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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA  
January 24, 2006

A handwritten signature in dark ink, appearing to read 'Carl G. Roe', is positioned above a horizontal line. The signature is stylized and cursive.

Carl G. Roe  
Executive Director

Commonwealth of Pennsylvania  
Pennsylvania Game Commission

**Agenda**

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, January 24, 2006, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

John J. Riley, President  
Roxane S. Palone, Vice President  
Thomas E. Boop, Secretary  
Russell E. Schleiden  
Stephen L. Mohr  
Gregory J. Isabella  
David W. Schreffler  
H. Daniel Hill

Approval of Minutes of Meeting held October 4, 2005

Election of Officers for Ensuing Year

Proposed 2006 Commission Meeting Dates:

April 17 and 18, 2006  
June 26 and 27, 2006  
October 1, 2 and 3, 2006  
January 21, 22 and 23, 2007

## BUREAU OF WILDLIFE MANAGEMENT

### STATE WILDLIFE GRANT PROGRAM

Commentary: Congress appropriated funds under the State Wildlife Grants Program (SWG) directly and exclusively to state wildlife agencies for “wildlife species of the greatest conservation concern.” We are recommending approval of the following project:

ESTIMATING FISHER (*Martes pennanti*) POPULATION SIZE AND DISTRIBUTION IN PENNSYLVANIA. During the 1990’s, the fisher (*Martes pennanti*) was reintroduced to forested landscapes throughout northcentral and northwestern Pennsylvania. Monitoring efforts by the PGC have demonstrated expansion and reproduction by reintroduced fishers throughout the northern region of the state as well as a significant natural expansion of fisher populations in southcentral and southwestern areas. This project will provide information on geographic distribution of fisher, population density, and minimum population size. Additionally, this project will assist PGC staff in developing reliable field methods to monitor population trends on a statewide basis. State Wildlife Grants funding of \$85,460 would be provided to Drs. Jeffery L. Larkin and Matthew R. Dzialak at Indiana University of Pennsylvania. Dr. Matthew J. Lovallo, PGC furbearer biologist, will serve as the agency collaborator with the investigators in this study.

This project will not require any net reduction in the Game Fund, since this is a cooperator project. The Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the organization/investigators of this project, and pay SWG-eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using SWG funds. The Game Commission will receive up to 3 percent of all SWG funds to administer the program.

Recommendation: The Executive Director and staff recommend approval of the State Wildlife Grant project, Estimating Fisher Population Size and Distribution in Pennsylvania, as described in the commentary.

Action:

**BUREAU OF LAW ENFORCEMENT**

**ADOPTED RULE MAKING**

A. Adoption of proposed amendment to §§137.32 and 137.33.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 28, 2005, meeting, proposed the following changes:

Amend §137.33 (relating to feeding of certain wildlife prohibited) to add the restriction on the feeding of elk outside of specified exceptions and to rescind §137.32 (relating to feeding of elk prohibited) to eliminate duplication and redundancy of language in the regulations.

These proposed amendments were published at Pa. Bulletin, Vol. 35, No. 45, November 5, 2005.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of these amendments to 58 Pa. Code as shown on EXHIBIT “A.”

Action:

## EXHIBIT "A"

### CHAPTER 137. WILDLIFE

Sec.

- 137.1. Importation, sale and release of certain wildlife.
- 137.2. Release of turkeys.
- 137.3-137.30. (Reserved).
- 137.31. Possession of live wildlife.
- 137.32. (Reserved).
- 137.33. Feeding of certain wildlife prohibited.

§137.32. (Reserved).

§137.33. Feeding of certain wildlife prohibited.

It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in this Commonwealth for the purpose of feeding bear or elk, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause bear or elk to congregate or habituate an area. If songbird feeders are being used by bears, the Commission may issue a written notice prohibiting the songbird feeding. In the event of prolonged periods of deep snow or other inclement weather conditions which may prevent elk found in a wild state within this Commonwealth from obtaining an adequate natural supply of food to sustain them, the Director may declare an emergency to allow for the artificial feeding of elk.

B. Adoption of proposed amendment to §139.4.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, 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 2006-2007 hunting license year.

This proposed amendment was published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

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

Action:

**EXHIBIT "B"**

**(SEASONS AND BAG LIMITS TABLE)**

**2006-2007 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT,  
FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Squirrels – (Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	6	12
Squirrels – (Combined species)	Oct. 14 and Dec. 11 and Dec. 26	Nov. 25  Dec. 23  Feb. 3, 2007	6	12
Ruffed Grouse - (Statewide)	Oct. 14 and Dec. 11 and Dec. 26	Nov. 25  Dec. 23  Jan. 27, 2007	2	4
Ruffed Grouse - There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA - NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 21 and Dec. 11 and Dec. 26	Nov. 25  Dec. 23  Feb. 3, 2007	4	8
Ringneck Pheasant - Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	2	4

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Ringneck Pheasant - Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B & 4D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 13	2	4
Ringneck Pheasant - Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, 5B, 5C & 5D	Oct. 21	Nov. 25	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	Oct. 21 Dec. 11 Dec. 26	and and and Nov. 25 Dec. 23 Feb. 3, 2007	2	4
<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
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. 21	Nov. 25	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2007	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 (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 11		
Wildlife Management Units 2A & 2B (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 18		
Wildlife Management Units 2C, 2E, 4A, 4B & 4D	Oct. 28	Nov. 11		
Wildlife Management Units 2D, 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 28	Nov. 18		
Wildlife Management Units 5A & 5B	Closed to fall turkey hunting			
Wildlife Management Units 5C & 5D (Shotgun, Bow & Arrow only)	Oct. 28	Nov. 3		
Turkey (Spring Gobbler) Statewide <sup>5</sup> Bearded Bird only	April 28, 2007	May 26, 2007	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt <sup>5</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 21, 2007	April 21, 2007	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.

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1 and Dec. 29	Nov. 25  April 1, 2007		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

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
<b>FALCONRY</b>				
Squirrels – (Combined species)	Sept. 1	Mar. 31, 2007	6	12
Quail	Sept. 1	Mar. 31, 2007	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2007	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2007	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2007	1	2
Ringneck Pheasant - Male and Female - (Combined)	Sept. 1	Mar. 31, 2007	2	4

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

#### DEER

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Season Limit</b>
Deer, Antlered & Antlerless - (Statewide) <sup>1</sup> (Archery - Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Sept. 30 and Dec. 26	Nov. 11  Jan. 12, 2007	One antlered and an antlerless deer with each required antlerless license.

**DEER - (Continued)**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Season Limit</b>
Deer, Regular Antlered & Antlerless - (Statewide) <sup>1</sup>	Nov. 27	Dec. 9	One antlered, and An antlerless deer with each required antlerless license.
Deer, Antlerless only - (Statewide) Only Junior and Senior License Holders, <sup>2</sup> 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. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Antlerless only - (Statewide) (Muzzleloading season)	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless - (Statewide) <sup>1</sup> (Flintlock Muzzleloading season)	Dec. 26	Jan. 13, 2007	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 13, 2007	An antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 5C & 5D	Dec. 11  Dec. 26	Dec. 23 and Jan. 27, 2007	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**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Bear, any age - (Bows and Arrows only) <sup>4</sup> Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B & 4D	Nov. 15	Nov. 16	1	1
Bear, any age - (Statewide) <sup>4</sup>	Nov. 20	Nov. 22	1	1
Bear, any age <sup>4</sup> Wildlife Management Units 3B, 3C, 3D, 4C & 4E	Nov. 27	Dec. 2	1	1
Bear, any age <sup>4</sup> Rockview Prison	Nov. 27	Dec. 2	1	1

**ELK**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Elk, Antlered & Antlerless <sup>6</sup> (With each required license)	Nov. 6	Nov. 11	1	1
Elk, Antlered & Antlerless <sup>6</sup> (With each required license)	Sept. 17, 2007	Sept. 22, 2007	1	1

**FUR TAKING - TRAPPING**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Minks and Muskrats - (Statewide)	Nov. 18	Jan. 6, 2007		Unlimited
Beaver - (Statewide)	Dec. 26	Mar. 31, 2007		
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

**FURTAKING – TRAPPING (Continued)**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels - (Statewide)	Oct. 22	Feb. 17, 2007		Unlimited
Coyotes & Foxes - (Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 17, 2007		Unlimited
Bobcat <sup>3</sup> Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 22	Feb. 17, 2007	1	1

**FURTAKING - HUNTING**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Coyotes - (Statewide)		Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.		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 <sup>7</sup> (Statewide)		No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.		
Raccoons and Foxes - (Statewide) <sup>7</sup>	Oct. 21	Feb. 17, 2007		Unlimited
Bobcat <sup>3</sup> Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 21	Feb. 17, 2007	1	1

**No open seasons on other wild birds or wild mammals.**

<sup>1</sup>Only one antlered deer (buck) may be taken during the hunting license year.

<sup>2</sup>Includes 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).

<sup>3</sup>Bobcat 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.

<sup>4</sup>Only one bear may be taken during the hunting license year.

<sup>5</sup>Second spring gobbler may only be taken by persons who possess a valid special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees).

<sup>6</sup>Only one elk may be taken during the hunting license year.

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

- C. Adoption of proposed amendments to §§143.202, 143.222, 143.224, 147.674 and 147.701.

Commentary:

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following changes:

Amend §§143.202 (relating to application), 143.222 (relating to application), 147.674 (relating to issuance of DMAP harvest permits) and 147.701 (relating to general) to provide hunters with expanded application opportunities for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits. Amend §143.224 (relating to unlawful acts) to require hunters to complete and submit a harvest report card after harvesting a wild turkey pursuant to a special wild turkey license. Amend §147.674 (relating to issuance of DMAP harvest permits) to eliminate the hunter application ineligibility provision.

These proposed amendments were published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

Recommendation:

The Executive Director and staff recommend FINAL ADOPTION of these amendments to 58 Pa. Code as shown on EXHIBIT "C."

Action:

**EXHIBIT "C"**

**CHAPTER 143. HUNTING AND FURTKER LICENSES**

**Subchapter K. ELK LICENSES**

§143.202. Application.

Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or hunter ID number. A nonrefundable \$10 application fee shall accompany the application.

**Subchapter L. SPECIAL WILD TURKEY LICENSES**

§143.222. Application.

Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or hunter ID number.

§143.224. Unlawful acts.

It is unlawful to:

\* \* \* \* \*

(3) Fail to tag any wild turkey taken with a special wild turkey license in accordance with the act relating to tagging big game.

(4) Fail to complete and submit harvest report information in accordance with instructions provided on the report card.

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter R. DEER CONTROL**

**DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS**

§147.674. Issuance of DMAP harvest permits.

\* \* \* \* \*

(b) Two harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

(c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$6 for residents and \$26 for nonresidents.

\* \* \* \* \*

#### 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).

\* \* \* \* \*

(2) Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or hunter ID number. A nonrefundable \$5 application fee shall accompany the application.

- (3)\* \* \*
- (4)\* \* \*
- (5)\* \* \*
- (6)\* \* \*
- (7)\* \* \*
- (8)\* \* \*
- (9)\* \* \*

D. Adoption of proposed amendment to §147.142.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following change:

Amend §147.142 (relating to possession of wildlife accidentally killed by a motor vehicle) to permit the lawful possession of furbearers accidentally killed on the highway by persons possessing a valid furtaking license.

This proposed amendment was published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

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 H. PROTECTED SPECIMEN

§147.142. Possession of wildlife accidentally killed by a motor vehicle.

\* \* \* \* \*

(b) Holders of a valid furtakers license may take possession of a furbearer accidentally killed on the highway. Persons taking possession of any furbearer under this section during the closed season for taking that furbearer shall within 24 hours contact any Commission regional office to make notification of said possession.

(c) It is unlawful:

(1) To possess a deer accidentally killed on the highway for more than 24 hours without applying for a permit number.

(2) To give the whole or an edible part of a deer to a person.

(3) To fail to comply with one or more conditions of the permit.

(4) For a nonresident to possess a deer accidentally killed on the highway.

(5) To possess a furbearer accidentally killed on the highway for more than 24 hours without notifying the Commission.

(d) This section is not applicable under circumstances when a person is charged with violating another statute or regulation involving deer or furbearers. This section may not be used nor will it be accepted as a defense in a legal proceeding involving these cases.

E. Adoption of proposed amendment to §141.22.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following change:

Amend §141.22 (relating to small game) to identify the inapplicability of the party limit to waterfowl or dove hunters when hunting from a blind or other stationary position.

This proposed amendment was published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

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

Action:

**EXHIBIT "E"**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

§141.22. Small game.

(a) Unlawful activities. It is unlawful to:

\* \* \* \* \*

(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 positions.

\* \* \* \* \*

F. Adoption of proposed amendment to §141.7.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following change:

Amend §141.7 (relating to use of artificial lights) to extend the recreational spotlighting ban to all regular firearms seasons within each wildlife management unit.

This proposed amendment was published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

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

Action:

**EXHIBIT "F"**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. GENERAL**

§141.7. Use of artificial lights.

\* \* \* \* \*

(b) For the purpose of enforcing section 2311 of the act (relating to restrictions on recreational spotlighting), the terms "antlered deer rifle season" and "antlerless deer rifle season" mean that period of time from 12:01 a.m. on the first day of the regular firearms deer season to 12 midnight on the last day including Sundays within each individual wildlife management unit.

G. Adoption of proposed amendment to §141.45.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following change:

Amend §141.45 (relating to turkey) to clearly define the types of devices that may lawfully be used to harvest wild turkey during the fall turkey season and also expand the lawful use of crossbows to both the fall and spring turkey seasons.

This proposed amendment was published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

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

Action:

**EXHIBIT "G"**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter C. BIG GAME**

§141.45. Turkey.

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

\* \* \* \* \*

(5) Use anything other than rimfire, centerfire or muzzleloading rifles and handguns or shotguns, bows or crossbows.

(b) While hunting turkey during the spring gobbler season it is:

(1) Lawful to use bows, crossbows and shotguns with shot no larger than #4 lead, #4 Bismuth/tin or #2 steel and mouth or hand operated callers.

\* \* \* \* \*

H. Adoption of proposed amendment to §141.63.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following change:

Amend §141.63 (relating to definitions) to provide a more accurate definition of ‘cable restraint’ by making two minor language adjustments to the existing definition.

This proposed amendment was published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

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

Action:

## **EXHIBIT "H"**

### **CHAPTER 141. HUNTING AND TRAPPING**

#### **Subchapter D. TRAPPING**

##### **§141.63. Definitions.**

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of 34 Pa. C.S. §2361(a)(11) (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

Cable restraint - A galvanized stranded steel cable with a minimum diameter of 3/32 inches. The cable must be constructed of either 7 bundles comprised of 7 wires per bundle or 7 bundles comprised of 19 wires per bundle and be equipped with a mechanical sliding metal release lock. The cable may not exceed 6 feet in length from the anchor point to the relaxing lock contacting the fully closed loop stop, must be equipped with at least one swivel device (which allows for 360 degree rotation) between the loop and the anchor and must have stops affixed to the cable to ensure that the circumference of the cable which makes up the loop may not be greater than 38 inches when fully open, or less than 8 inches when fully closed. A cable restraint must include a breakaway device affixed to the lock or cable that is rated at 325 pounds or less. The cable must be maintained in good condition so that all components operate properly.

\* \* \* \* \*

I. Adoption of proposed amendments to §§147.102 and 147.109.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following changes:

Amend §§147.102 (relating to examination and fees) and 147.109 (relating to restrictions on taking raptors) to expand the falconry permit examination period to January 1 through June 30 annually and expand the nonresident application period to January 1 through August 15 annually.

These proposed amendments were published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of these amendments to 58 Pa. Code as shown on EXHIBIT "I."

Action:

**EXHIBIT "I"**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter F. FALCONRY**

§147.102. Examination and fees.

(a) New falconers shall begin at the apprentice class and are required to pass a supervised examination with a grade of 80%. Falconry examinations will be provided or approved by the United States Fish and Wildlife Service. Examinations will be given from January 1 to June 30 of each year at each regional headquarters building. The examination may relate to basic biology, care and handling of raptors, literature, regulations and other appropriate subject matter.

\* \* \* \* \*

§147.109. Restrictions on taking raptors.

(b) Taking restrictions for nonresidents are as follows:

\* \* \* \* \*

(4) Applications may only be submitted between January 1 and August 15 annually.

\* \* \* \* \*

J. Adoption of proposed amendments to §147.745.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following change:

Amend §147.745 (relating to exclusions) to allow the issuance of depredation permits for a limited take of state listed endangered or threatened species if the taking were part of an integrated damage management program and the taking would not be detrimental to the sustainability of the statewide population of the species.

This proposed amendment was published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

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

Action:

**EXHIBIT "J"**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter U. DEPREDATION**

§147.745. Exclusions.

\* \* \* \* \*

(b) A depredation permit will not be issued for the taking of any endangered or threatened species, as defined in 50 CFR Part 17 (relating to endangered and threatened wildlife and plants). A depredation permit may be issued for a limited taking of endangered or threatened species as defined in §133.21 (relating to classification of birds) if the taking is intended to reinforce and support nonlethal control methods as part of an integrated damage management program. A depredation permit will be denied if the taking of a specific species as defined in §133.21 would be detrimental to the population of that species as a whole, as determined by available biological data.

\* \* \* \* \*

K. Adoption of proposed amendments to §§139.2 and 131.2.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following changes:

Amend §§139.2 (relating to definitions) and 131.2 (relating to definitions) to relocate the majority of the definitions found in §139.2 to §131.2 to permit cross chapter application of the subject definitions.

These proposed amendments were published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of these amendments to 58 Pa. Code as shown on EXHIBIT “K.”

Action:

## EXHIBIT "K"

### 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:

Daily limit – The maximum number permitted to be taken by one person in 1 day during the open season.

Field possession limit – The maximum number of legally taken wildlife of a species which a person may legally possess or transport between the place of taking and the person's permanent place of residence.

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.

Season limit – The maximum number of wildlife which may be taken during designated open season or license year.

### 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:

\* \* \* \* \*

Antlered deer -

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having four or more points to one antler.

(ii) In all other wildlife management units, a deer having three or more points to one antler.

(iii) In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.

Antlered elk - An elk having at least one spike visible above the hairline.

Antlerless deer - A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

Antlerless elk - An elk without antlers, or an elk with no spike visible above the hairline.

\* \* \* \* \*

Client - Any person who receives the services of a guide.

Closed season - Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

\* \* \* \* \*

Early small game hunting season - A designated period when the only resident small game which may be hunted and taken are woodchucks, squirrels and grouse.

\* \* \* \* \*

Guide - Any person who assists another person to hunt or take game by locating game, calling game or directing another to game.

\* \* \* \* \*

Point - An antler projection at least 1 inch in length from base to tip, the main beam tip shall be counted a point regardless of length.

\* \* \* \* \*

Protected deer - A deer not defined as an antlered deer or an antlerless deer.

\* \* \* \* \*

Regular firearms deer season - The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

Regular small game hunting season - The designated period of time when resident small game species may be hunted and taken.

\* \* \* \* \*

Special firearms deer season - Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

\* \* \* \* \*

L. Adoption of proposed amendments to §§141.25, 141.26 and 141.27.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005, meeting, proposed the following changes:

Amend §§141.25 (relating to early goose hunting season), 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area) and 141.27 (relating to early Canada goose hunting season on Pymatuning Wildlife Management Area) to eliminate redundant and unnecessary language.

These proposed amendments were published at Pa. Bulletin, Vol. 36, No. 1, January 7, 2006.

Recommendation: The Executive Director and staff recommend FINAL ADOPTION of these amendments to 58 Pa. Code as shown on EXHIBIT “L.”

Action:

**EXHIBIT "L"**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

§§141.25. - 141.27. (Reserved).

PROPOSED RULE MAKING

M. Amend 58 Pa. Code, §§131.2 and 141.41.

Commentary: Currently, the only lawful devices that may be used to harvest white-tailed deer in Pennsylvania are manually operated centerfire rifles and handguns, shotguns, muzzleloading long guns, and long, recurve, compound and crossbows. The Commission has recently received requests from persons wishing to expand the list of lawful devices for deer hunting to include use of the atlatl and dart. Under new business at the October 2005 Commission meeting, the Board of Commissioners requested staff to work on draft regulations defining an atlatl and incorporating it into our hunting seasons for the January Commission agenda.

The proposal certainly represents a new hunting and harvest opportunity requested by a small segment of the hunting community. However, permitted use of the atlatl and dart for deer hunting seems to be inconsistent with current Commission regulations restricting lawful arms and ammunition. Specifically, these regulations permit the use of only those devices that possess sufficient lethality to safely, ethically and humanely harvest a deer through the use of minimum caliber, ammunition, projectile and draw weight requirements.

Staff does not question whether use of an atlatl and dart has the potential to harvest a deer. However, staff is not convinced that an atlatl and dart, in the hands of the average hunter, possesses sufficient lethality to ethically and humanely harvest a deer in Pennsylvania. There, after due consideration of the relevant issues and concerns, the staff concludes that it is inappropriate to accommodate the request of the atlatl and dart supporters.

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:

\* \* \* \* \*

Atlatl – A 15 to 30 inch board or rod-like device with a handle at the aft end and a projection (as a hook or thong to hold a dart in place until released) at the fore end, used for propelling a dart by increasing the mechanical advantage of the user’s forward arm motion. This device derives its propulsive energy solely from the forward motion of the user’s arm and the bending and recovery of the dart. The energy used to propel the dart may not be derived from any other source.

\* \* \* \* \*

Dart – A flexible projectile propelled by an atlatl with an overall length between 5 and 8 feet, fletching at the aft end (designed only for guidance) and a broadhead mounted at the fore end. No electronic device may be part of or attached to the dart. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be part of attached to any dart.

\* \* \* \* \*

## CHAPTER 141. HUNTING AND TRAPPING

### Subchapter C. BIG GAME

§141.41. General.

(a) Permitted acts. It is lawful to take:

\* \* \* \* \*

(4) Deer with an atlatl and dart during any firearms season for deer.

\* \* \* \* \*

Recommendation: The Executive Director and staff strongly recommend the Commission disapprove these changes.

N. Amend 58 Pa. Code, §§147.552, 147.553 and 147.554.

Commentary: The Commission recognizes the unique challenges faced by farmers in our most urban areas. Deer have certainly proven themselves able to create significant agricultural destruction, even in moderate numbers. Unfortunately, for farmers in highly developed or urbanized areas deer population issues are complicated.

As a measure to help combat high deer populations and their associated problems, the Commission provides farmers with a number of deer management programs, including agricultural deer control permits. These permits generally allow for a focused deer harvest in a designated area in addition to the harvest authorized by traditional hunting seasons. Unfortunately, it appears that despite the availability of these permits, farmers in WMU's 5C & 5D continue to suffer significant agricultural destruction.

In response to this damage a number of farmers and/or those representing their interests have requested additional relief. Specifically, these individuals are requesting that the following requirements be eliminated for permittees in WMU's 5C & 5D: 1) Minimum of two years and current enrollment in one of the Commission's public access programs; 2) Conspicuous posting of deer control permit signs on the boundaries of and along all public roadways traversing the permitted property; and 3) Limitation preventing permittees from issuing more than one subpermit to a qualified individual.

Although staff has some reservation in eliminating public access requirements from agricultural deer control permits, the Commission is nonetheless convinced that it needs to provide some measure of relief to affected farmers in WMU's 5C & 5D. Therefore, the staff recommends that the Commission accommodate the requests made by these farmers and/or those representing their interests. This amendment is intended as a short-term remedial measure until the Commission's Urban Deer Management Plan can be further developed to provide more effective tools to address the needs of farmers in highly developed or urbanized areas.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

AGRICULTURE

§147.552. Application.

\* \* \* \* \*

(b) Except in wildlife management units 5C and 5D, applications will only be accepted from persons who have been enrolled in one of the Commission public access programs (Farm Game Project or Safety Zone – P.1-2-3) for a minimum of 2 years and are currently enrolled in the Program.

\* \* \* \* \*

§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.

\* \* \* \* \*

(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.

\* \* \* \* \*

§147.554. Subpermit.

The permittee may acquire from the Commission subpermits, not to exceed the number provided for in §147.553 (relating to permit), to be issued to qualified individuals of the permittee's choosing for the purpose of removing deer from the permittee's property by shooting. There is no fee charged for the subpermit. Qualifications are as follows:

\* \* \* \* \*

(3) A permittee may not issue more than one subpermit to a person to take deer on the permittee's land enrolled in the Agricultural Deer Control Program, except in wildlife management units 5C and 5D, where a permittee may not issue more than two subpermits to a person.

Recommendation: The Executive Director and staff recommend the Commission approve these changes.

O. Amend 58 Pa. Code, §141.18.

Commentary:

The Commission has recently received a number of requests from persons who use dogs to hunt a variety of game species to amend the regulations to specifically permit the use of electronic devices used for the purpose of locating dogs while hunting or training. The devices specifically requested for permitted use are e-collars, radio-telemetry tracking systems and beeper collars. These requests have resulted from fears that strict interpretation of the provision(s) prohibiting use of electronic devices to hunt or take wildlife could put persons who use electronic devices to locate their dogs while hunting or training at risk of being found in violation.

From a fundamental perspective, staff accepts the use of electronic devices to locate dogs while hunting or training just as staff currently accepts use of electronic devices to locate fellow hunters (i.e., two-way radios, cell phones, etc.). Use of devices in this manner does not give a hunter an unfair advantage or violate principles of fair chase. However, staff is concerned that specific permitted use of electronic devices to locate dogs while hunting will encourage hunters to misuse these devices to also locate game. Despite this concern, after consideration of the relevant game management issues/concerns, staff believes that it is appropriate to accommodate the requests of persons who use dogs to hunt and train and therefore recommends the Commission to amend §141.41 (relating to permitted devices) to reflect the same.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.18. Permitted devices.

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

\* \* \* \* \*

(3) Electronic devices used for locating dogs while training or hunting, including such devices as e-collars, radio-telemetry dog tracking systems and beeper collars. Use of these devices for the direct or indirect purpose of locating game is not permitted.

Recommendation:

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

- P. 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, 2006, 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 Law Enforcement Director recommend that the Commission revoke the hunting and furtaking license privileges of the persons named by the BUREAU OF LAW ENFORCEMENT. Such revocation shall become effective July 1, 2006, and shall continue for such period of time and under the conditions set forth following each individual's name.

Action:

## BUREAU OF LAND MANAGEMENT

### REAL ESTATE

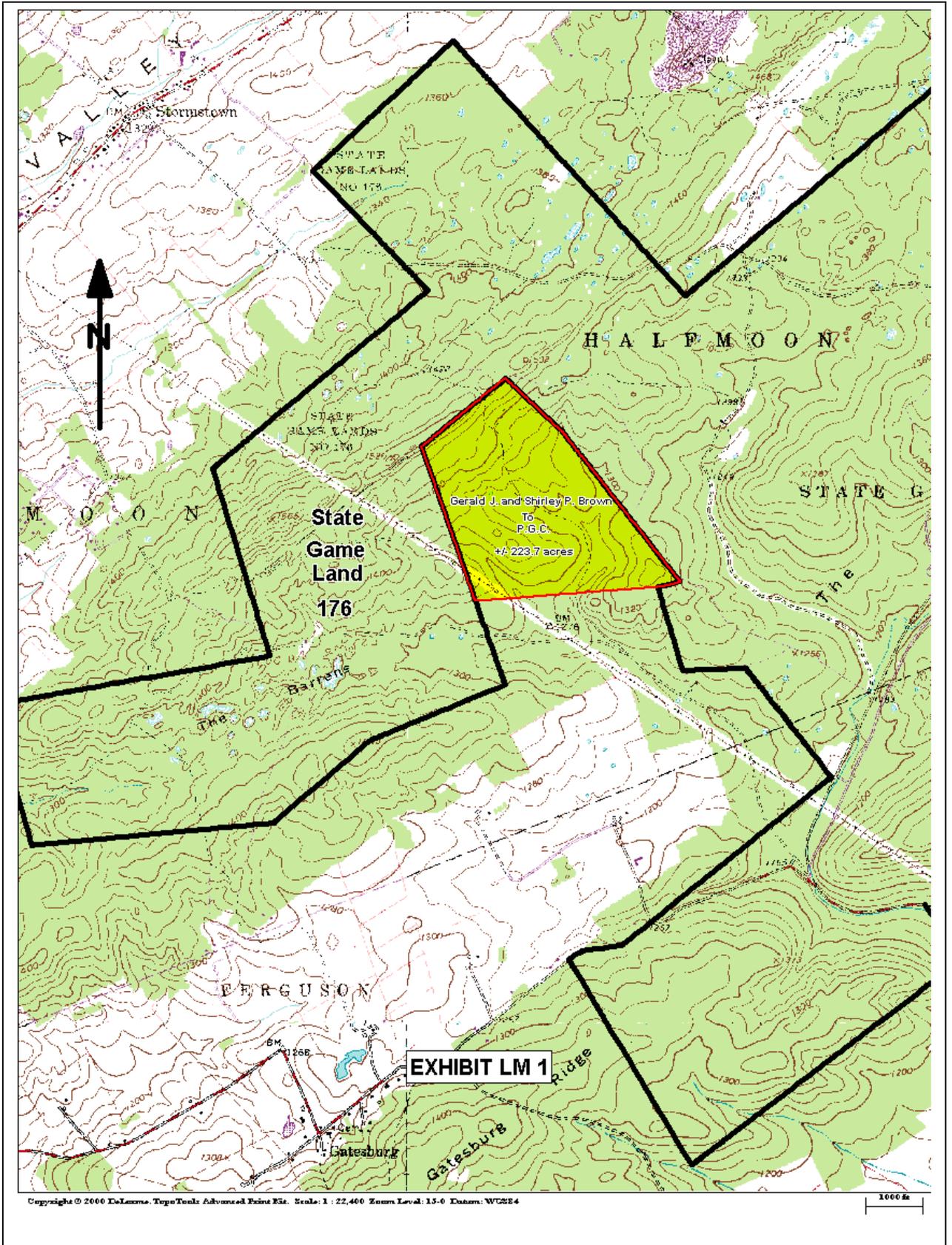
#### A. Acquisition

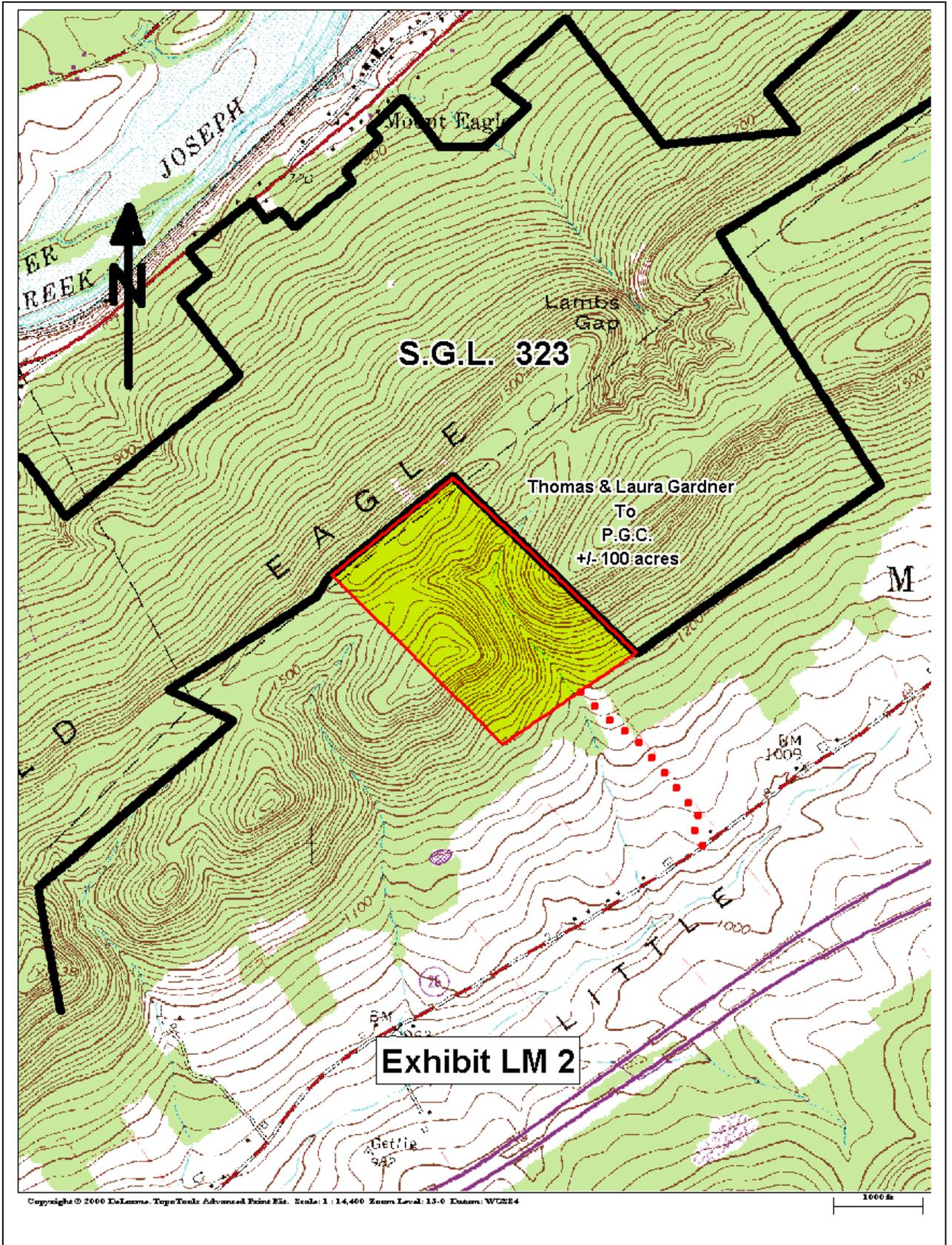
1. Option No. 4067 223.7 +/- acres of land in Ferguson and Halfmoon Townships, Centre County, an indenture to State Game Lands No. 176 (Exhibit LM1). The option is subject to a timber reservation with regard to an ongoing timber operation until December 31, 2006 and the right to remove a cabin until December 31, 2006. The option price is \$974,000 lump sum to be paid from the Penn State escrowed moneys and will therefore require approval of the United States Fish and Wildlife Service.
  
2. Option No. 4068 100 +/- acres of land and a right of way in Marion Township, Centre County, adjoining State Game Lands No. 323 (Exhibit LM2). The option is subject to approval by the Bankruptcy Court. There are no new reservations. The option price is \$176,336 lump sum, with a plus or minus 5% allowance based on appraisal. This purchase price is to be paid from the Penn State escrowed moneys and will therefore require approval of the United States Fish and Wildlife Service.

#### Recommendation:

The Executive Director and staff recommend the options listed above be accepted and the Commission authorize the Bureau of Land Management to proceed with the acquisition of these tracts.

#### Action:





B. Donations

1. Option No. 4066

90 +/- acres of land in Elk Creek Township, Erie County adjoining State Game Lands No. 152 (Exhibit LM3), has been transferred to the Commission as a donation by donors who desire no public recognition at this time. The donation is subject to a life estate to the current resident, who is about 69 years old.

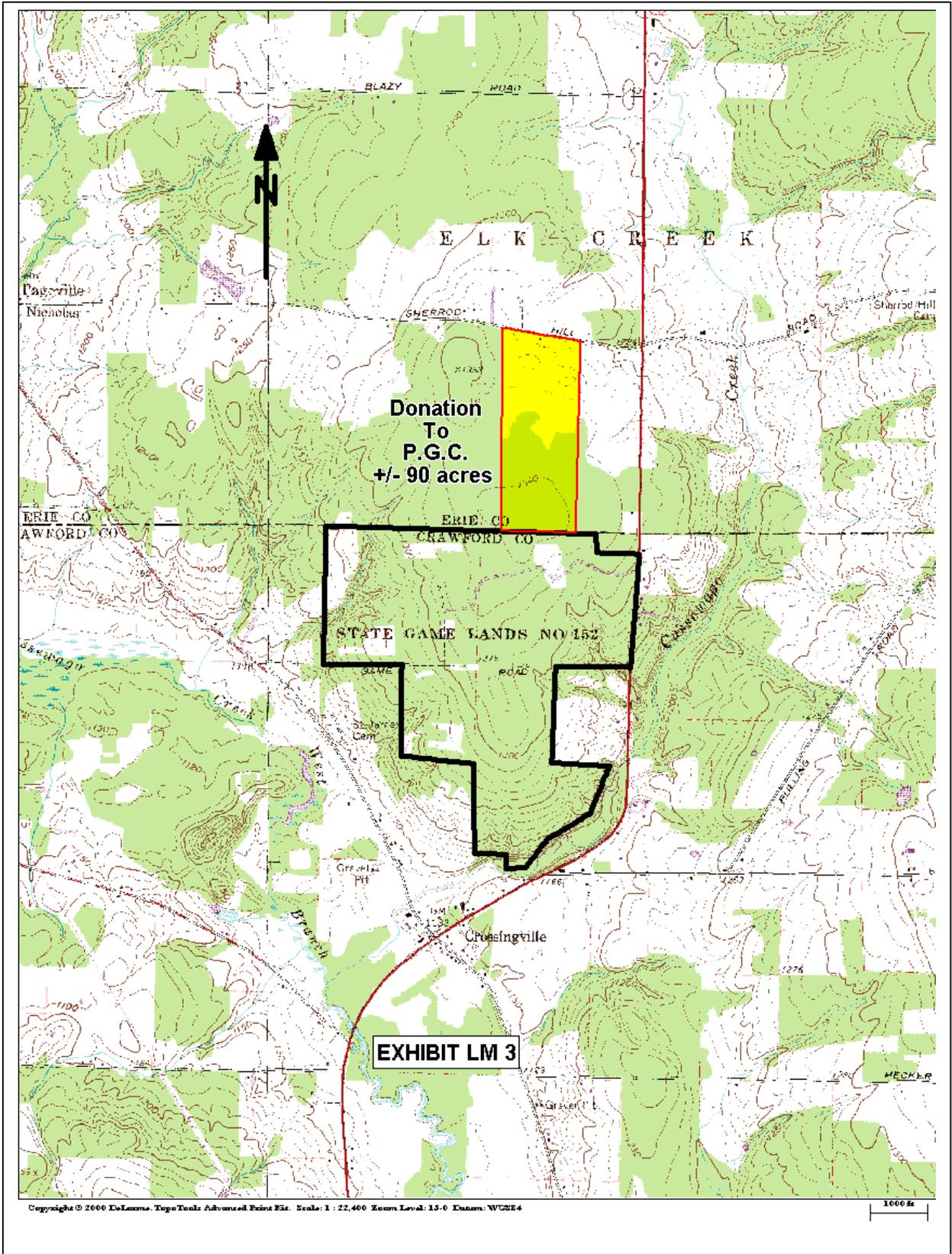
2. Option No. 4067

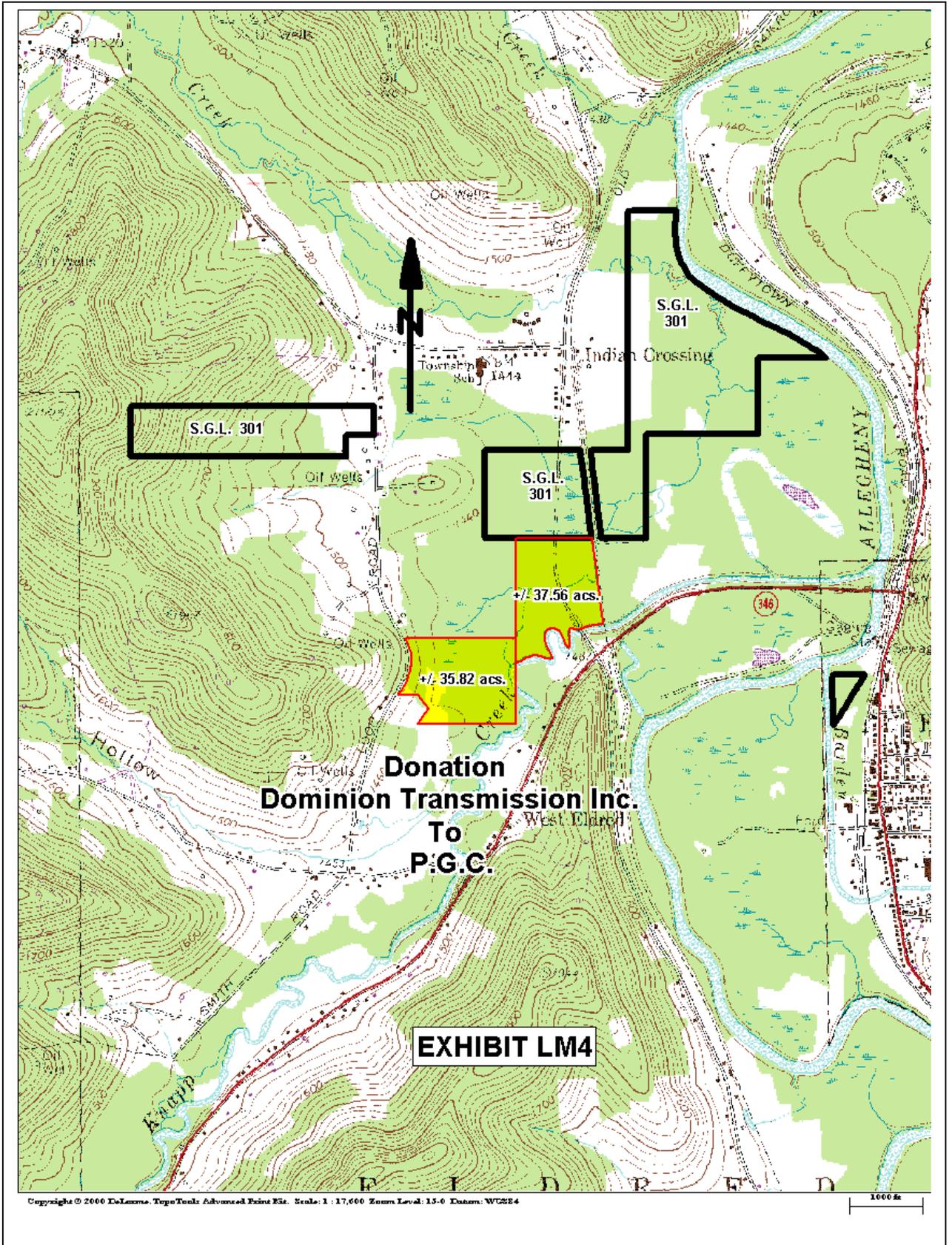
Two parcels of land in Eldred Township, McKean County comprised of 35.82 +/- acres and 37.56 +/- acres, adjoining State Game Lands No. 301, (Exhibit LM4). These tracts are being purchased by Dominion Transmission, Inc. as required compensatory mitigation by the United States Army Corp of Engineers for wetland impacts associated with constructing a pipeline and will be deeded directly to the Commission. The properties will be acquired under and subject to the covenants that the properties shall be used and maintained in accordance with the Game and Wildlife Code for wildlife habitat and conservation and that the properties shall not have any timber removed according to a permanent deed restriction required by the United States Army Corp of Engineers referencing project permit # 200300942.

Recommendation:

The Executive Director and staff recommend the donations listed above be ratified and accepted and the Commission authorizes the Bureau of Land Management to proceed with the acquisition of this tract.

Action:





C. Land Exchange

1. State Game Lands No. 67, Carbon Township, Huntingdon County.

Commentary: John R. Chomko and Linda A. Chomko have agreed to a land exchange involving a 6 acre portion of State Game Lands No. 67 situate in Carbon Township, Huntingdon County (Exhibit LM5).

In exchange, John R. Chomko and Linda A. Chomko will convey a tract of land totaling 22 acres, more or less in Carbon Township, Huntingdon County, (Exhibit LM5). This exchange removes about two miles of shared access on a State Game Lands Road while allowing both the Commission and Chomkos continued access to their properties.

The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife.

2. State Game Lands No. 249, Huntingdon Township, Adams County.

Commentary: Franklyn I. Geist, Jr. and Carol A. Geist have agreed to a land exchange involving two portions of State Game Lands No. 249 totaling 18.2 +/-acres, situate in Huntingdon Township, Adams County (Exhibit LM6).

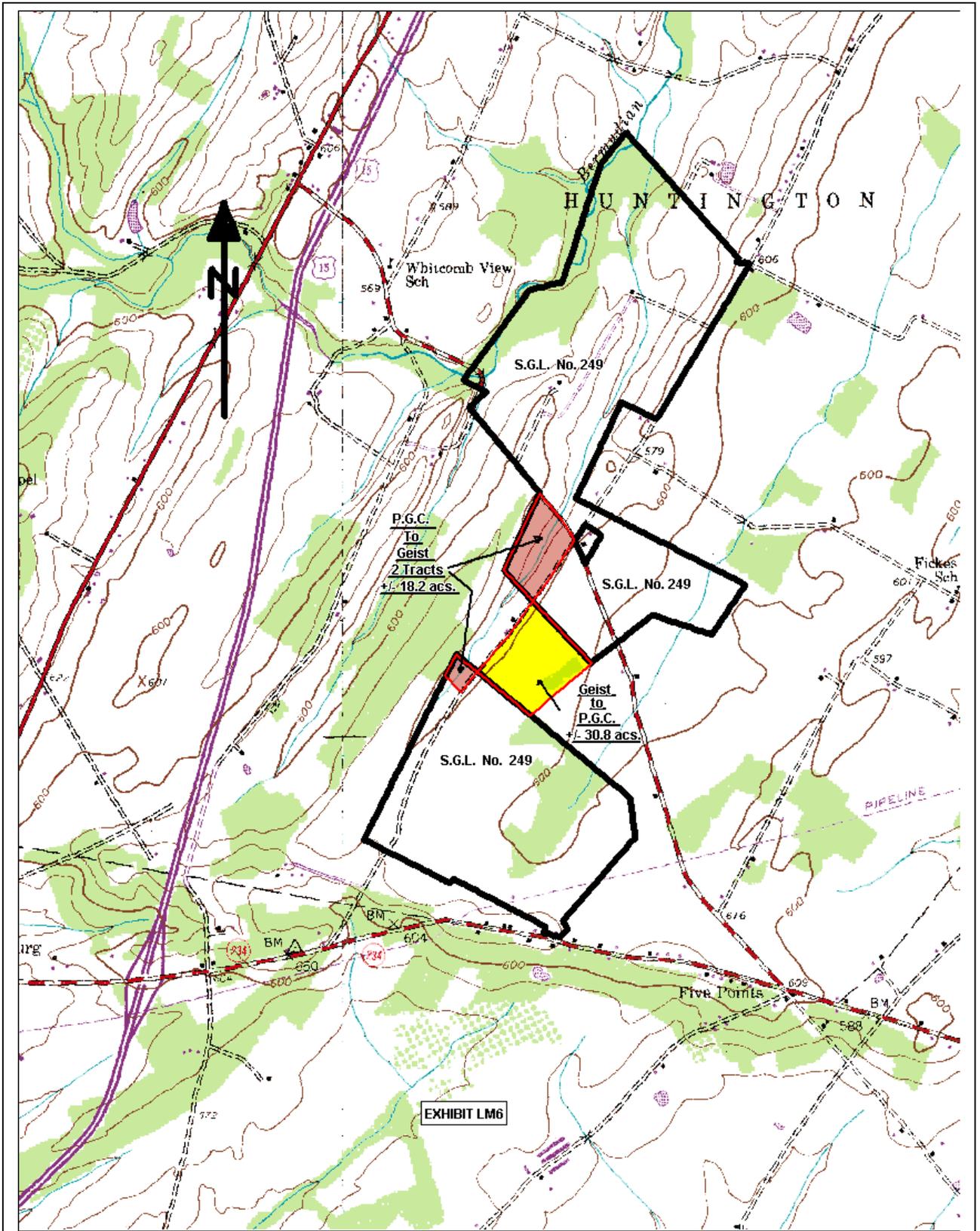
In exchange, Franklyn I. Geist, Jr. and Carol A. Geist will convey a tract of land containing 30.8 acres, more or less in Huntingdon Township, Adams County, (Exhibit LM6). This exchange protects a valuable wetland restoration project on the existing Game Lands and restricts development of Geist's remaining property in accordance with Township zoning (which includes a requirement that any occupied buildings be set back at least 150 yards from the Game Lands boundary) and a restriction that no buildings shall be erected upon any of the property traded to Geist. The land to be acquired by Geist was purchased using Project 70 funds and this exchange will require the approval of the General Assembly.

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 recommend that these land exchanges be approved and the Commission authorizes the Bureau of Land Management to proceed with the exchanges, as listed above.

Action:





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## OIL & GAS

### D. Oil & Gas Lease

1. Southwest Regional Office Building, Ligonier Township, Westmoreland County.

Commentary: Texas Keystone, Inc. (TKI) of Pittsburgh, Pennsylvania requests that the Commission offer its oil and gas ownership under the State Game Commission's Southwest Regional office land for lease. The proposed lease tract, containing 6.736 acres, is located in Ligonier Township, Westmoreland County. (Exhibit OGM1).

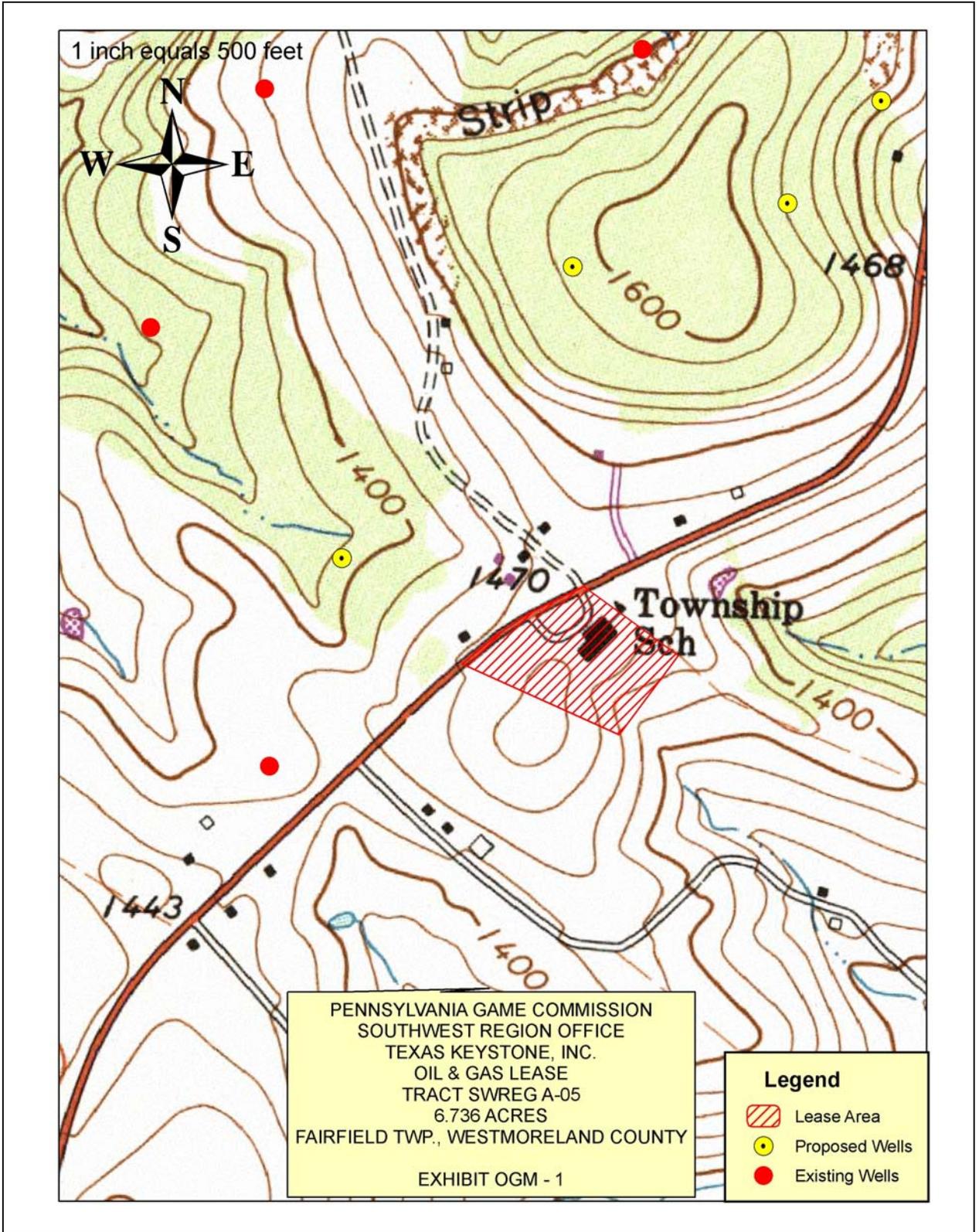
TKI has initiated a well drilling/development program on privately owned land surrounding the Southwest Regional office acreage. These current and future gas wells will effectively withdraw and drain the oil/gas from beneath the Commission's 6.736 acre oil/gas reserve. The staff has expeditiously negotiated with TKI in an effort to safeguard the prudent development of the Commission's oil/gas reserve.

In exchange for the 5 year oil/gas lease, TKI agrees to pay the Commission a 12.5% royalty for each and every mcf of gas or oil produced and sold from the leased premises. TKI will also install the gas line, high/low pressure tanks and tap for heating the Southwest Regional office at no cost to the Commission. TKI is required to drill the well by March 30, 2006. The Commission will provide a waiver to TKI to drill within 200 feet of the Southwest Regional office building in order to meet with the proposed well spacing requirements.

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 TKI will be limited to one well on the lease area.

Recommendation: The Executive Director and staff recommend this Oil and Gas lease be approved and the Commission authorize the Bureau of Land Management to proceed with the leasing arrangement as listed above.

Action:



2. Loyalhanna Estate Reserve, Ligonier Township, Westmoreland County.

Commentary:

CDX Gas, LLC of Dallas, Texas requests the Commission offer its coalbed methane gas ownership under the Game Commission's Loyalhanna Estate Mineral Reserve for Lease. The Loyalhanna Estate Mineral Reserve was a gift from the Loyalhanna Coal & Coke Company deeded to the Commission in December 1969. The mineral reserve area contains no surface land under Commission ownership. The proposed lease tract, containing approximately 1,500 acres, is located in Derry and Unity Townships and Latrobe Borough, Westmoreland County (Exhibit OGM2).

Currently, CDX Gas, LLC has acquired the majority of the privately held coalbed methane reserves contiguous to this area. It is the staff's conclusion this lease arrangement, negotiated with CDX Gas, LLC affords the best opportunity for the Commission to maximize the recovery of the coalbed methane gas. Failure to act in a timely manner will isolate the reserve, drastically reducing the Commission's ability to recover the coalbed methane gas.

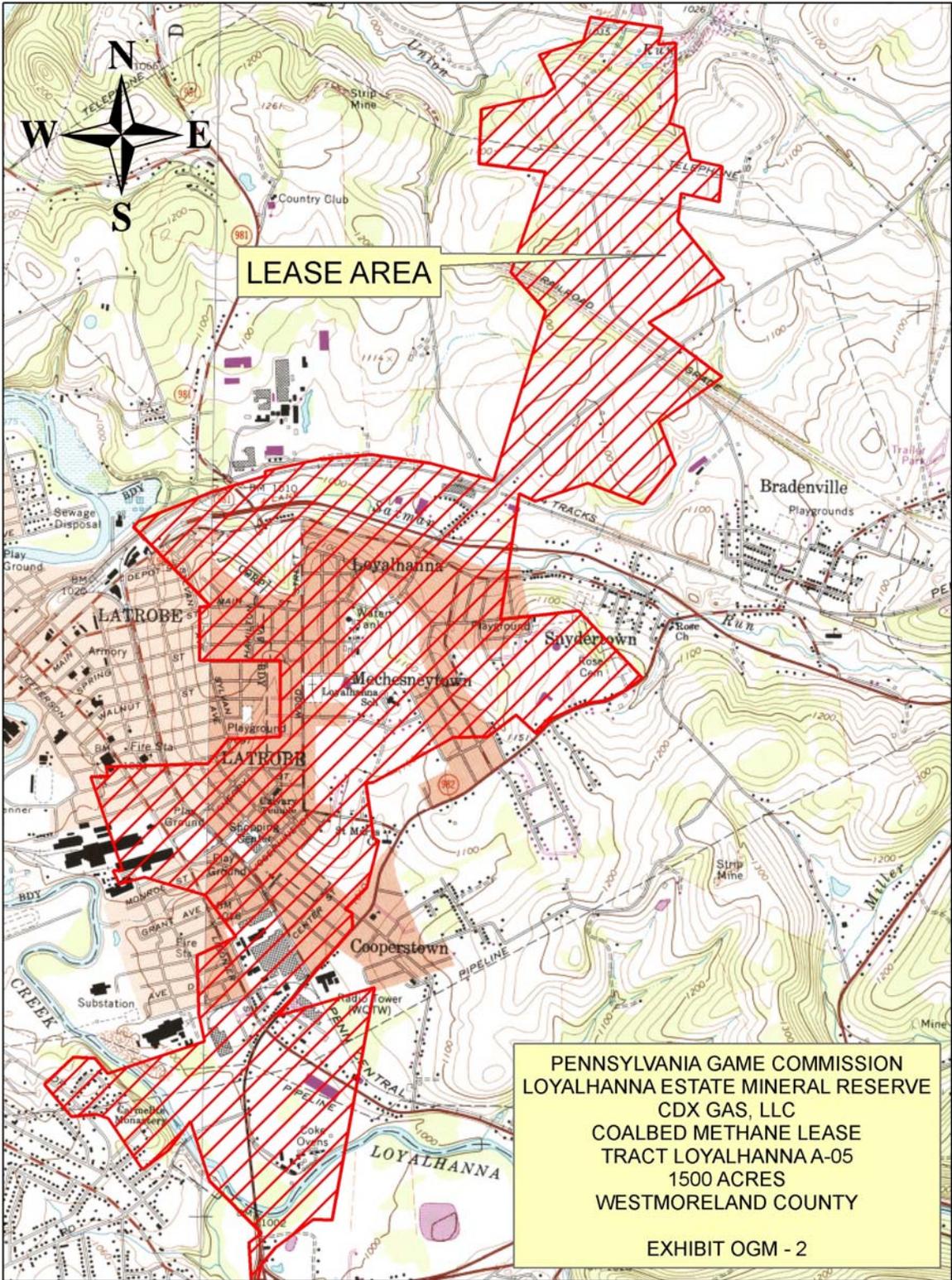
In exchange for the 5 year coalbed methane gas lease, CDX Gas, LLC agrees to pay the Commission a 15% royalty rate for all coal bed methane gas produced and sold from the leased premises. Further, CDX Gas, LLC will pay the Commission \$5 per acre rental upon the execution of the lease agreement. The lease will allow for a maximum of three wells and CDX Gas, LLC will be required to drill one well within 1 year or surrender the lease. Further, CDX Gas, LLC must unitize all 1,500 leased acres within 3 years with Commission approval. The lease will also include a 350,000 cubic feet per year free gas clause with payback to the Commission for non-use. CDX Gas, LLC has also agreed to provide the Commission with all title work relative to the Commission's ownership of oil, gas, mineral and surface holdings within the Loyalhanna Coal & Coke Mineral reserve.

Coalbed methane gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard oil/gas lease agreement. The lease will not impact any known Game Commission surface lands.

Recommendation:

The Executive Director and staff recommend this coalbed methane gas lease be approved and the Commission authorize the Bureau of Land Management to proceed with the leasing arrangement as listed above.

Action:



## Other New Business

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

Adjournment