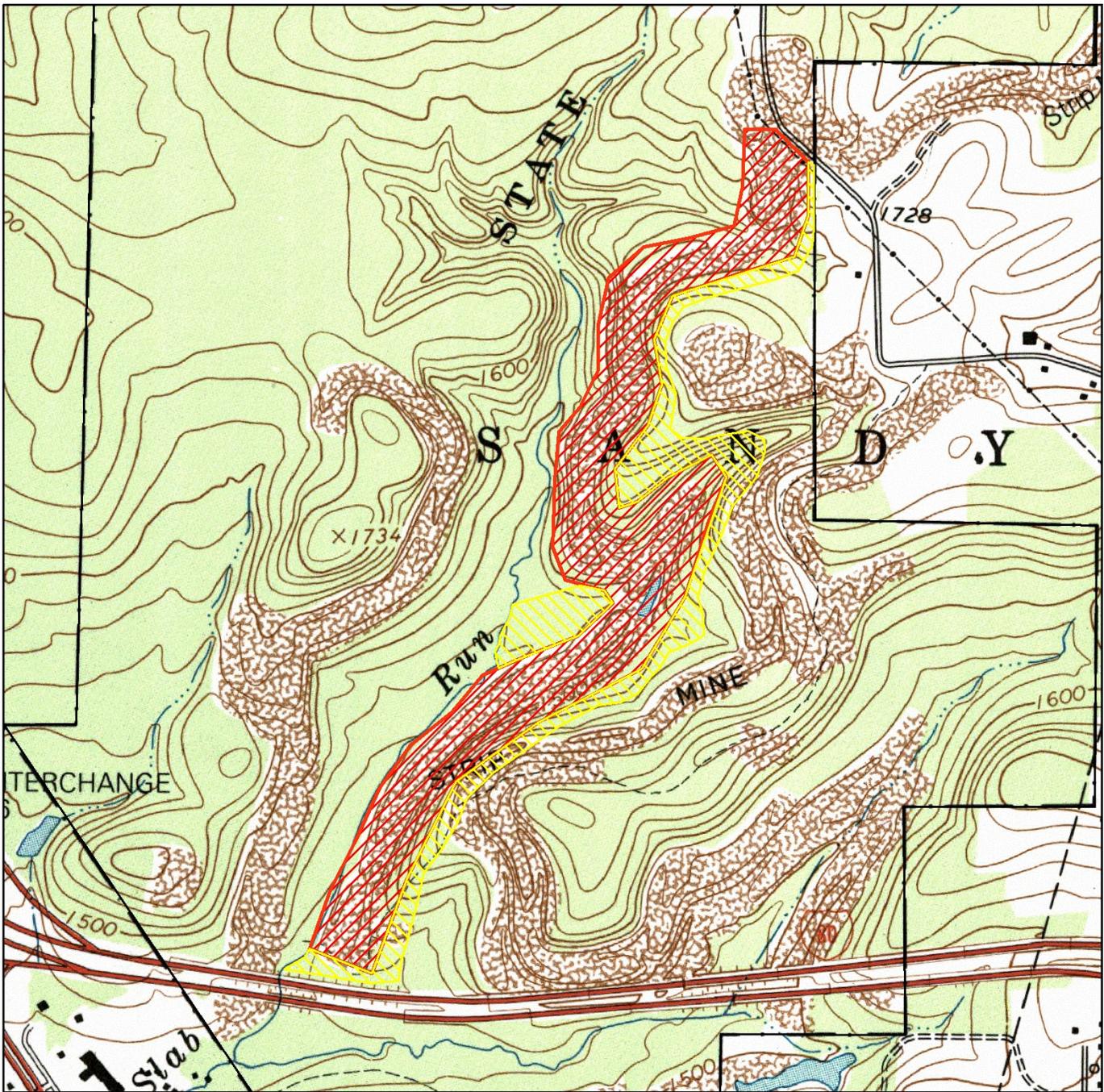
All remaining coal royalty revenues generated from the proposed operation will be deposited directly into the Game Fund. The proposed lease has a potential surface coal royalty value of \$218,500.

Mining will be regulated by the Commonwealth Surface Mining Regulations and the Commission's standard surface mine lease agreement and will include an option to use a portion of the lease area for a future potential to deepmine coal which is not owned by the Commission. If the deepmining option were to occur, the Commission would receive additional compensation at a wheelage rate of 1% of the F.O.B. pit price to be deposited into the game fund. The five -year surface mining lease, with deepmining option will include the standard performance bond and environmental protection measures. In addition, the lease will include a wildlife habitat reclamation and revegetation plan developed by the local Land Management Group Supervisor.

The staff has reviewed this proposal and has determined that the total value of the coal royalty, timber, as well as the proposed reclamation is equal to or greater than the accumulated value for the lease.

Recommendation: The Executive Director and staff recommend the proposed lease be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

Action:



MINING AREA

SUPPORT AREA



EXHIBIT OGM-1
 PENNSYLVANIA GAME COMMISSION
STATE GAME LAND 077
P & N COAL COMPANY, INC.
LEASE TRACT 077A-08
MINING AND RECLAMATION LEASE

SANDY TOWNSHIP
 CLEARFIELD COUNTY
 NORTHCENTRAL REGION

B. Oil and Gas Lease – Land Exchange

State Game Land No. 223, Greene County

Commentary: Atlas America, LLC of Moon Township, Pennsylvania, requests the Commission to offer its oil and gas ownership under a portion of State Game Land No. 223 for lease. The proposed lease tract 223A-08 containing 2031+/-acres is located in Dunkard and Greene Townships, Greene County, and is more clearly shown on the attached (Exhibit OGM 2).

Atlas America, LLC currently controls a strong oil/gas lease position of approximately 841 acres of State Game Land surface in which the Game Commission does not own the oil/ gas rights. Atlas also maintains a very strong lease position on private lands immediately adjacent to State Game Land No. 223 and has obtained permits to drill several wells, which when drilled, could potentially withdraw a portion of the Commission's oil/gas reserve. Atlas also maintains a 6-inch pipeline across State Game Land No. 223. The staff has negotiated with Atlas America, LLC in an effort to safeguard the prudent development of the Commission's oil/gas reserve and to simultaneously protect the wildlife resources and recreational use of State Game Land No. 223.

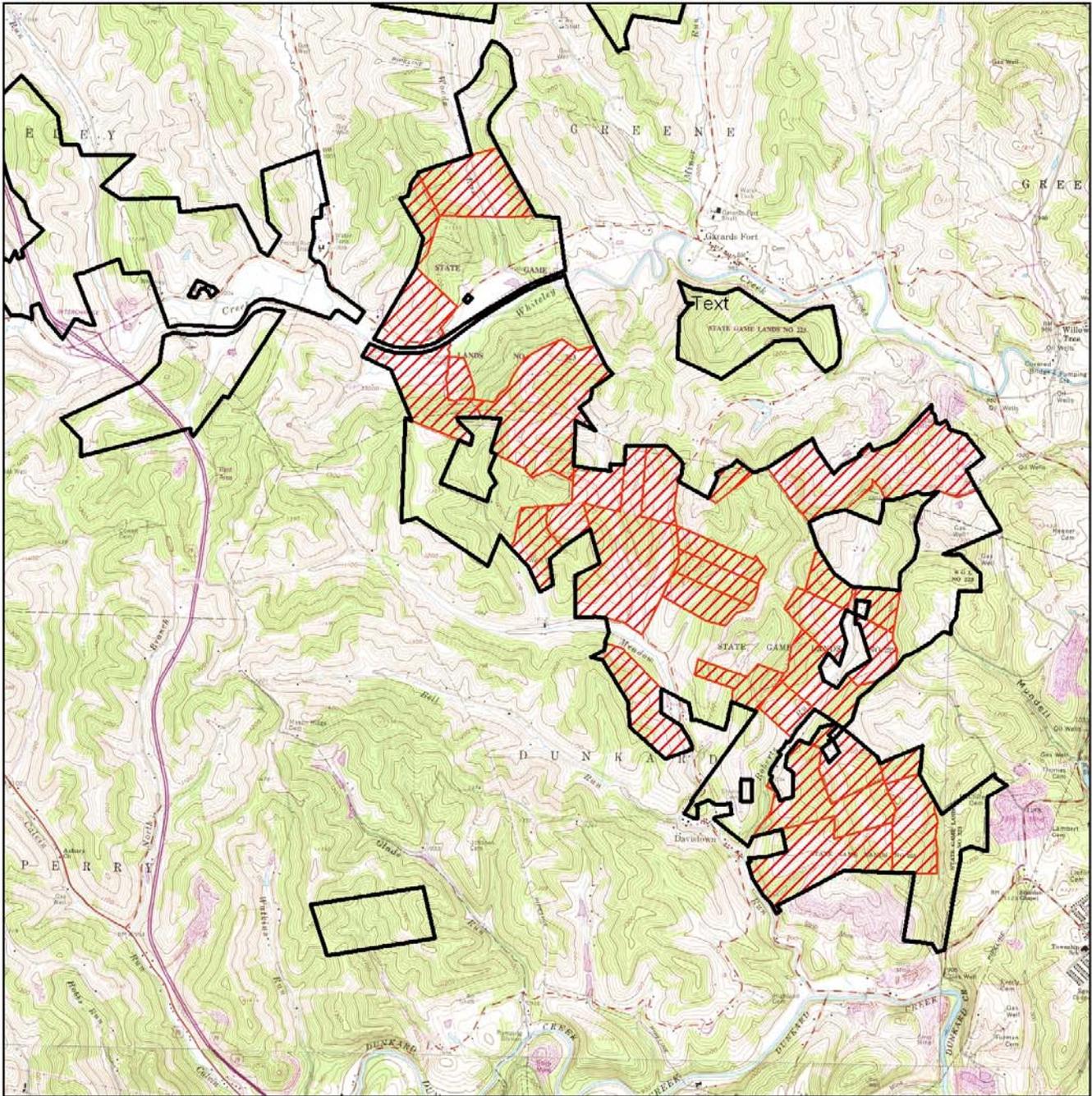
In exchange for the oil/gas lease, Atlas America, LLC will pay the Commission a bonus of \$125 per acre within 60 days of executing the lease agreement. The Bonus payment will be deposited into the Game Fund. Atlas America, LLC will pay the Commission a royalty rate of 17% per mcf of the wellhead price of all gas produced and sold from the leased premises. Atlas Resources also has agreed to unitize three existing wells located within 500 feet of the Commission's oil/gas ownership boundary line, regardless of whether those wells are on existing game lands or private lands. Atlas America, LLC will pay the Commission a 17% royalty of the wellhead price per mcf of gas produced and sold from each unitized well. The commission's royalty for unitized wells shall be prorated based on the fractional portion of the drainage area of each well within the Commission's reserve. Further, Atlas America, LLC has agreed to a well location/surface damage fee of \$5,000 per well for wells drilled above the top of the Tully Limestone formation and \$10,000 per well for any well drilled that penetrates the Tully Limestone formation or below. Atlas America, LLC has also agreed to provide 400,000 cubic feet of free gas annually to two (2) Food and Cover Corps headquarters buildings on State Game Land No. 223, and will provide for the hookup and necessary equipment, including the regulator, meter and gas supply line and other necessary equipment. Further, Atlas America, LLC will adhere to the Commission's reclamation and re-vegetation requirements on all areas of State Game Land No. 223, where they may be conducting future oil/gas development operations pursuant to privately owned oil/gas rights currently existing beneath the surface of State Game Land No. 223.

Further, Atlas America, LLC has agreed to transfer a 139 +- acre parcel of land located adjoining State Game Land No. 265 in Henry Clay Township, Fayette County, as shown on (Exhibit OGM 3). The parcel of land, valued at approximately \$900 per acre, is considered as an additional lease bonus and will directly offset surface impacts from well drilling activities on SGL No. 223. This parcel provides public access from Route 40 to the Game Land.

Oil/gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard oil/gas lease agreement and \$25,000 performance bond. The lease will include the Commission's standard wildlife and protection measures and further limits well development to a total of 13 wells on the lease area.

Recommendation: The Executive Director and staff recommend the proposed lease be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

Action:

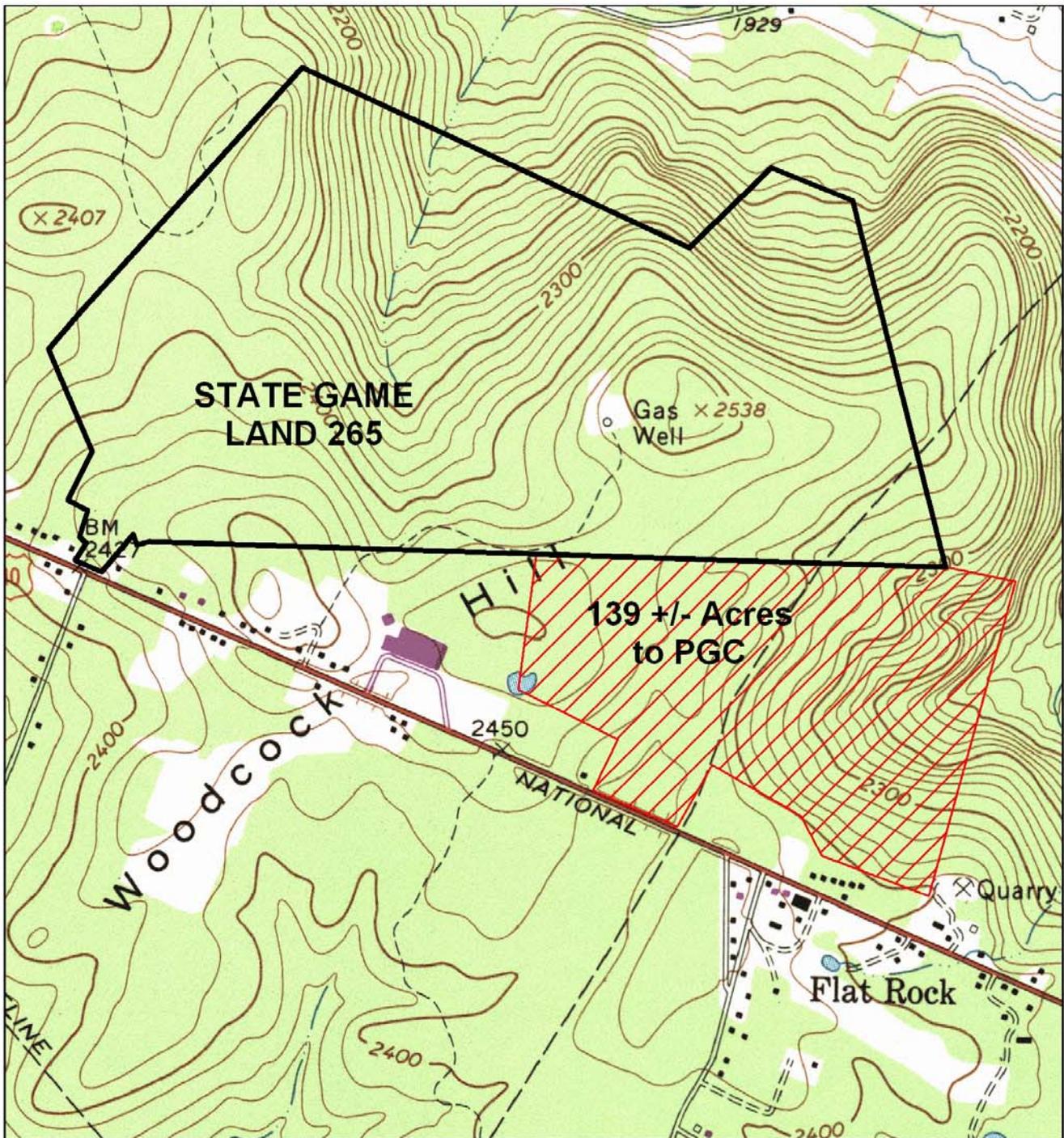


 SGL 223
 Lease Area
 2031 +/- Acres



1 inch equals 4,000 feet

EXHIBIT OGM-2
 PENNSYLVANIA GAME COMMISSION
STATE GAME LAND 223
ATLAS AMERICA, LLC
LEASE TRACT 223A-08
OIL/GAS LEASE
 DUNKARD & GREENE TOWNSHIPS
 GREENE COUNTY
 SOUTHWEST REGION



 139 +/- Acres to PGC

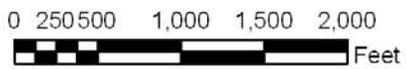


EXHIBIT OGM-3
 PENNSYLVANIA GAME COMMISSION
STATE GAME LAND 265
ATLAS RESOURCES, INC.
LEASE TRACT 223A-08
OIL/GAS LEASE-LANDEXCHANGE
139 +/- Acres to PGC
 HENRY CLAY TOWNSHIP
 FAYETTE COUNTY
 SOUTHWEST REGION

Other New Business

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

Time and Place for Next Meeting – The Commission previously established June 23 and 24, 2008 at 8:30 a.m. as the date of this meeting and it is to be held at Harrisburg Headquarters. Does the Commission wish to proceed with this date and meeting site?

Time and Place for the October 2008 Meeting – Recommended dates and change of venue for this meeting are October 23 and 24, 2008 starting at 8:30 a.m. on Thursday and Friday to be held at the Holiday Inn, Washington, Pennsylvania. Does the Commission wish to proceed with these dates and meeting site?

Time and Place for the January 2009 Meeting – Recommended dates for this meeting are January 25, 26, and 27, 2009 starting at 1:00 p.m. on Sunday and 8:30 a.m. on Monday and Tuesday to be held at Harrisburg Headquarters. Does the Commission wish to proceed with these dates and meeting site?

Adjournment