

Table of Contents

Call to Order	1
Pledge of Allegiance.....	1
Roll Call of Commissioners.....	1
Approval of Minutes of Meeting held October 3, 2006.....	1
Proposed 2007 Commission Meeting Dates	1
BUREAU OF WILDLIFE MANAGEMENT	
State Wildlife Grant Program	2-3
BUREAU OF WILDLIFE PROTECTION	
ADOPTED RULE MAKING	
A. Adoption of proposed amendments to Chapters 141, 143 and 147	4-14
B. Adoption of proposed amendment to §147.746.....	15-17
C. Adoption of proposed amendments to §§141.41, 141.43 and 141.47	18-20
D. Adoption of proposed amendments to §§137.1 and 147.203	21-23
E. Adoption of proposed amendments to Chapter 147, Subchapter G and §147.146.....	24-25
F. Adoption of proposed amendments to Chapter 135, Subchapter L, §§135.221-135.225	26-29
G. Adoption of proposed amendments to §§135.41 and 135.181	30-31
PROPOSED RULE MAKING	
H. Amend 58 Pa. Code, §131.6	32-35
I. Amend 58 Pa. Code, §§141.63 and 141.66.....	36-37
J. Amend 58 Pa. Code, §141.4	38-41
K. Amend 58 Pa. Code, §§141.41, 141.43 and 141.47.....	42-44
L. Amend 58 Pa. Code, §141.20	45
M. Amend 58 Pa. Code, §147.674	46
N. Amend 58 Pa. Code, §143.243	47
O. Amend 58 Pa. Code, §137.2	48
P. Amend 58 Pa. Code, §139.4	49-58
HUNTING LICENSE REVOCATIONS – CONVICTIONS	
Q. Hunting License Revocations – Convictions – Proposed recommendations to revoke the hunting and furtaking privileges of the individuals convicted of violating the Game and Wildlife Code.....	59

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Acquisitions

Option No. 4073, Plunketts Creek Township, Lycoming County 60-61

B. Donation

Option No. 4074, Jay Township, Elk County

Option No. 4075, Pine Grove Township, Schuylkill County 62-64

OIL/GAS AND MINERALS

C. Underground Mining Support Lease/Land Exchange

State Game Lands No. 179, Greene County

State Game Lands No. 245, Washington County 65-69

D. Land Exchange

State Game Lands No. 223, Greene County 70-72

Other New Business.....73

Election of Officers for Ensuing Year73

Executive Session – If necessary, will be held immediately following the close of the
Commission Meeting73

Adjournment73

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
January 23, 2007

A handwritten signature in cursive script, appearing to read 'Carl G. Roe', positioned above a horizontal line.

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 23, 2007, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

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

Approval of Minutes of Meeting held October 3, 2006

Proposed 2007 Commission Meeting Dates:

April 16 and 17, 2007
June 25 and 26, 2007
October 1 and 2, 2007
January 20, 21 and 22, 2008

BUREAU OF WILDLIFE MANAGEMENT

STATE WILDLIFE GRANT PROGRAM

Commentary: Congress appropriated funds under the State Wildlife Grant Program (SWG) directly and exclusively to state wildlife agencies for "wildlife species of the greatest conservation concern."

Pennsylvania is eligible to receive these funds for fish and wildlife projects under the SWG program. We are recommending approval of the two projects listed in EXHIBIT "A."

Projects listed in EXHIBIT "A" will not require any net reduction in the Game Fund, since both are cooperator projects. The Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the organizations and investigators of these projects, 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 projects listed in EXHIBIT "A."

Action:

EXHIBIT "A"

STATE WILDLIFE GRANT PROJECTS

ASSESSING CONSERVATION NEEDS OF EASTERN GOLDEN EAGLES IN PENNSYLVANIA

The goal of this research project is to collect information on where and how the unique eastern population of golden eagles migrates through Pennsylvania, and to use these data to provide statewide maps showing the relative risk to eagles from development of wind power. These maps will provide a crucial tool for managers, policy makers and legislators to guide development of wind power throughout the state (Todd Katzner, National Aviary – \$25,000)

SILVICULTURAL IMPACTS ON CERULEAN WARBLERS AND OTHER PRIORITY FOREST BIRDS

Many of Pennsylvania's songbirds of concern are considered "forest-interior" species that require substantial areas of intact forest to breed successfully, yet how these species respond to partial timber harvests in otherwise intact forest remain unclear. This investigator will assess how partial tree harvests (shelterwood seed cut) in mature oak forests affects the abundance and demographic rates of Cerulean Warblers (*Dendroica cerulea*) and other priority forest-interior species, both within the shelterwood as well as in adjacent uncut forest (edge effects). (Charles Williams, Clarion University - \$43,900)

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to Chapters 141, 143 and 147.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 3, 2006 meeting, proposed the following changes:

Amend Chapter 143, Subchapters A (relating to general), B (relating to appointment of agents), C (relating to antlerless deer licenses), D (relating to bear licenses), E (relating to flintlock (muzzleloader) deer licenses), J (relating to migratory game bird license) and K (relating to elk licenses), and Chapter 147, Subchapters R (relating to deer control) and S (relating to bobcat hunting-trapping permit) to accommodate the implementation of the Commission's new POS licensing system within this Commonwealth. Also, amend §141.48 (relating to elk management units), §143.206 (relating to validity of license) and §143.207 (relating to unlawful acts) to redesignate 'elk management areas/units' as 'elk hunt zones.'

It is important to identify that staff has consolidated the above mentioned rulemaking packages into one item on this agenda even though these packages were originally presented as separate proposals at the Commission's October 3, 2006 meeting. The purpose of this consolidation was to ensure accuracy and clarity in the regulatory language being considered for final adoption in light of the fact that these individual packages amend several of the same provisions. This consolidation is administrative in nature and does not in any way affect the substance of either rulemaking package.

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 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 A. GENERAL

§143.1. Definitions.

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

* * * * *

Customer ID number – The unique customer identifier permanently assigned to each customer of the Commission's Point-of-Sale automated licensing system.

Point-of-Sale – The Commission's computer-based automated licensing system that facilitates the purchase and creation of license products at the agent location.

§143.11. Internet license sales.

For individuals who already possess a valid hunting license and opt to purchase an archery, muzzleloader or migratory game bird license online, the license holder shall print the receipt, sign in the space provided and carry while afield.

Subchapter B. APPOINTMENT OF AGENTS

§143.26. Time for rebate.

Rebate to the agent will be credited to his account at the beginning of the license year following his first year as an agent.

Subchapter C. ANTLERLESS DEER LICENSES

§143.41. Purpose and scope.

* * * * *

(b) The Commission, after reviewing reproductive data, will establish the number of antlerless deer licenses allocated to each wildlife management unit.

(c) An application shall be accepted without restriction or regard to the applicant's county of residence. The following procedure shall be adhered to when determining successful applicants for licenses:

* * * * *

(2) Envelopes received by first class mail delivered through and by the United States Postal Service will be processed and licenses issued as soon as practicable.

(3) This process of license issuance will continue until the available supply of licenses for that wildlife management unit is exhausted.

(4) This process of license issuance will continue until the available supply of licenses for that wildlife management unit is exhausted.

(d) The Commission may act in the capacity of a county treasurer for issuing antlerless licenses if authority to issue licenses has been removed from any or all county treasurers.

(e) Notwithstanding the provisions of this chapter limiting the number of licenses available, the Commission will authorize antlerless deer licenses to be issued regardless of an established quota to:

(1) A resident of this Commonwealth within 60 days of discharge from active duty under honorable conditions from the United States Armed Forces or United States Coast Guard.

(2) A disabled veteran as defined in 34 Pa. C.S. §2706(b)(1) (relating to resident license and fee exemptions).

* * * * *

§143.42. Definitions.

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

Application –The universal form contained in the "*Hunting and Trapping Digest*" or a reasonable facsimile thereof used in applying for an antlerless license or an unsold tag.

* * * * *

Date issued –The date printed on the license at the time of issuance indicating when the license was mailed or given to the person named on the license.

Envelope – The official envelope issued with a regular hunting license which shall be used by the applicant to mail completed applications to a county treasurer.

* * * * *

License – The numbered license which is issued by the county treasurer or the Commission authorizing the holder thereof to hunt antlerless deer in a specific wildlife management unit.

* * * * *

§143.43. Preamble.

(a) An application shall be submitted to a county treasurer and a license shall be issued only in accordance with the act and this subchapter.

* * * * *

§143.44. Application.

It is unlawful to apply for more than one license before the unsold tag and unlimited antlerless license application periods as set forth in these regulations.

§143.45. Completing and submitting applications.

(a) Except as otherwise provided in §143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than by regular first class mail delivered through and by the United States Postal Service. Applications for unsold antlerless deer licenses shall be accepted by county treasurers over the counter and may immediately be processed if licenses are available beginning on the first Monday in November.

(b) Applications will not be accepted by county treasurers prior to the start of the normal business day on the third Monday in July.

(c) The application shall be legibly completed, in its entirety, in accordance with instructions on the application. An applicant may enter up to three units, in order of preference, on the application.

(d) * * *

(e) * * *

(f) The envelope shall contain return first class postage and a return address. If requirements of this subsection are not met, applications will be placed in a dead letter file and may be reclaimed by the applicant upon contacting the county treasurer's office. Postage, both forward and return, is the responsibility of the applicant.

(g) * * *

§143.48. First-come-first-served license issuance.

(a) Envelopes containing applications will be accepted on a first-come-first-served basis.

(b) If there are more than three applications in one envelope, the enclosed applications will be rejected and returned to the sender as soon as possible.

* * * * *

(e) If an application fails to comply with §143.45 (relating to completing and submitting applications), applications enclosed in the envelope shall be rejected and returned by the county treasurer to the sender as soon as practicable.

§143.49. Issuing licenses.

(a) Licenses may be issued by county treasurers immediately following receipt of applications.

(b) Licenses shall be issued through the Commission's point-of-sale automated licensing system. The county treasurer shall write in ink the applicants customer ID numbers on the face of the check or money order. If there are no licenses available in the applicant's first unit of preference, the county treasurer shall issue a license for the applicant's next unit of preference in the order given. If all three units have no licenses available, the county treasurer shall return the application to the applicant indicating that the selected units were sold out.

(c) Except as otherwise provided in §143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the second Monday in September, except for licenses issued under §143.51(f) (relating to application and issuance of unsold tags) which shall be placed with the United States Postal Service no later than the fourth Monday in September. If more than one application is mailed to the county treasurer in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

§143.50. Procedure for nonresidents of this Commonwealth.

Nonresidents may apply for unsold licenses on the last Monday in July and thereafter in compliance with §143.45 (relating to completing and submitting applications).

§143.51. Application and issuance of unsold tags.

(a) Except as provided in §143.52 (relating to procedures for unlimited antlerless licenses), beginning on the first Monday in August, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) An applicant shall only use the application contained in the *"Hunting and Trapping Digest"* or a reasonable facsimile thereof.

* * * * *

(e) Unsold tags shall be issued through the Commission's point-of-sale automated licensing system. The county treasurer shall write in ink the applicants customer ID numbers on the face of the check or money order. If there are no licenses available in the applicant's first unit of preference, the county treasurer shall issue a license for the applicant's next unit of preference in the order given. If all three units have no licenses available, the county treasurer shall return the application to the applicant indicating that the selected units were sold out.

(f) Beginning on the third Monday in August, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to a county treasurer.

§143.52. Procedure for unlimited antlerless licenses.

* * * * *

(b) Beginning on the first Monday in August residents and nonresidents of this Commonwealth shall be eligible to apply by mail to a county treasurer for an unlimited number of antlerless deer licenses for designated units.

(c) Beginning on the fourth Monday in August, county treasurers shall accept antlerless applications over the counter for designated units from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.

§143.53. Reapplication.

(a) A person whose application has been rejected and returned may secure a new official envelope from a hunting license issuing agent and reapply for a license by:

(1) If applicable, correcting the errors which caused the original application to be rejected and returning it to a county treasurer.

(2) Changing on the application the designated wildlife management units in which the applicant desires to hunt and forwarding it to a county treasurer.

(b) A person who was issued a license that was subsequently lost in the United States mail and never received by the licensee may, upon submitting an affidavit stating this fact, receive a replacement license from any county treasurer. There will be no additional cost for this license. Prior to issuing a replacement license, county treasurers shall first verify through the Commission's point-of-sale automated licensing system that the applicant was issued the original license.

Subchapter D. BEAR LICENSES

§143.68. Carry the license.

For a bear license issued subsequent to the owner's general hunting license, the bear license shall be signed by the owner in the space provided and shall be carried on the person at all times when the owner is hunting for bear. The bear license does not need to be displayed but shall be produced for inspection upon demand of any officer authorized to enforce this title.

Subchapter E. (Reserved)

143.81.-143.87. (Reserved)

Subchapter J. MIGRATORY GAME BIRD LICENSE

Sec.

* * *

143.186. Processing Harvest Information Program surveys.

* * *

§143.181. Purpose and scope.

This subchapter establishes rules for application and issuance of Migratory Game Bird Licenses and processing Harvest Information Program surveys.

§143.182. Definitions.

HIP survey – The Migratory Game Bird Harvest Information Program (HIP) survey that will be completed at the time the license is issued.

Migratory Game Bird License – The license authorizing the holder thereof to hunt for migratory game birds. The license is not valid unless used in conjunction with a regular resident or nonresident hunting license.

§143.183. Application.

Application may be made when purchasing a hunting license, or at any time thereafter upon completion of the HIP survey.

§143.184. Issuance of license.

After confirming that the HIP survey has been completed in its entirety, the issuing agent shall issue the license.

§143.186. Processing Harvest Information Program (HIP) surveys.

HIP survey data shall be forwarded electronically to the United States Fish and Wildlife Service, Office of Migratory Bird Management, through the Commission's point-of-sale automated licensing system no later than thirty days after license issuance.

§143.187. Unlawful acts.

It is unlawful to:

* * * * *

(2) Apply for or receive a Migratory Game Bird License contrary to the act or this subchapter.

(3) * * *

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.

* * * * *

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§147.672. Definitions.

The following words and terms, when used in this section and §147.671.673-147.676, have the following meanings unless the context clearly indicates otherwise:

* * * * *

DMAP harvest permit – The numbered permit which is issued through the Commission's point-of-sale automated licensing system, authorizing the holder thereof to hunt antlerless deer in a specific DMAP area in accordance with provisions in the act and this part as they pertain to lawfully hunting deer. Each DMAP harvest permit has its own antlerless deer ear tag attached to be used only for tagging an antlerless deer harvested.

* * * * *

§147.673. Eligibility and application for DMAP.

* * * * *

(d) Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to. In DMAP areas designated by the Director, DMAP harvest permits may be made available directly through authorized issuing agents without coupons being issued.

* * * * *

§147.674. Issuance of DMAP harvest permits.

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued through the Commission's point-of-sale automated licensing system.

(b) Two harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license.

* * * * *

(e) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

§147.675. Validity of permit.

* * * * *

(b) DMAP harvest permits are valid only on the DMAP area indicated on the permit.

§147.676. Unlawful acts.

It is unlawful to:

* * * * *

(6) Fail to submit harvest report and survey information in accordance with instructions provided.

* * * * *

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 residents of this Commonwealth who possess a valid resident furtakers license, junior combination license or senior combination license.

B. Adoption of proposed amendment to §147.746.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 3, 2006 meeting, proposed the following change:

Amend §147.476 (relating to exceptions for resident Canada geese) to remove the necessity for a person to obtain a joint state/federal depredation permit to control the number of resident Canada geese on their property in certain circumstances.

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 147. SPECIAL PERMITS

Subchapter U. DEPREDATION

Sec.

* * *

147.746. Exceptions for resident Canada geese.

* * *

147.746. Exceptions for resident Canada geese.

(a) Egg addling and nest destruction. Private landowners and managers of public lands and their employees or agents may destroy the nests and eggs of resident Canada geese on lands under their jurisdiction when necessary to resolve or prevent injury to people or damage to property or agricultural crops between March 1 and June 30 without the need for a joint state/federal permit when the following conditions have been met:

(1) Private landowners or managers of public land have registered with the United States Fish and Wildlife Service at www.fws.gov/permits/mbpermits/gooseeggregistration.html. Each person who will be conducting the activity must be registered at this site prior to implementing control activities.

(i) Eggs may be addled by shaking, freezing with CO₂ or oiling. If addled by oil, only 100 percent corn oil may be use.

(ii) Nests and eggs may be disposed of by burying or burning.

(2) Persons exercising privileges authorized by this subchapter must file a report with the United States Fish and Wildlife Service at www.fws.gov/permits/mbpermits/gooseeggregistration.html no later than October 31 of each year. Failure to file a report may result in the denial of permission to addle the eggs or destroy the nests of resident Canada geese in subsequent years.

(3) Unlawful acts. It shall be unlawful to interfere with the nest or eggs of resident Canada geese without first registering with the United States Fish and Wildlife Service as required by this subchapter.

(b) Agricultural facilities. Persons actively engaged in commercial agriculture production may apply for a state issued resident Canada goose depredation permit. This permit allows a commercial agricultural producer and their legitimate employees and agents to engage in the shooting or capture of resident Canada geese when necessary to prevent damage to agricultural crops and other interests by resident Canada geese. The permit will prescribe the method of taking and the number of resident Canada geese that may be taken. The permit shall be valid from May 1 through August 31 of the year in which the permit was issued. The permittee shall file a written report on a form provided by the Commission, regarding the activities authorized by the permit no later than October 31 of the year in which the permit was issued. Failure to file the report as required may result in future applications being denied.

(1) Application fee. An application fee of \$50 in the form of check or money order shall be remitted to the Commission by the applicant at the time of application.

(c) Airports and military airfields. Airports that are part of the National Plan of Integrated Airport Systems and have received Federal grant-in aid assistance and military airfields may control resident Canada geese on property that is under their jurisdiction without the need for a state or joint state/federal depredation permit if they comply with 50 CFR Part 21 §21.49 regarding the control order for airports and military airfields.

(1) Unlawful acts. It shall be unlawful to control resident Canada geese on airport or military airfield property through lethal control or to destroy eggs and nests of resident Canada geese unless the participants are in compliance with 50 CFR Part 21 §21.49 or are in possession of a joint state/federal Canada goose depredation permit as prescribed in 58 Pa. Code §147.744.

C. Adoption of proposed amendments to §§141.41, 141.43 and 141.47.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 3, 2006 meeting, proposed the following changes:

Amend §§141.41 (relating to general), 141.43 (relating to deer) and 141.47 (relating to elk) to permit the lawful use of .50 caliber or larger muzzleloading handguns while hunting deer, bear and elk.

Recommendation: The Executive Director and staff recommend that this rulemaking be **TABLED** and that the amendments to §§141.41, 141.43 and 141.47 be further considered in the comprehensive rulemaking package found in item "K" of this agenda.

Action:

EXHIBIT "C"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.41. General.

* * * * *

(b) It is unlawful to:

* * * * *

(2) Hunt for deer or bear through the use of a muzzleloading long gun that is not .44 caliber or larger or a muzzleloading handgun that is not .50 caliber or larger.

* * * * *

§141.43. Deer.

* * * * *

(b) Flintlock muzzleloading season. Firearms lawful for use are original muzzleloading single-barrel firearms manufactured prior to 1800, or similar reproductions of an original muzzleloading single-barrel firearm which:

(1) Are .44 caliber or larger long guns or .50 caliber or larger handguns.

* * * * *

(3) Have open sights.

* * * * *

(e) Muzzleloading season. Firearms lawful for use are muzzleloading single-barrel firearms which:

(1) Are .44 caliber or larger long guns or .50 caliber or larger handguns.

* * * * *

§141.47. Elk.

It is unlawful while hunting elk to:

(1) Use any centerfire firearm less than .27 caliber or that propels a single-projectile less than 130 grains.

(2) Use any muzzleloading firearm less than .50 caliber or that propels a single-projectile less than 210 grains.

(3) Use any shotgun less than 12 gauge.

(4) * * *

(5) * * *

(6) * * *

(7) * * *

(8) * * *

(9) * * *

(10) * * *

(11) * * *

(12) * * *

D. Adoption of proposed amendments to §§137.1 and 147.203.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 3, 2006 meeting, proposed the following changes:

Amend §§137.1 (relating to importation, sale and release of certain wildlife) and 147.203 (relating to pens, shelters and enclosures) to eliminate the remaining regulatory language concerning those cervidae livestock activities no longer regulated by the Commission.

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

Action:

EXHIBIT "D"

CHAPTER 137. WILDLIFE

§137.1. Importation, 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 animals or birds or the eggs of the birds or a crossbreed or hybrid of the animals or 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 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 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.

(3) *In the family Ursidae.* All species of the bears.

(4) *In the family Procyonidae.* All species of raccoons.

(5) *In the family Capromyidae.* The nutria.

(6) *In the family Mustelidae.* All species of the skunks.

(7) Threatened, endangered or injurious. 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.

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

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

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

(b) Nothing in this section prevents a nationally recognized circus from temporarily bringing wildlife into this Commonwealth in connection with presenting circus performances.

(c) Nothing in this section prevents zoological gardens, exotic wildlife dealers or exotic wildlife possession permit holders from importing wildlife.

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

(1) Importation permits will be issued for a fee of \$50 for each transaction.

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

(3) An application for importation permit shall state the name and address of the applicant, name and address of the person supplying the wildlife, the common and scientific name and the number of wildlife to be covered by the permit, the purpose for which the wildlife is being imported, the qualifications of the applicant to use the wildlife for the stated purpose and the location where the wildlife will be housed or retained.

(e) Transfer of wildlife imported under subsection (d), or its progeny, or parts thereof, to a second party by sale, trade, barter or gift may only be done subject to the following:

(1) A permit issued by the Commission is required to transfer by sale, trade, barter or gift, wildlife or its progeny, or a part thereof.

(2) The fee for a transfer permit is \$50.

(3) Transfer is limited to persons authorized to lawfully import wildlife.

(f) Live wildlife imported for any reason shall be accompanied by a certificate of veterinary inspection signed by an accredited veterinarian.

CHAPTER 147. SPECIAL PERMITS

Subchapter K. PROPAGATING

§147.203. Pens, shelters and enclosures.

(a) Pens, shelters and enclosures must be:

* * * * *

(2) Covered and completely surrounded by appropriate materials to confine the species being propagated and exclude surrounding wildlife.

* * * * *

E. Adoption of proposed amendments to Chapter 147, Subchapter G and §147.146.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 3, 2006 meeting proposed the following changes:

Amend Chapter 147, by eliminating Subchapter G (relating to taxidermy) to eliminate the remaining regulatory language concerning those taxidermy activities no longer regulated by the Commission. Also amend §147.146 (relating to sale of inedible wildlife parts) to relocate and maintain allowances for taxidermists to sell unclaimed specimens under certain conditions.

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

Action:

EXHIBIT "E"

CHAPTER 147. SPECIAL PERMITS

Subchap.

* * *

G. (Reserved).

* * *

Subchapter G. (Reserved)

Sec.

147.121.-147.129. (Reserved).

Subchapter H. PROTECTED SPECIMEN

§147.146. Sale of inedible wildlife parts.

(a) Wildlife lawfully taken within this Commonwealth that has been mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures may be sold if one of the following conditions is met:

* * * * *

(3) The original owner's specimen is determined to be unclaimed as provided for in subsection (b).

(b) A specimen will be considered unclaimed when the following conditions are met:

(1) The specimen was lawfully possessed when originally deposited with the taxidermist.

(2) The specimen was mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures.

(3) The taxidermist has made a reasonable effort to contact the original owner or depositor through any means generally available to inform the owner or depositor that the specimen is complete and should be picked up within a certain time period.

(4) The owner, or the original depositor of the specimen, has been notified by certified, first-class mail and has failed to contact the taxidermist within 30 days of receipt of the notice; or the taxidermist is notified by the postal authorities the certified mail is unclaimed or undeliverable. The specimen will be considered unclaimed after 30 days from the date the taxidermist was notified.

- (c) * * *
- (d) * * *
- (e) * * *
- (f) * * *
- (g) * * *
- (h) * * *
- (i) * * *

F. Adoption of proposed amendments to Chapter 135, Subchapter L, §§135.221-135.225.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 3, 2006 meeting, proposed the following changes:

Amend Chapter 135, by adding Subchapter L (relating to license for rights-of-way) to establish regulations governing the granting of rights-of-way licenses on Commission owned lands and water.

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

Action:

EXHIBIT "F"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter L. LICENSES FOR RIGHTS-OF-WAY

Sec.

* * *

- 135.221. Scope.
- 135.222. Definitions.
- 135.223. Application process and application and processing fee.
- 135.224. Damage assessments.
- 135.225. Annual fees and security requirements.

* * *

§135.221. Scope.

The following sections provide for licensing rights-of-way across land to which title has been acquired for the Commission's use. Except as noted herein, this Subchapter does not apply to Letters of Authorization or leases for natural resources recovery that are approved by the Commission under other provisions of law.

§135.222. Definitions.

Application and processing fee - A one time cost recovery charge that reimburses the Commission in advance for some of the expected administrative costs incurred in the processing of right-of-way applications, assignments and amendments.

Double stumpage - As used herein double stumpage refers to a multiple of two times the value of timber as calculated pursuant to Standard Operating Procedure of the Commission.

Inflationary provision - An automatic adjustment to the license fee.

Late fee - A charge imposed upon license fees remaining unpaid after the due date.

License fee - A yearly charge that compensates the Commission annually in advance for the privilege of using the property as outlined in the license.

License for right-of-way - A revocable permission for uses as allowed by the Game and Wildlife Code, 34 P.S. §725.

Surface damage assessment - A one time cost recovery fee that reimburses the Commission in advance for loss of shrubs and herbaceous growth, wildlife food and cover, or other habitat and management impacts and environmental degradation, be they permanent or temporary in nature.

Temporary road use permits - Temporary permit for use of existing State game lands roads which would otherwise be licenses for rights-of-way, but which are limited in duration to twelve months or less.

Timber damage assessment - A one time cost recovery charge that reimburses the Commission in advance for timber damage, be it permanent or temporary in nature.

§135.223. Application process and application and processing fee.

(a) Application process. A person or entity desiring a license for right-of-way shall submit a completed application, an alternatives analysis and a non-refundable application and processing fee made payable to the Pennsylvania Game Commission.

(b) Application and processing fee. There will be assessed an application and processing fee of \$150, payable to the Pennsylvania Game Commission, at the time of application. This fee is non-refundable whether the license is ultimately approved or denied.

§135.224. Damage assessments.

(a) Surface damage assessment. A minimum fee of \$400 per acre or partial acre, prorated for each acre over one, shall be charged.

(b) Timber damage assessment. Cutting of timber products shall be assessed the greater of double stumpage value or as assessed by conducting a comprehensive timber value assessment. Values for timber or areas not originally assessed but damaged during the construction process, may be assessed at any time and billed to the licensee.

(c) Both surface damage assessments and timber damage assessments will be charged.

§135.225. Annual fees and security requirements.

(a) License fees. The Commission shall negotiate charges and fees as it deems conditions and circumstances warrant, with an assessed minimum annual license fee consisting of an areal minimum of \$200 per acre or partial acre impacted, prorated for every acre over one, plus a linear minimum of 5¢ per foot. Rates and fees established may be adjusted annually in accordance with the Consumer Price Index (CPI) of the immediately preceding license year.

(b) Late fees may be assessed in accordance with Commonwealth or Commission policies, or regulations governing late payments.

(c) Security requirements. Licenses shall require a bond or other security. The amount of the bond shall be based upon the estimated cost of the removal of the facilities, reclamation and revegetation of the site. Licenses which include reclamation, revegetation and maintenance of Commission roads shall require security at a minimum of \$2,500 per mile.

G. Adoption of proposed amendments to §§135.41 and 135.181.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 3, 2006 meeting, proposed the following changes:

Amend §§135.41 (relating to state game lands) and 135.181 (relating to rifle and handgun ranges) to specifically authorize clay bird shooting activities on Commission owned lands, but only in those areas designated by the Director.

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

Action:

EXHIBIT "G"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§135.41. State game lands.

(c) Additional prohibitions. In addition to the prohibitions contained in the act pertaining to State game lands and §135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

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

Subchapter J. SHOOTING RANGES

§135.181. Rifle and handgun ranges.

(b) Prohibited acts. At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee for military or law enforcement training, it is unlawful to:

* * * * *

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

PROPOSED RULE MAKING

H. Amend 58 Pa. Code, §131.6.

Commentary: An issue that has proven perpetually problematic for the Commission has been the exercise of police powers by wildlife conservation officers. Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) provides clear and broad police power authority to wildlife conservation officers acting within the scope of their employment. Despite this broad authorization, however, it is the general policy of the Commission that the primary responsibility of the wildlife conservation officer is the enforcement of the Game and Wildlife Code and that all general law enforcement duties shall remain the responsibility of the appropriate law enforcement agencies empowered to conduct those activities. In an effort to reduce legal challenges, reduce potential civil liability and also provide recognition to the importance of the relevant competing interests on this issue, the Commission is proposing to amend 58 Pa. Code §131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

CHAPTER 131. PRELIMINARY PROVISIONS

§131.6. Administration of police powers by wildlife conservation officers.

~~[(a)—General policy.~~

~~(1)—The primary responsibility of a wildlife conservation officer is the enforcement of the act and this part.~~

~~(2)—Section 901(17) of the act (relating to powers and duties of enforcement officers) confers police powers upon wildlife conservation officers acting within the scope of their employment.~~

~~(b)—Powers and procedures.~~

~~(1)—A wildlife conservation officer may arrest for offenses enumerated in subsection (c) which constitute misdemeanors or felonies when the offenses occur in the officer's presence and while acting within the scope of the officer's employment.~~

~~(2)—A wildlife conservation officer shall arrest for offenses enumerated in subsection (c) only when necessary to protect life and property. The officer shall immediately notify the appropriate law enforcement agency. Evidence and information in the possession of the officer shall be transmitted to the law enforcement agency responsible for further investigation or prosecution, or both.~~

~~(3) — A wildlife conservation officer may institute proceedings for violations listed in subsection (c) that are misdemeanors or felonies which occur on State game lands or arise out of Commission operations.~~

~~(e) — Violations. A wildlife conservation officer may, subject to the limitations in subsections (a) and (b), act only in cases of violations of the following provisions:~~

~~(1) — Title 18 of the Pennsylvania Consolidated Statutes (relating to the Crimes Code) including the following chapters:~~

- ~~(i) — 9 Inchoate Crimes.~~
- ~~(ii) — 25 Criminal Homicide.~~
- ~~(iii) — 27 Assault.~~
- ~~(iv) — 29 Kidnapping.~~
- ~~(v) — 31 Sexual Offenses.~~
- ~~(vi) — 33 Arson, Criminal Mischief and Other Property Destruction.~~
- ~~(vii) — 35 Burglary and Other Criminal Intrusion, limited to §§3501, 3502 and 3503(a).~~
- ~~(viii) — 37 Robbery.~~
- ~~(ix) — 39 Theft and Related Offenses, limited to violations of §§3921, 3924, 3925, 3928 and 3929.~~
- ~~(x) — 41 Forgery and Fraudulent Practices, limited to §§4104 and 4105.~~
- ~~(xi) — 47 Bribery and Corrupt Influence.~~
- ~~(xii) — 49 Falsification and Intimidation.~~
- ~~(xiii) — 51 Obstructing Government Operations limited to §§5101, 5102, 5104, 5105, 5121, 5124 and 5125.~~
- ~~(xiv) — 55 Riot, Disorderly Conduct and Related Offenses, limited to §§5501-5511 only.~~
- ~~(xv) — 59 Public Indecency, limited to §5901.~~
- ~~(xvi) — 61 Firearms and Other Dangerous Articles.~~
- ~~(xvii) — 63 Minors, limited to §6308.~~
- ~~(xviii) — 65 Nuisances.~~

~~(2) — The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§780-101 — 780-144).~~

~~(3) — Title 75 of the Pennsylvania Consolidated Statutes §§3731, 3732, 3735 and 3742.~~

~~(4) — The Solid Waste Management Act (35 P.S. §§6018.101 — 6018.1003), limited to misdemeanors and felonies.~~

~~(5) The Clean Streams Law (35 P.S. §§69.1-691.1001), limited to misdemeanors.~~

~~(d) Construction. The administrative procedures set forth in this section are intended to serve as guidelines for wildlife conservation officers in the performance of their duties. The administrative limitations in this subchapter do not invalidate an arrest, prosecution or law enforcement action incident thereto which a wildlife conservation officer may undertake, but which exceeds the limitations of subsections (a)-(c). Whenever wildlife conservation officers are acting within the scope of their employment, the principles of justification that apply to peace officers under 18 Pa. C.S. Chapter 5 (relating to general principles of justification) shall apply to their acts.]~~

(a) General.

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conservation officer, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa. C.S. (relating to the Crimes Code) or any other offense classified as a misdemeanor or felony.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, "when acting within the scope of their employment" shall mean that period of time that a wildlife conservation officer is currently engaged in any activity he is employed to perform at such times and places he is authorized to perform such activity.

(b) Procedures.

(1) A wildlife conservation officer shall arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only to the degree necessary to protect life and property in the following circumstances:

(i) The offense occurs in the officer's presence;

(ii) the offense occurs on State game lands;

(iii) the offense arises out of Commission operations; or

(iv) another law enforcement agency has reasonably requested such assistance.

(2) Any wildlife conservation officer who exercises any authority vested by section 901(a)(17) of the act shall, without unreasonable delay:

(i) Notify the appropriate state or local law enforcement agency of such enforcement action;

(ii) secure and maintain onsite information and evidence as deemed appropriate;

(iii) transmit secured information and evidence to the appropriate state or local law enforcement agency for further investigation and/or prosecution;

(iv) prosecute any violations, as may be reasonably necessary if appropriate state or local law enforcement agency declines further action.

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

Action:

I. Amend 58 Pa. Code, §141.63 and 141.66.

Commentary:

Regulations concerning the use of cable restraint devices were first proposed at the Commission's October 5, 2004 meeting and were finally adopted at its January 25, 2005 meeting. These regulations essentially define the nature of the device, the manner of its use, as well as the time period for its use. Upon final completion of the 2005-2006 furtaking season, staff conducted a survey of all certified cable restraint users to assess use, efficiency, selectivity, and capture related injuries or mortalities. Based upon the results of these postseason surveys, staff recommends the following amendments to 58 Pa. Code, §141.63: 1) Permit the use of 1x19 cable which recent trap testing data now supports; 2) Extend the cable length by one foot to allow for cable restraints to be set legally in a variety of winter snow conditions; 3) More clearly define relaxing-type lock to reduce confusion for trappers purchasing commercially available devices; and 4) Increase the weight rating of the breakaway device to improve efficiency and effectiveness of these devices when large coyotes are captured.

It has come to the attention of the Commission that 58 Pa. Code §141.66 overly restricts the classes of persons that are eligible to be certified through the Commission's cable restraint training course in apparent contravention of certain statutory exemptions found in sections 2706 (relating to resident license and fee exemptions) and 2363 (relating to trapping exception for certain persons) of the act. In an effort to permit those individuals who are permitted to trap without license to more fully enjoy their privilege by being eligible to participate in the Commission's cable restraint training course, the Commission is proposing the amendment to 58 Pa. Code §141.66.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§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]~~ , or 1 bundle comprised of 19 wires per bundle. The cable may not exceed ~~[6]~~ 7 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. Cable restraints must be equipped with a relaxing-type lock. The relaxing-type lock may not be constructed with moving parts. A cable restraint must include a breakaway device affixed ~~[to the lock or]~~ between the relaxing-type lock and cable or at the end of the cable that is rated at ~~[325]~~ 375 pounds or less. The cable must be maintained in good condition so that all components operate properly.

* * * * *

§141.66. Cable restraints.

* * * * *

(b) Cable restraint devices may only be set by furtakers who ~~[possess a valid furtakers license and who]~~ have completed a certified cable restraint training course approved by the Director and possess a valid furtakers license, qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) or qualify for trapping exceptions under section 2363 of the act (relating to trapping exception for certain persons). The Director will establish a fee for the course and the fee will only be what is necessary to cover the cost of the course. The trapper shall have a certificate from this course in possession while setting or checking sets using cable restraints and present the certificate upon the request of any person whose duty it is to enforce this title.

* * * * *

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

Action:

J. Amend 58 Pa. Code, §141.4.

Commentary:

In recent years, there has been interest among hunters to expand legal hunting hours to include the 1/2 hour period after sunset (evening civil twilight). While the Commission is always looking for appropriate ways to increase hunting opportunity for sporting men and women, the Commission recognizes its responsibility to do so with caution. It is without controversy that the safety of persons engaged in the activity of hunting, as well as those persons who may be in the vicinity of persons engaged in the activity of hunting, is a paramount concern of the Commission. Due to the rapidly decreasing levels of light during the 1/2 hour period after sunset, staff has determined that permissive hunting occurring during this period has the substantial likelihood of increasing safety hazards associated with hunting activities.

Another important factor considered by staff is the likelihood that an expansion of legal hunting hours to include the 1/2 hour period after sunset will create inconsistency in hunting hours for migratory and non-migratory game species due to the Commission's inability to set legal hunting hours for migratory game species outside of the thresholds set by federal regulation. This inconsistency would have the greatest impact on hunters that pursue migratory game species and non-migratory game species at the same time due to the differing closing times, but could also cause confusion for other hunters as well.

Another factor to this issue is a recent change in federal regulations expanding the thresholds of legal hunting hours to include the 1/2 hour period after sunset for resident Canada goose hunting. Staff has determined that such an expansion during the September resident goose season would be beneficial because it would promote additional harvest of resident Canada geese and assist the Commission in attaining its population goals for resident Canada geese.

As a result of the aforementioned concerns, staff is opposed to a general extension of legal hunting hours to include the 1/2 hour period after sunset, but is supportive of such an extension that is limited to the September resident Canada goose season. If the Commission determines that either extension is appropriate, staff recommends that the table of hunting hours found within 58 Pa. Code §141.4 be replaced with a sunrise/sunset table that will have cross application to the differing legal hunting hour periods of the various game species.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.4. Hunting hours.

~~[During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted.]~~ Except as otherwise provided, wild birds and animals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

(1) During the regular antlered and antlerless deer season, it is unlawful to take or attempt to take other wild birds or mammals from 1/2 hour before sunrise to 1/2 hour after sunset. Game birds on regulated hunting grounds ~~[and migratory waterfowl]~~ , migratory waterfowl, coyotes and bear are excepted. Coyotes may be ~~[taken]~~ hunted from the first day to the last day inclusive of any deer or bear season only by persons who possess a valid furtaker's license, or by persons lawfully engaged in hunting deer or bear who have a valid tag.

(2) Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be ~~[taken]~~ hunted any hour, day or night, except during restricted periods in paragraph (1), and woodchuck, opossum, skunk and weasel may not be hunted prior to 12 noon during the spring gobbler season.

(3) Turkey ~~[hunting hours are]~~ may be hunted from 1/2 hour before sunrise to 12 noon during the spring gobbler season.

* * * * *

(5) Migratory birds may only be hunted 1/2 hour before sunrise until sunset, except during the September resident Canada goose season, when Canada geese may be hunted 1/2 hour before sunrise until 1/2 hour after sunset.

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

* * * * *

**[TABLE OF HUNTING HOURS
FOR JUNE 25, 2006 THROUGH JUNE 30, 2007]**

[Dates	Begin	End	Dates	Begin	End
	a.m.	p.m.		a.m.	p.m.
June 25—July 1	5:05	8:33	Dec. 31—Jan. 6	6:53	4:47
July 2—July 8	5:10	8:32	Jan. 7—Jan. 13	6:51	4:54
July 9—July 15	5:15	8:28	Jan. 14—Jan. 20	6:50	5:00
July 16—July 22	5:20	8:24	Jan. 21—Jan. 27	6:46	5:10
July 23—July 29	5:26	8:17	Jan. 28—Feb. 3	6:40	5:18
July 30—Aug. 5	5:33	8:10	Feb. 4—Feb. 10	6:35	5:25
Aug. 6—Aug. 12	5:40	8:00	Feb. 11—Feb. 17	6:27	5:35
Aug. 13—Aug. 19	5:46	7:52	Feb. 18—Feb. 24	6:20	5:43
Aug. 20—Aug. 26	5:53	7:40	Feb. 25—Mar. 3	6:10	5:50
Aug. 27—Sept. 2	6:00	7:30	Mar. 4—Mar. 10	5:59	5:58
Sept. 3—Sept. 9	6:06	7:19	Mar. 11—Mar. 17	6:48	7:04
Sept. 10—Sept. 16	6:13	7:08	Mar. 18—Mar. 24	6:37	7:14
Sept. 17—Sept. 23	6:20	6:55	Mar. 25—Mar. 31	6:26	7:20
Sept. 24—Sept. 30	6:26	6:45	Apr. 1—Apr. 7	6:13	7:28
Oct. 1—Oct. 7	6:34	6:33	Apr. 8—Apr. 14	6:00	7:35
Oct. 8—Oct. 14	6:41	6:23	Apr. 15—Apr. 21	5:53	7:40
Oct. 15—Oct. 21	6:50	6:12	Apr. 22—Apr. 28	5:43	7:49
Oct. 22—Oct. 28	6:56	6:03	Apr. 29—May 5	5:33	7:55
Oct. 29—Nov. 4	6:03	4:55	May 6—May 12	5:25	8:00
Nov. 5—Nov. 11	6:12	4:48	May 13—May 19	5:17	8:08
Nov. 12—Nov. 18	6:20	4:42	May 20—May 26	5:11	8:15
Nov. 19—Nov. 25	6:28	4:38	May 27—June 2	5:06	8:20
Nov. 26—Dec. 2	6:35	4:36	June 3—June 9	5:03	8:25
Dec. 3—Dec. 9	6:42	4:35	June 10—June 16	5:01	8:30
Dec. 10—Dec. 16	6:47	4:36	June 17—June 23	5:01	8:32
Dec. 17—Dec. 23	6:50	4:38	June 24—June 30	5:03	8:34]
Dec. 24—Dec. 30	6:52	4:42			

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

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

Recommendation: The Executive Director and staff recommend the Commission only approve the extension of legal hunting hours to include the 1/2 hour period after sunset as it pertains to the September resident Canada goose season.

Action:

K. Amend 58 Pa. Code, §§141.41, 141.43 and 141.47.

Commentary:

The Commission has received a number of requests from hunters to permit the lawful use of muzzleloading handguns to hunt various big game animals. Currently, all muzzleloading handguns are prohibited from use while hunting any big game animals. The Commission has determined that use of muzzleloading handguns would be reasonable so long as their use is limited to deer, bear and elk and to .50 caliber or larger firearms only.

The Commission has received a number of requests from hunters to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons. Currently, 58 Pa. Code §141.43 (relating to deer) prohibits the possession of any firearm while hunting during the early and late archery seasons with a bow and arrow or crossbow. The Commission has determined that the dual use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons would be permissible only to the extent that the person is in possession of both a valid archery license and valid muzzleloader license and meets the greater protective material requirements for the muzzleloader season, if applicable.

The Commission has also received requests from certain hunters to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season. Currently, 58 Pa. Code §141.43 (relating to deer) prohibits the use of aperture or peep sights during the flintlock muzzleloading season. The Commission has determined that the use of aperture or peep sights during the flintlock muzzleloading season would be permissible since their use is consistent with 18th century technology and therefore would not undermine the traditional nature of the flintlock muzzleloading season.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.41. General.

* * * * *

(b) It is unlawful to:

* * * * *

(2) ~~[Hunt for deer or bear through the use of any one or more of the following:~~

~~(i) A muzzleloading handgun.~~

~~(ii) A muzzleloading firearm that is not .44 caliber or larger.]~~

Hunt for deer or bear through the use of a muzzleloading long gun that is not .44 caliber or larger or a muzzleloading handgun that is not .50 caliber or larger.

* * * * *

§141.43. Deer.

(a) Archery season. It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

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

* * * * *

(b) Flintlock muzzleloading season. Firearms lawful for use are original muzzleloading single-barrel ~~[long guns]~~ firearms manufactured prior to 1800, or ~~[a similar reproduction]~~ similar reproductions of an original muzzleloading single-barrel ~~[long gun]~~ firearms which:

(1) ~~[Is .44 caliber or larger and has open sights.]~~ Are .44 caliber or larger long guns or .50 caliber or larger handguns.

* * * * *

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

* * * * *

(3) ~~[Use telescope, aperture or peep sights]~~ Use telescopic sights.

* * * * *

(e) Muzzleloading season. Firearms lawful for use are muzzleloading single-barrel ~~[long guns]~~ firearms which:

(1) Are .44 caliber or larger long guns or .50 caliber or larger handguns.

* * * * *

§141.47. Elk.

It is unlawful while hunting elk to:

(1) ~~[Use any rifle or handgun which is not centerfire and at least .27 caliber.]~~ Use any centerfirearm less than .27 caliber or that propels a single-projectile less than 130 grains.

(2) ~~[Use any projectile which is not all lead or designed to expand on impact and at least 130 grains.]~~ Use any muzzleloading firearms less than .50 caliber or that propels a single-projectile less than 210 grains.

(3) ~~[Use muzzleloading firearms other than long guns which are at least .50 caliber and propels a single projectile that weighs at least 210 grains.]~~

~~(4)~~ Use any shotgun less than 12 gauge.

- ~~(5)~~ (4) * * *
- ~~(6)~~ (5) * * *
- ~~(7)~~ (6) * * *
- ~~(8)~~ (7) * * *
- ~~(9)~~ (8) * * *
- ~~(10)~~ (9) * * *
- ~~(11)~~ (10) * * *
- ~~(12)~~ (11) * * *
- ~~(13)~~ (12) * * *

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

Action:

L. Amend 58 Pa. Code, §141.20.

Commentary: The Commission has received a number of calls from hunters regarding protective material requirements for hunters hunting from artificial or manufactured blinds during the deer, elk or bear seasons. These hunters have pointed out that there is a conceptual conflict in requiring hunters to wear protective material inside a blind where its visual effectiveness is severely diminished. These hunters have requested the ability to post protective material outside the blind, where it is more readily observable, in lieu of wearing the required amount of protective material on their person in the blind. Since the posting of protective material outside of an artificial or manmade blind that conceals movement from within is undeniably more consistent with the safety interests involved, the staff has determined that permitting hunters to post a minimum of 100 square inches of protective material within 15 feet from the blind in such a manner that it is visible in a 360 degree arc is acceptable.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.20. Protective material required.

* * * * *

(b) Permitted acts. It is lawful to:

* * * * *

(5) Hunt during any firearms season for deer, elk or bear from any blind meeting the requirements set forth in section 2308(b)(3) of the act and, in lieu of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined, place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet from the blind in such a manner that it is visible in a 360 degree arc.

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

Action:

M. Amend 58 Pa. Code, §147.674.

Commentary: Since the implementation of the DMAP program in 2003, harvest permit fees for residents and nonresidents have remained unchanged. However, operating costs throughout the agency have increased significantly, especially since the last license fee increase that occurred in 1999. Given the added recreational opportunities that DMAP harvest permits offer and the nominal cost currently associated with them, an increase in permit fees is being proposed to better represent the value of the privilege and improve funding for the management of wildlife resources.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§147.674. Issuance of DMAP harvest permits.

* * * * *

(c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is [~~\$6~~] \$10 for residents and [~~\$26~~] \$35 for nonresidents.

* * * * *

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

Action:

N. Amend 58 Pa. Code, §143.243.

Commentary: There are many administrative realities that must be addressed in implementing the deer hunting provisions of the Mentored Youth Hunting Program (MYHP) regulation adopted last year. After considerable staff discussion about implementing procedures and the issues of accurate harvest assessment, the potential population impacts of additional legal and illegal harvest of antlered deer not subject to antler restrictions, and the potential implications to our hunting heritage traditions we feel we must ask this Board to withdraw its plan to allow the taking of antlered deer by mentored youths in the 2007-2008 hunting license year. We simply need more time to consider alternatives and the potential benefits and costs to the agency, the resource and the citizens of the Commonwealth. This action would be accomplished by amending 58 Pa. Code, §143.243 as shown below.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter M. MENTORED YOUTH HUNTING PROGRAM LICENSE EXEMPTION

§143.243. General.

* * * * *

(b) A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck and wild turkey (spring gobbler season only) [~~beginning in the 2006-2007 hunting license year~~].

~~[(i) Beginning in the 2007-2008 hunting license year, antlered deer will be included in the mentored youth hunts.~~

~~[(ii) Mentored youth hunters shall comply with the same antler requirements as junior license holders.]~~

* * * * *

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

Action:

O. Amend 58 Pa. Code, §137.2.

Commentary:

Wild boar, Russian boar or feral hog all refer to a breed of pigs that are believed to have been brought into this state by hunting preserves. Many of these feral hogs have either escaped or been intentionally released into the wild where evidence suggests they are successfully reproducing. The Commission's participation in Pennsylvania's Invasive Species Council has resulted in a collaborative determination that feral hogs are an invasive species that must be eliminated and kept out of the wild. Feral hogs are known to pose a number of threats to the health, safety and welfare of wildlife, wildlife habitat, private property, humans and Pennsylvania's agricultural industry. The Commission is currently taking a number of steps to help combat this growing problem, but it recognizes that eliminating feral hogs from the wild cannot be successful if their continued release into the wild is not restricted. Therefore, the Commission is proposing to amend 58 Pa. Code §137.2 to prohibit the release of any feral hogs into the wild.

CHAPTER 137. WILDLIFE

§137.2. Release of animals.

(a) Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on to any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail and chukar partridge may be released for dog training or hunting purposes.

(b) It is unlawful to release any domestic or feral hogs in to the wild. Domestic or feral hogs shall include any animals from the porcine family.

(c) A person violating this section is subject to the penalties provided in the act.

Recommendation:

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

Action:

P. Amend 58 Pa. Code, §139.4.

Commentary:

To effectively manage the wildlife resources of this Commonwealth and also provide hunting and trapping opportunities in the Commonwealth during the upcoming license year, the Commission is proposing to amend 58 Pa. Code §139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2007-2008 license year. Although the 2007-2008 seasons and daily season and possession limits are similar to those set in 2006-2007, the 2007-2008 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of the Commonwealth.

For small game seasons, staff recommends expanding either sex pheasant hunting to include WMUs 5C & 5D given the proportion of land in non-pheasant habitat, the rate of land conversion and little chance for reversing this trend in any significant way in these two WMUs. Also, given the diminished status of wild quail populations, we do not recommend changes in bobwhite season length or hunt areas until we have a bobwhite quail management plan completed. At that time proposals to expand quail hunting or close it statewide will be considered; however, in the interim bobwhite hunting closures will continue in the last vestiges of the historic quail range.

Fall, either sex turkey harvest can substantially influence turkey population trends, which we control by hunting season length. The wild turkey management plan outlines decision criteria for setting fall turkey season lengths. Based on these criteria and turkey population and harvest index trends, it is proposed that the fall season in three WMUs (2A, 2F and 2G) be reduced one week and the existing fall turkey seasons maintained for the 2007 fall season. Staff also proposes extending the 2008 spring gobbler season an additional day to allow hunters to take advantage of the entire Memorial Day holiday weekend.

This proposal also includes expanded deer hunting seasons in WMUs 2B, 5C and 5D, our most developed areas in the state. The Commission's "Plan to reduce deer-human conflicts in developed areas" calls for expanding archery seasons in WMUs 2B, 5C, and 5D to reduce deer populations and deer-human conflicts. A mid-September archery season opener is proposed for these WMUs along with additional taking opportunities in December through the end of January 2008.

The elk hunting season's proposal recommends expanding the September hunt from one to four weeks. Given the small area (only Hunt Zone 1), the amount of private property and limited hunter access to property, and the continuing elk-human conflicts this more flexible season will allow hunters greater opportunity to take elk impacting farmers, provide bull hunting opportunity coinciding with the rut, allow hunters a greater opportunity to choose a cow if the opportunity presents itself, and keeps hunters in a defined area away from easily accessible public lands.

Finally, for furbearers, proposals recommend closing several seasons on Sundays (e.g., mink) that were previously closing on Saturdays to expand recreational opportunities, and add WMU 2A to the bobcat hunt/trap area. As the next license year is approaching, the Commission is proposing to amend §139.4 to provide updated seasons and bag limits for the 2007-2008 license year.

Recommendation: The Executive Director and staff recommend the Commission approve the proposed 2007-2008 hunting seasons and bag limits amendment to §139.4 as described in the attached table.

Action:

(SEASONS AND BAG LIMITS TABLE)

**2007-2008 OPEN HUNTING AND FUR TAKING 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. 6	Oct. 12	6	12
Squirrels – (Combined species)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Feb. 2, 2008	6	12
Ruffed Grouse - (Statewide)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Jan. 26, 2008	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. 20 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Feb. 2, 2008	4	8
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. 6	Oct. 12	2	4

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
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. 6	Oct. 12	2	4
Ringneck Pheasant - Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A, & 5B	Oct. 20	Nov. 24	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. 20 Dec. 10 Dec. 26	Nov. 24 and Dec. 22 and Feb. 2, 2008	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. 20	Nov. 24	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2008	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)	Oct. 27	Nov. 12		
Wildlife Management Units 2B (Shotgun, Bow & Arrow only)	Oct. 27	Nov. 17		
Wildlife Management Units 2C, 2E, 2F, 2G, 4A, 4B, & 4D	Oct. 27	Nov. 12		
Wildlife Management Units 2D, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 27	Nov. 17		
Wildlife Management Units 5A & 5B	Closed to fall turkey hunting			
Wildlife Management Units 5C & 5D (Shotgun, Bow & Arrow only)	Oct. 27	Nov. 2		
Turkey (Spring Gobbler) Statewide ⁵ Bearded Bird only	April 26, 2008	May 26, 2008	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ⁵ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 19, 2008	April 19, 2008	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)	July 1 and Dec. 28	Nov. 24 April 6, 2008		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

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
FALCONRY				
Squirrels – (Combined species)	Sept. 1	Mar. 31, 2008	6	12
Quail	Sept. 1	Mar. 31, 2008	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2008	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2008	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2008	1	2
Ringneck Pheasant - Male and Female - (Combined)	Sept. 1	Mar. 31, 2008	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) ¹ (Archery - Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Sept. 29 and Dec. 26	Nov. 10 Jan. 12, 2008	One antlered and an antlerless deer with each required antlerless license.

DEER - (Continued)

Species	First Day	Last Day	Season Limit
Deer, Antlerless – WMU 2B, 5C & 5D (Archery - Bows and Arrows & Crossbows)	Sep. 15 Nov. 12	and Nov. 24	An antlerless deer with each required antlerless license.
Deer, Antlerless – WMU 2B (Archery - Bows and Arrows & Crossbows)	Dec. 10	Dec. 22	An antlerless deer with each required antlerless license.
Deer, Regular Antlered & Antlerless - (Statewide) ¹	Nov. 26	Dec. 8	One antlered, and An antlerless deer with each required antlerless license.
Deer, Antlerless only - (Statewide) Only Junior and Senior License Holders, ² 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. 18	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlerless only - (Statewide) (Muzzleloading season)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless - (Statewide) ¹ (Flintlock Muzzleloading season)	Dec. 26	Jan. 12, 2008	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 26, 2008	An antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 5C & 5D	Dec. 10 Dec. 26	and Jan. 26, 2008	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 and Arrows only) ⁴ Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B & 4D	Nov. 14	Nov. 15	1	1
Bear, any age - (Statewide) ⁴	Nov. 19	Nov. 21	1	1
Bear, any age ⁴ Wildlife Management Units 3C, 3D 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.	Nov. 26	Dec. 1	1	1

Also, those portions of Wildlife Management Units 2G and 3B in Lycoming County that Lie 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 Rockview Prison	Nov. 26	Dec. 1	1	1
---	---------	--------	---	---

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Antlered & Antlerless ⁶ (With each required license)	Nov. 5	Nov. 10	1	1
Elk, Antlered & Antlerless ⁶ (With each required license) Elk Hunt Zone 1	Sep. 3 and Sep. 1, 2008	Sep. 29 and Sep. 27, 2008	1	1

FUR TAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats - (Statewide)	Nov. 17	Jan. 6, 2008		Unlimited
Beaver - (Statewide)	Dec. 26	Mar. 31, 2008		
Wildlife Management Units 2E, 2F & 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40

FURTAKING – TRAPPING (Continued)

Species	First Day	Last Day	Daily Limit	Season Limit
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. 22	Feb. 17, 2008		Unlimited
Coyotes & Foxes - (Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 17, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 22	Feb. 17, 2008	1	1

FURTAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes - (Statewide)				Unlimited
Coyotes - (During any archery deer season)				Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.
Coyotes - (During the regular firearms deer season and any bear season)				May be taken while lawfully hunting deer or with a furtaker's license.
Coyotes - (During the spring gobbler turkey 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.
Opossums, Skunks, Weasels ⁷ (Statewide)				May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.
Raccoons and Foxes - (Statewide) ⁷	Oct. 21	Feb. 16, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 21	Feb. 16, 2008	1	1

No open seasons on other wild birds or wild mammals.

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

²Includes 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).

³Bobcat 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.

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

⁵Second 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).

⁶Only one elk may be taken during the hunting license year.

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

- Q. 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, 2007, 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, 2007, 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

Option No. 4073

101 +/- acres of land in Plunketts Creek Township, Lycoming County, adjoining State Game Lands No. 134 (Exhibit RED-1). There are no new reservations. The option price is \$100,000 lump sum. The amount to be paid from the Game Fund will be limited to \$40,000.

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:

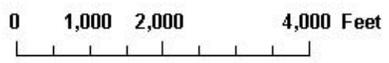
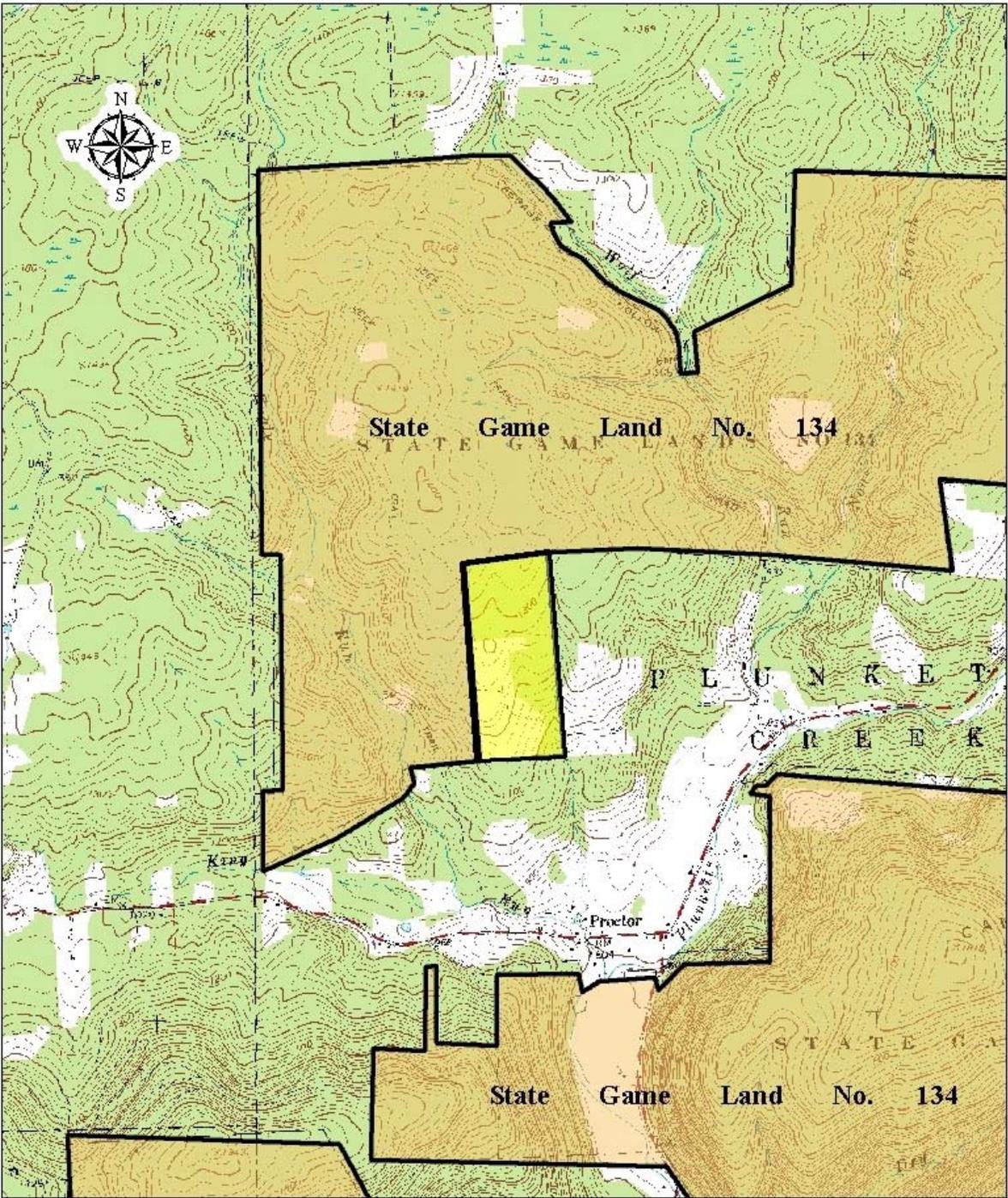


EXHIBIT RED-1
 STATE GAME LAND No.134
 Taylor Tract
 +/- 101 acres
 Plunketts Creek Twp. , Lycoming Co.

B. Donations

Option No. 4074

1.10 +/- acres of land in Jay Township, Elk County, an indenture to State Game Lands No. 311 (Exhibit RED-2), from James and Shirley Burke is being offered to the Commission as a donation. The Donor excepts and reserves the same as in prior deeds of record.

Option No. 4075

59 +/- acres of land in Pine Grove Township, Schuylkill County, an indenture to State Game Lands No. 211 (Exhibit RED-3), from Jean Jones is being offered to the Commission as a donation. The Donor has placed a restriction on this tract that it may not be sold or transferred for a period of 25 years from the date of the deed.

Recommendation:

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

Action:

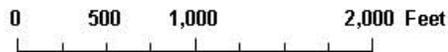
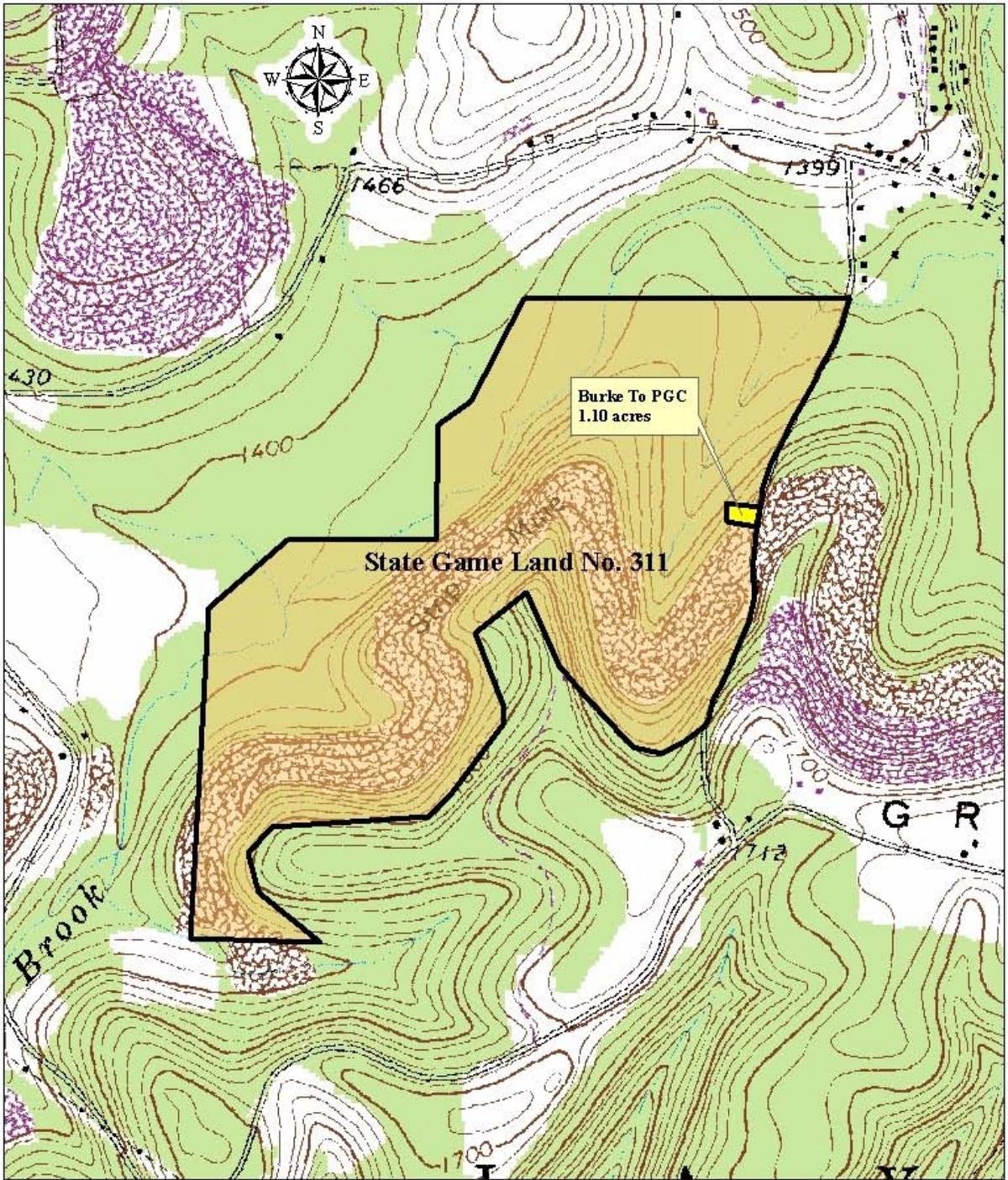
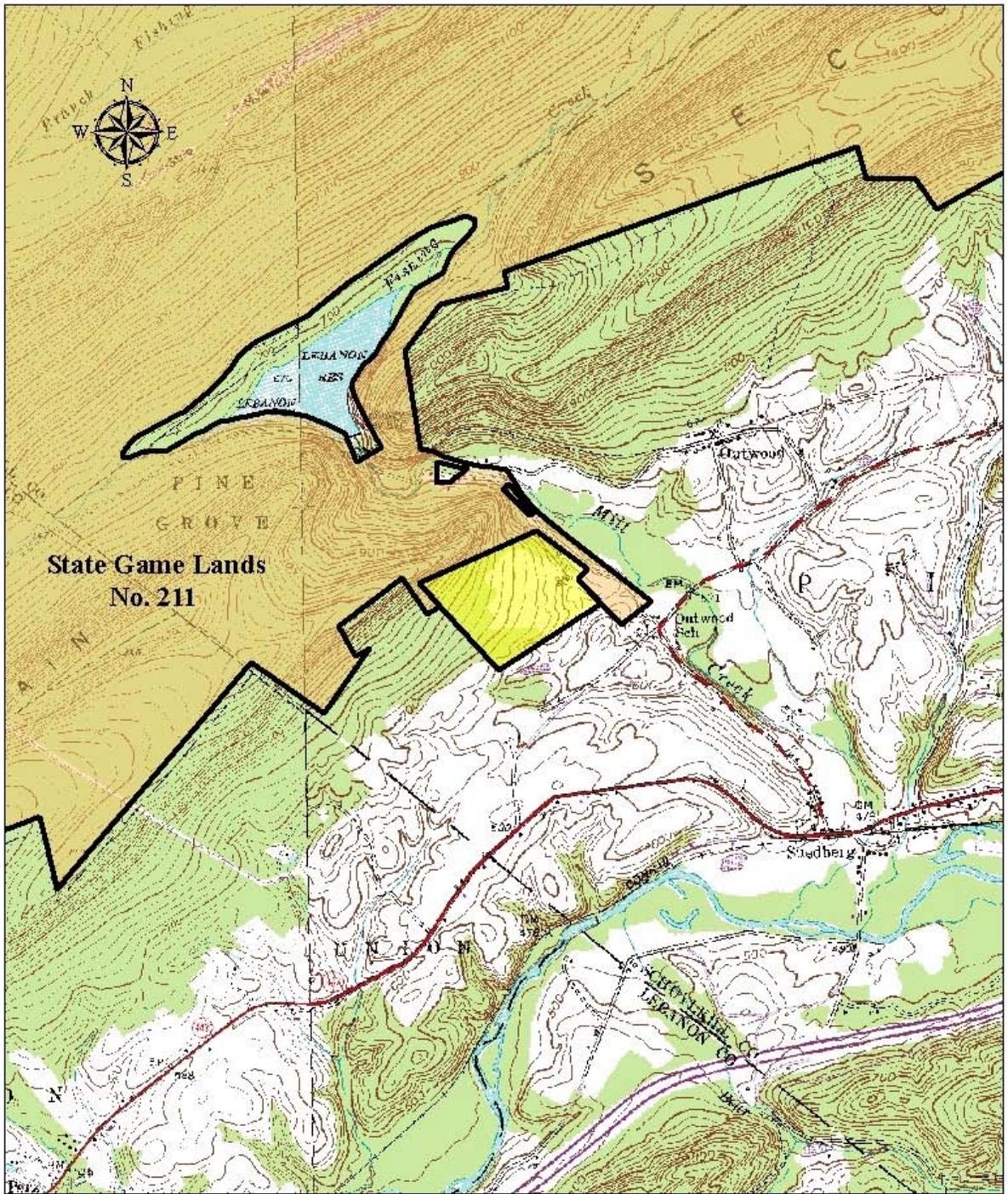


EXHIBIT RED-2
 STATE GAME LAND No. 311
 Burke Donation
 +/- 1.10 acres
 Jay Twp. - Elk Co.



State Game Lands
No. 211

EXHIBIT RED-3
STATE GAME LAND No. 211
Jones Donation
+/- 59 acres
Pine Grove Twp., Schuylkill Co.

OIL/GAS & MINERAL SECTION

C. Underground Mining Support Lease / Land Exchange

State Game Lands No. 179 Greene County

State Game Lands No. 245 Washington County

Commentary:

Consol Energy, Inc. of Pittsburgh, Pennsylvania has requested a land lease exchange to install two single ventilation air shafts, one on a 25 acre portion of State Game Lands No. 179 in Jackson Township, Greene County and the second on an approximately 15 acre portion of State Game Lands No. 245 in Washington County (Exhibits OGM-1 and OGM-2). The Commission is not the owner of the coal rights on these tracts of land and has limited surface support rights.

Consol is currently conducting underground coal mining operations under State Game Lands No. 179 in Jackson Township, Greene County and under State Game Lands No. 245 in East Finley Township, Washington County under the Blacksville No. 2 and the Enlow Fork mines respectively. In order to efficiently recover coal reserves and provide safe underground mine working conditions, Consol Energy is required by regulation to install ventilation air shafts. Consol Energy has identified a 25 acre portion of State Game Lands No. 179, and a 15 acre portion of State Game Lands No. 245 as suitable locations for the purpose of installing the ventilation air shafts and associated infrastructure. The total proposed lease area is comprised of 40 acres, however, the actual surface area to be affected by construction of the air shafts will be no greater than 25 acres which includes access roads, power lines and erosion and sediment controls. The larger lease area is requested to provide flexibility to design, permit and construct the ventilation shafts with regards to underground mine conditions, as well as engineering, permitting, and environmental concerns that may arise.

Consol Energy will also pay the Commission for any timber impacted as a result of the project at double stumpage rate as determined by the Commission's Southwest Region Forestry staff. The Commission, may elect to credit the value of the second stumpage for future wildlife habitat enhancement projects to be identified by the Region staff, however, under no circumstances shall the Commission receive less than single stumpage value for any timber impacted as a result of this project.

The anticipated life of the ventilation air shafts is ten years. Upon completion of the underground mining operations, the air shafts will be removed and the sites restored to original conditions through a reclamation plan as approved by the Commission.

In exchange for the right to occupy and affect 25 acres to construct the two ventilation air shafts, Consol will convey to the Commission three tracts of land totaling approximately 235 acres located adjacent to State Game Lands No. 245 in Morris Township, Washington County (Exhibit OGM-3). The land is characterized as hilly, consisting of either existing or previous pastureland, approximately 60 acres of woodland, and approximately 29 acres of riparian/wetland area. The adjacent game land is heavily hunted and very productive for wildlife with rabbit, pheasant and squirrel hunting as well as good turkey and deer hunting. The addition of these parcels, valued at approximately \$1,000 per acre, will improve upon these already excellent characteristics.

The project will be regulated by the Commonwealth's Underground and Surface Coal Mining regulations and the Commission's standard lease agreement. The 10 year lease will include the standard \$10,000 performance bond for each ventilation shaft site 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 the total value of the land exchange 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:

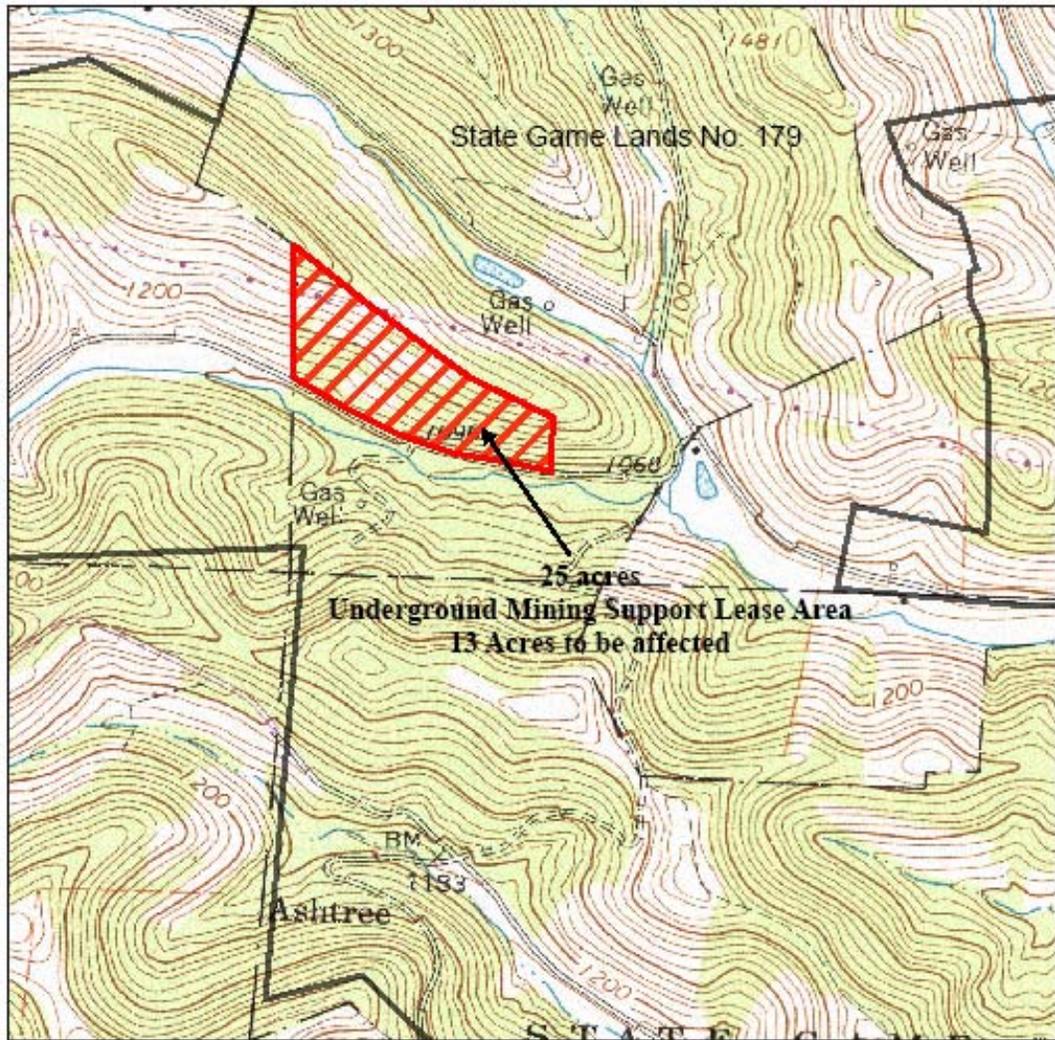
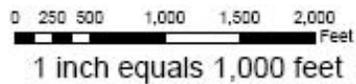
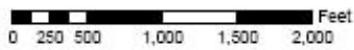
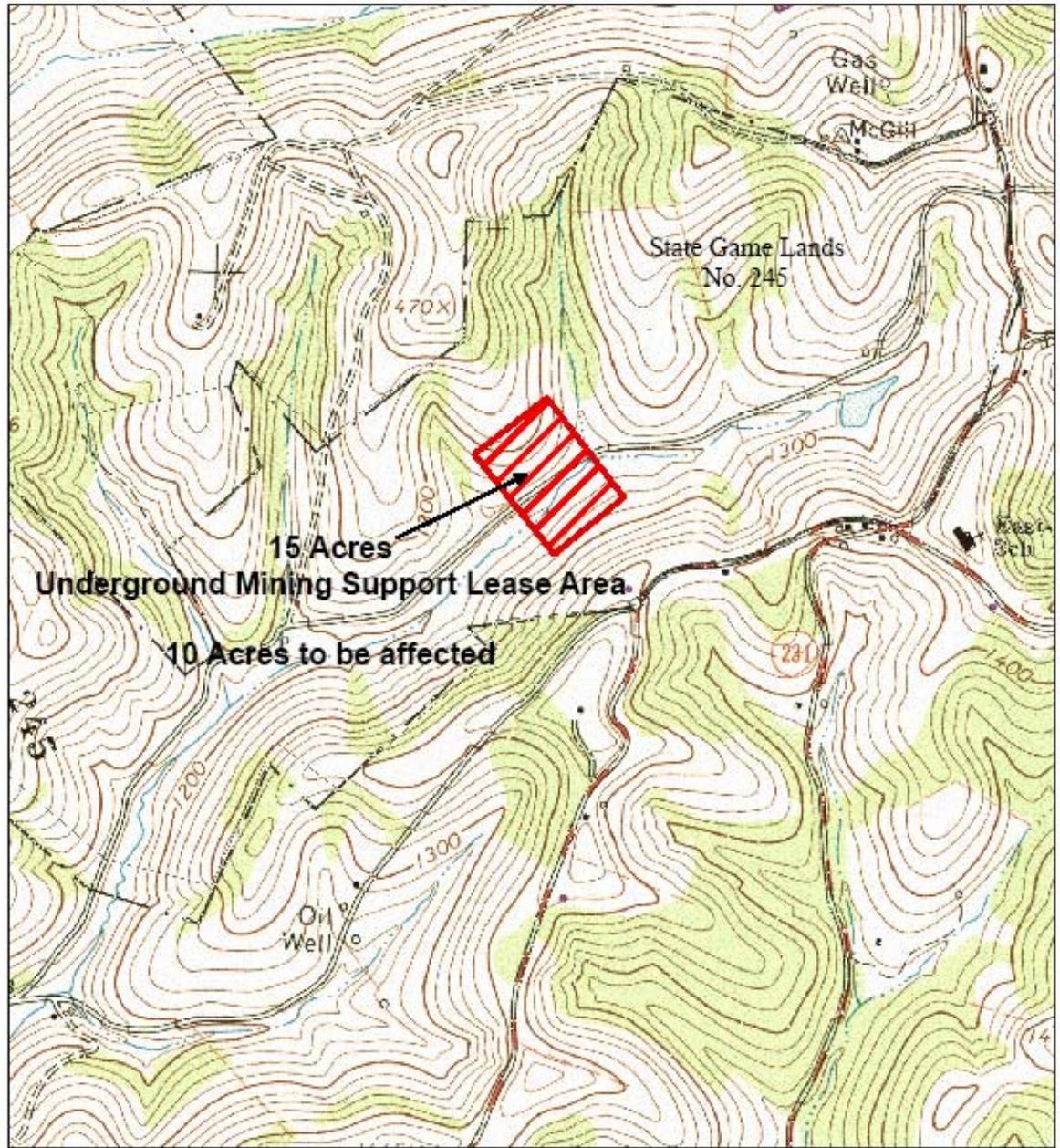


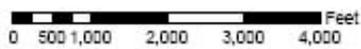
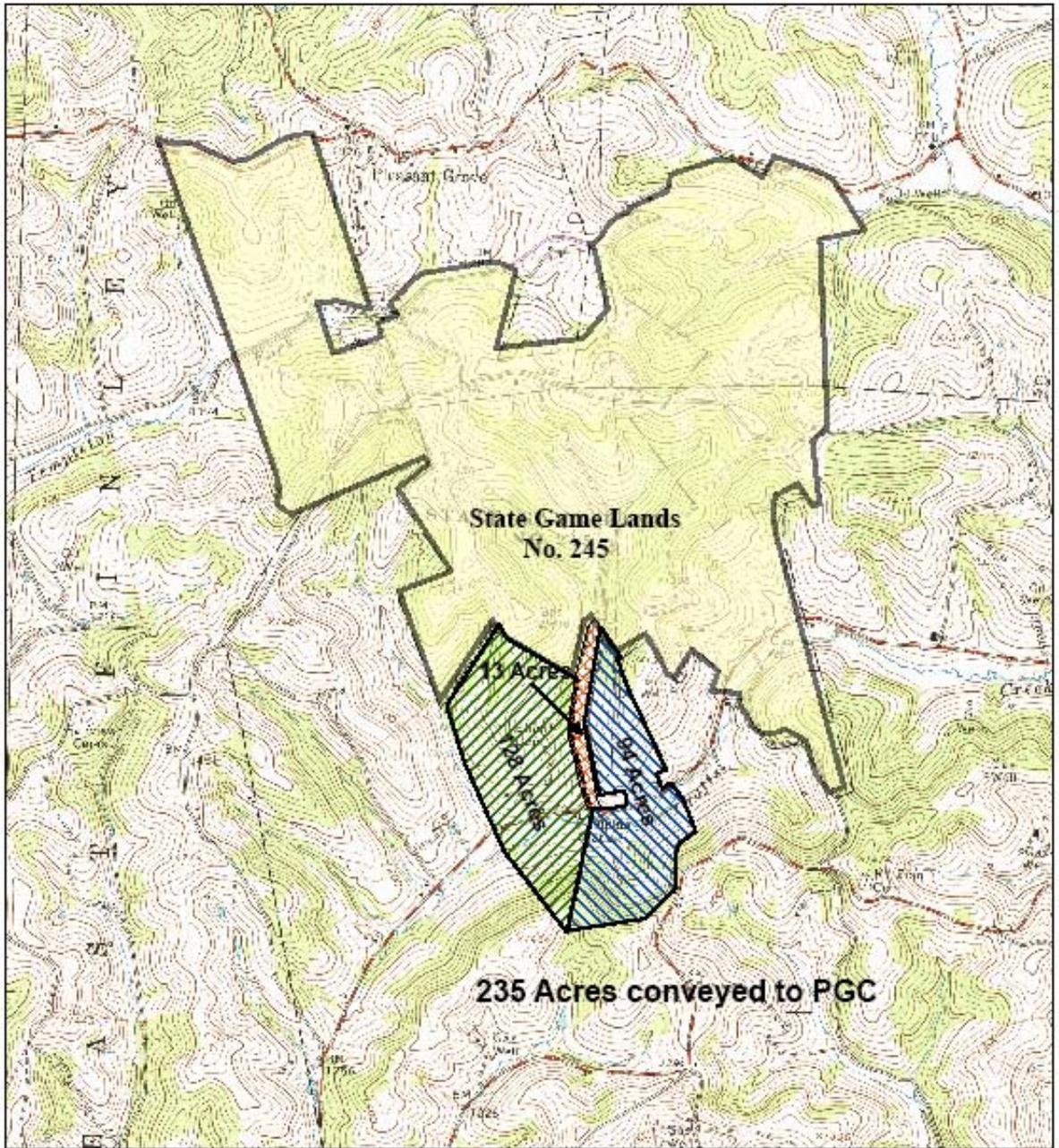
EXHIBIT OGM-1
 Pennsylvania Game Commission
STATE GAME LANDS No. 245
 Consol Energy
Ventilation Air Shaft Site
 Washington County





1 inch equals 1,000 feet

EXHIBIT OGM-2
 Pennsylvania Game Commission
STATE GAME LANDS No. 179
 Consol Energy
 Ventilation Air Shaft Site
 Greene County



1 inch equals 2,000 feet

EXHIBIT OGM-3
Pennsylvania Game Commission
STATE GAME LAND No. 245
Consol Energy - Land Exchange
235 Acres to PGC
Washington County

D. Land Exchange

State Game Lands No. 223, Greene County

Commentary: AMD Reclamation, Inc. (AMDRI) of Needham Massachusetts has requested a land exchange involving a 3.8 acre portion of State Game Lands No. 223 and a temporary construction easement on an additional 6.8 acres located in Dunkard Township, Greene County (Exhibit OGM-4).

In exchange, AMDRI has offered a tract of land containing 40 acres adjacent to State Game Lands No. 223, also situate in Dunkard Township, Greene County (Exhibit OGM-5). The proposed land transfer will include all surface mineable coals and associated mining rights.

AMDRI is a Pennsylvania non-profit corporation established to prevent the discharge of acid mine drainage (AMD) from abandoned mine pools into surface waters. AMDRI is requesting this land exchange to facilitate the expansion of its existing acid mine drainage pumping and treatment facility located at the Shannopin Mine Steele Shaft site. AMDRI plans to install a reverse osmosis treatment process and add a third clarifier to provide capability to treat additional acid mine drainage from existing abandoned mines and area mine pools. The expanded pumping and treatment capability will also potentially eliminate or diminish several existing acid mine drainage discharges into Dunkard Creek. The treated water may potentially provide a portion of the water required for the proposed Longview Power Plant.

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

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

Action:

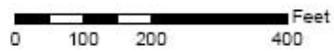
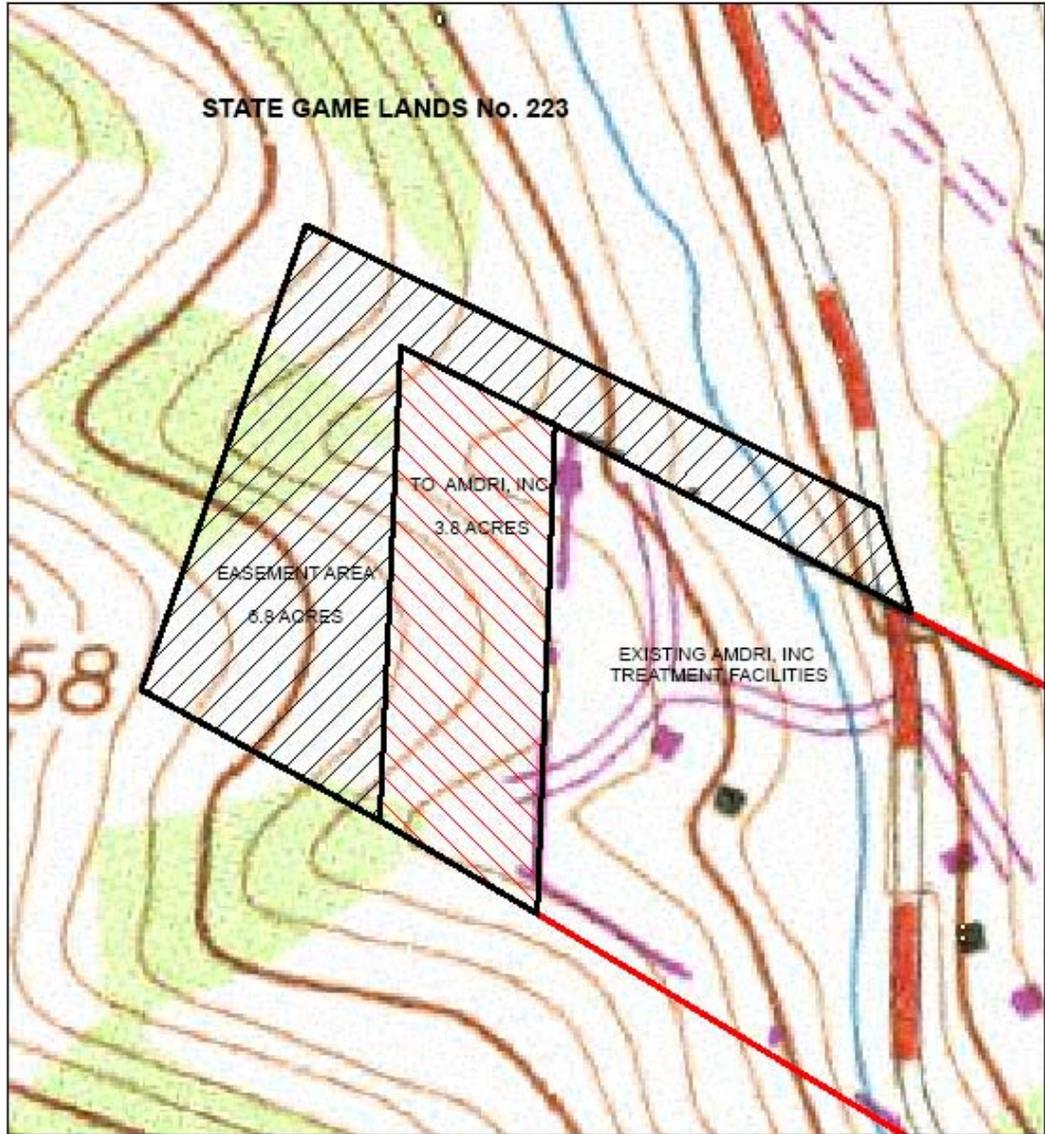


EXHIBIT OGM-4
 Pennsylvania Game Commission
STATE GAME LANDS No. 223
 AMDRI, INC. LAND EXCHANGE
 3.8 Acres to AMDRI, Inc.
 Dunkard Twp., Greene County

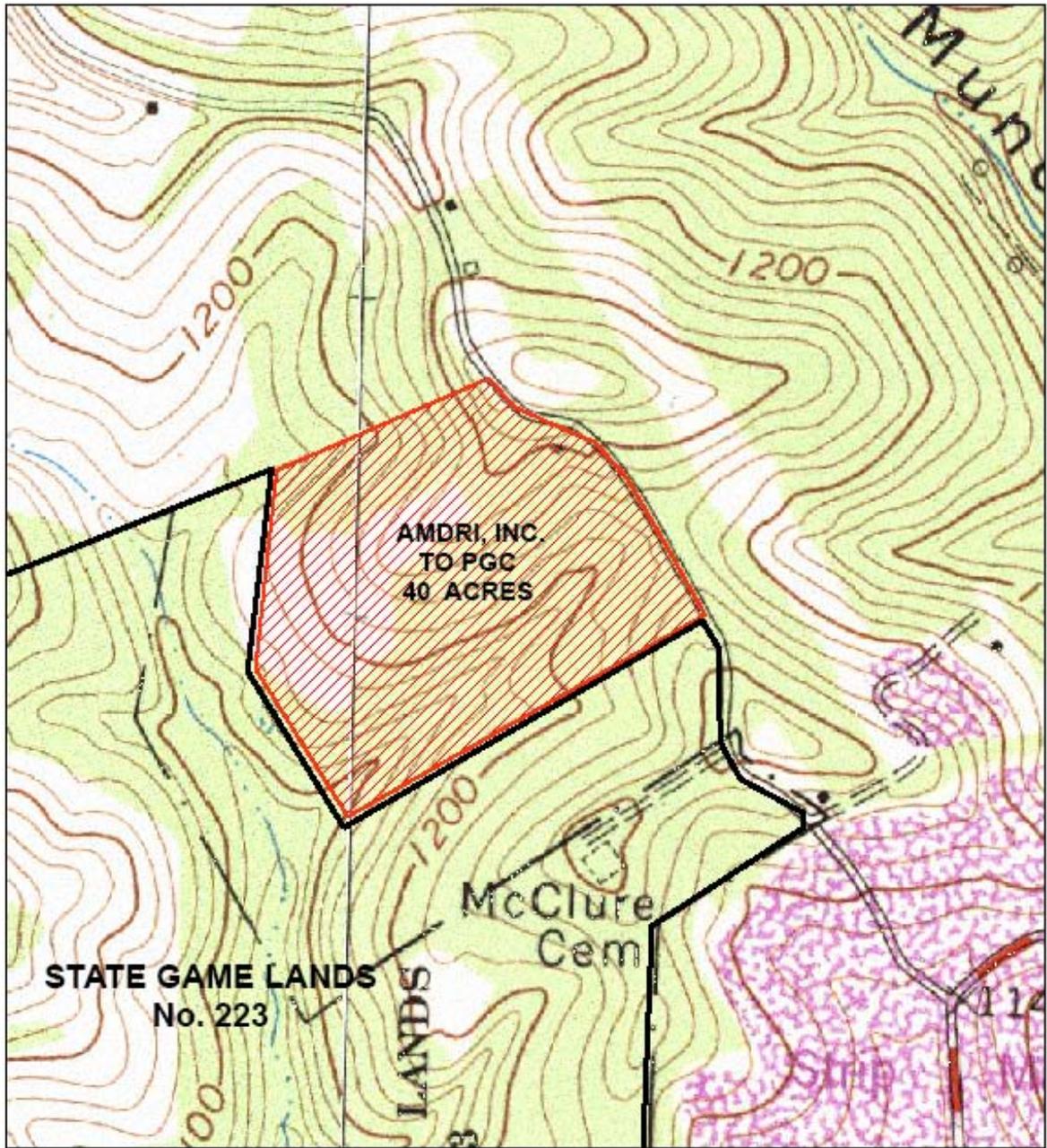


EXHIBIT OGM-5
Pennsylvania Game Commission
STATE GAME LANDS No. 223
AMDRI, INC. LAND EXCHANGE
40 Acre Tract to PGC
Dunkard Twp., Greene County

Other New Business

Election of Officers for Ensuing Year

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

Adjournment