

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
October 3, 2006



Carl G. Roe
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, October 3, 2006, 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
John J. Riley
H. Daniel Hill
David Schreffler

Approval of Minutes of Meeting held June 6, 2006

BUREAU OF WILDLIFE MANAGEMENT

A. 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 two projects listed in EXHIBIT "A."

Projects listed in EXHIBIT "A" will not require any net reduction in the Game Fund, since all 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.

Recommendation: The Executive Director and staff recommend approval of the slate of State Wildlife Grant projects listed in EXHIBIT "A."

Action:

EXHIBIT "A"

STATE WILDLIFE GRANT PROJECTS

IDENTIFYING AND PREDICTING HIGH QUALITY HABITAT IN RELATION TO ALLEGHENY WOODRAT DEMOGRAPHIC TRENDS

This project will map high quality Allegheny woodrat habitats within the Chestnut and Laurel Ridge system of southwestern Pennsylvania as they relate to demographic trends in the region; and produce a spatially realistic predictive model to evaluate woodrat metapopulation viability based on mark-recapture and telemetry. (Indiana University of Pennsylvania, Jeffery L. Larkin – \$108,907)

2nd PENNSYLVANIA BREEDING BIRD ATLAS

This project is producing a comprehensive database on the distribution of all nesting birds in Pennsylvania. These funds support project coordination for the fourth and fifth field seasons (2007-08) of the anticipated five years needed to complete the project statewide. Based at the Powdermill Nature Reserve of the Carnegie Museum of Natural History, the first three field seasons have been dramatically successful at mobilizing the birding community to complete the ambitious comprehensive coverage goals in five years and to provide a historic comparison with the first (1980s) effort. The project generates core data for implementation of the Commission's strategic plan and the wildlife action plan, and the future conservation of species of concern. (Powdermill Nature Reserve of the Carnegie Museum of Natural History, Robert Mulvihill – \$278,200)

BUREAU OF WILDLIFE MANAGEMENT

B. Landowner Incentive Program.

Commentary: Congress recently appropriated funds under the Landowner Incentive Program (LIP) directly and exclusively to state wildlife agencies for the protection of habitat for "wildlife species of the greatest conservation concern."

Pennsylvania was awarded funds to acquire permanent easements to enhance our conservation efforts for fish and wildlife projects under the new LIP program. These projects were selected to replace projects that have not moved to fruition. We are recommending approval of the five projects listed in EXHIBIT "B."

The project listed in EXHIBIT "B" will not require any net reduction in the Game Fund, since it is a cooperator project. The Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the organization and investigator of this project, and pay LIP-eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using LIP funds.

Recommendation: The Executive Director and staff recommend approval of the slate of Landowner Incentive Program projects listed in EXHIBIT "B."

Action:

EXHIBIT "B"

LANDOWNER INCENTIVE PROGRAM PROJECTS

PROTECTION OF FOREST AND INTERIM SHRUB/SCRUB LAND ON BALD EAGLE RIDGE

The goal of this project is to protect 240 acres of a large forested tract important to breeding forest interior birds, by entering into a conservation easement. This parcel is part of Important Bird Area #32, helps conserve unfragmented forest and helps limit isolation of State Game Land 176 and its unique habitat. (ClearWater Conservancy, William A. Hilshey - \$104,500)

FOREST AND STREAM CONSERVATION AT ROARING ROCKS TRUST

The Roaring Rocks Trust Property comprises 210 acres of the Roaring Rocks/Swamp Creek Watershed, contains most of the 1.75 stream miles of the Roaring Rocks Creek, is home to 10 avian species of concern and represents a vital area of biodiversity for the watershed. The purpose of this grant application is to obtain the final piece of funding necessary to place permanent conservation easements on this ecologically important property. (Tinicum Conservancy, Katherine Throckmorton - \$301,000)

CRITICAL SHRUB/SCRUB LAND AND VERNAL POOL HABITAT

This project will provide long-term protection of spadefoot toad critical habitat including shrub/scrubland and vernal pool habitat by developing a management plan, securing a permanent conservation easement, planting a native species shrub/scrubland buffer for shrub/scrubland dependent species and managing the site over time. (Kristie Fack, Berks County Conservancy - \$77,500)

PROTECTION OF DRY AND MESIC FOREST NEAR LACKAWAXEN

Protect through a conservation easement a 300-acre parcel of unbroken northern hardwood forest located in Lackawaxen Township, Pike County, Pennsylvania, owned by Hillview Rod and Gun Club. The parcel borders state game lands, is within a designated 'Important Bird Area' and provides diverse woodland habitats for species of concern including wood thrush, broad-wing hawk, black-throated green warbler and timber rattlesnake. (Delaware Highlands Conservancy, Helle Henriksen - \$314,000)

PROTECTION OF WET AND UPLAND FOREST AND LACUSTRINE HABITATS AT MINKS POND

Protect through a conservation easement 300 acres of the Minks Pond Club in Pike County, Pennsylvania. Adjacent to Delaware State forest, the rolling upland forest, streams, wetlands and ponds provide healthy habitat for diverse wildlife including bald eagle, timber rattlesnake, river otter and forest interior birds. (Delaware Highlands Conservancy, Helle Henriksen - \$684,000)

BUREAU OF WILDLIFE MANAGEMENT

C. Endangered Species Management Project

Commentary: The U.S. Fish and Wildlife Service distributes funds under Section 6 of the Endangered Species Act for recovery efforts of federally listed wildlife. State agencies are eligible for these competitive funds.

Pennsylvania makes annual application to receive these funds for work within the Wildlife Diversity Program. A supplemental federal grant is anticipated to support work on the federally endangered piping plover because of recent summer records in Pennsylvania. We are seeking approval, upon federal approval of the grant, to contract for the development of a Piping Plover Management and Conservation Plan, which will be reimbursable by Section 6 funds.

The Piping Plover Management and Conservation Plan project will enable the Game Commission to facilitate the possible restoration of federally endangered piping plovers as a nesting species at Presque Isle State Park. Conservation strategies with the highest likelihood of attracting plover pairs will be developed by a plover expert in collaboration with personnel from the Commission and the State Park Resource Management Section. Approval will allow staff to contract with Catherine Haffner, a technical expert on this species, to identify management and conservation strategies beneficial to piping plovers. Cost of the contract will not exceed \$8,000.

The Piping Plover Management and Conservation Plan will not require any net reduction in the Game Fund, since the Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the investigator and pay Section 6-eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using Section 6 funds.

Recommendation: The Executive Director and staff recommend approval to proceed with development of the Piping Plover Management and Conservation Plan as described above using Section 6 funds from the U.S. Fish and Wildlife Service.

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to Chapter 135, §135.107.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 18, 2006 meeting, proposed the following change:

Amend Chapter 135, §135.107 (relating to Middle Creek Wildlife Management Area) to redress evidence of dramatic resident Canada goose population declines on and in the vicinity of the Middle Creek Wildlife Management Area by reducing the number of waterfowl shooting days at Middle Creek from 4 to 3 days per week via the elimination of Monday hunts.

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

Action:

EXHIBIT "A"

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§135.107. Middle Creek Wildlife Management Area.

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

* * * * *

(4) Waterfowl hunting is permitted on Tuesday, Thursday and Saturday. Starting times conform to State and Federal regulations. Shooting ends at 1:30 p.m.

* * * * *

B. Adoption of proposed amendments to Chapter 141, §141.20.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 6, 2006 meeting, proposed the following change:

Amend Chapter 141, §141.20 (relating to protective material required) to create and accommodate fluorescent orange requirements for the newly created archery bear season.

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 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.20. Protective material required.

(a) Except as otherwise provided in subsection (b), it is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360 degree arc. This shall include going to or from a hunting location before or after legal shooting hours. Except as provided in subsection (b) (2) and (3), camouflage orange clothing is lawful provided it contains the minimum amount of fluorescent orange-colored material.

(b) Permitted acts. It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for:

* * * * *

(vi) Deer during the archery deer season with a bow and arrow or crossbow and bolt by properly licensed archery hunters except as provided in subsections (b) (3) (iii) and (b) (4).

(vii) Bear during the archery bear season with a bow and arrow by properly licensed bear hunters except as provided in subsection (b) (3) (iv).

(viii) Furbearers.

(ix) Coyotes except from the first day to the last day inclusive of the regular firearms deer season, any firearms bear season and spring turkey season within each Wildlife Management Unit.

* * * * *

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for:

* * * * *

(iii) Deer with a bow and arrow or crossbow and bolt during any deer archery season which is concurrent with the fall turkey season within each Wildlife Management Unit.

(iv) Bear with a bow and arrow during any bear archery season, which is concurrent with the fall turkey season within each Wildlife Management Unit.

(4) Be on stand and stationary while hunting for turkey during the fall season in Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A or deer during any firearms deer season that precedes the regular firearms deer season and in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of their location so it is visible in a 360 degree arc.

* * * * *

C. Adoption of proposed amendment to Chapter 141, §141.1.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 6, 2006, meeting, proposed the following change:

Amend Chapter 141, §141.1 (relating to special regulations areas) to permit hunters to use or take advantage of bait while hunting deer within the Southeast Special Regulations Areas of this Commonwealth.

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

Action:

EXHIBIT "C"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.1. Special regulations areas.

* * * * *

(d) Permitted acts. It is lawful to:

* * * * *

(5) Hunt or take deer in the southeast area through the use of or by taking advantage of bait.

(i) Bait may be distributed up to a maximum of three times per day, during legal hunting hours only. Each distribution of bait shall be no greater than 10 pounds.

(ii) Bait may also be distributed at any deer treatment bait station used for tick control; distribution conditions as noted in (i) do not apply.

(iii) It shall be the responsibility of the hunter to ensure that the land has been baited in compliance with the above requirements prior to hunting in that area.

(iv) There shall be a three-year sunset on this provision.

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

- D. Amend 58 Pa. Code, Chapter 143, Subchapters A, B, C, D, E, J and K, and Chapter 147, Subchapters R and S.

Commentary: The Pennsylvania Game Commission (PGC) has been working in joint partnership with the Pennsylvania Fish and Boat Commission (PFBC) to create and implement the Commonwealth's first Point-of-Sale (POS) licensing system. The PGC and PFBC intend to replace their own individual paper-based licensing systems with a common computer-based automated licensing system. Implementing this computerized POS licensing system within this Commonwealth will significantly streamline the application and purchase process for customers, virtually eliminate manual auditing and reporting for agents, and provide tremendous new electronic functionality to assist the PGC and PFBC support staff in monitoring license administration. In addition, the data from the POS licensing system will enable the PGC and PFBC to monitor license sales, create strategic business plans based on trend analysis and, most importantly, create marketing plans based on more accurate customer demographics. However, despite all of the enormous progress achieved so far, the PGC staff have identified the following various provisions that must be amended to accommodate the POS licensing system prior to it becoming operational.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter A. GENERAL

§143.1. Definitions.

The following words and terms, when used in this subchapter, 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.

~~[To fulfill Internet orders for general hunting licenses, the Commission may print specific license privileges directly on the hunting license back tag. For individuals who already possess a valid hunting license and opt to purchase an archery, muzzleloader, migratory game bird or bear license using the Commission's website, the Commission may assign a web order number to issue these additional license privileges. To validate these additional privileges, the license holder shall enter his web order number on the general hunting license back tag and sign in the spaces provided.]~~ 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 drawn from the Game Fund and returned to the agent in lump sum as soon as practicable after the agent's yearly sales are audited.]~~ Rebate to the agent will be credited to their account at the beginning of the license year following their 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. ~~[Licenses will be distributed among county treasurers for issuance on the basis of percentage of land each county represents in the 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) ~~[The Commission in Harrisburg will serve as the central receiver for all mail in applications in all wildlife management units.]~~ 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) ~~[Envelopes received by first class mail delivered through and by the United States Postal Service will be examined as soon as practicable, unopened, to determine the number of applications received as well as to verify delivery to the intended wildlife management unit.]~~ This process of license issuance will continue until the available supply of licenses for that wildlife management unit is exhausted.

(4) This process of ~~[application distribution]~~ 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 ~~[in a wildlife management unit]~~ if authority to issue licenses has been removed from any or all county treasurers ~~[in the wildlife management unit]~~.

(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. ~~[The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.]~~

(2) A disabled veteran as defined in 34 Pa. C.S. §2706(b)(1) (relating to resident license and fee exemptions). ~~[The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.]~~

* * * * *

§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 form issued with a regular hunting license used in applying for an antlerless license.]~~ 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.

~~[County allocation — The number of licenses allocated by the Commission to an individual county.]~~

* * * * *

~~Date issued – [The date placed on the license by a county treasurer or the Commission indicating when the license was mailed or given to the person named on the license.]~~ 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 ~~[the Commission]~~ a county treasurer.

* * * * *

License – The numbered ~~[back-tag]~~ 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.

* * * * *

~~[Unsold tag application – The form contained in the "Hunting and Trapping Digest" used in applying for an unsold tag.]~~

* * * * *

§143.43. Preamble.

(a) An application shall be submitted to ~~[the Commission wildlife management unit address in Harrisburg]~~ a county treasurer and a license shall be issued only in accordance with the act and this subchapter.

* * * * *

§143.44. Application.

~~[(a) Only the original current application is valid for making application.]~~

~~[(b) It is unlawful to apply for more than one license.]~~

~~[(c) The application is not transferable by the person receiving it. The application may not be used by another person to apply for a license.]~~

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 from the Commission. County treasurers with unsold antlerless deer licenses shall accept applications over the counter and may immediately issue licenses beginning on the first Monday in November.]~~ 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) ~~[The Commission will not accept antlerless deer license applications other than by regular first class mail delivered through and by the United States Postal Service.]~~ Applications will not be accepted by county treasurers prior to the start of the normal business day on the third Monday in July.

(c) ~~[Applications will not be accepted by the Commission prior to the start of the normal business day on the first Monday in August.~~

(d) 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.

~~(e)~~ (d) * * *

~~(f)~~ (e) * * *

~~(g)~~ (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 ~~[Commission's Hunting License Division in Harrisburg]~~ county treasurer's office. Postage, both forward and return, is the responsibility of the applicant.

~~(h)~~ (g) * * *

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

(a) Envelopes containing applications will be accepted on a first-come-first-served basis. ~~[Envelopes will be inspected by the Commission in Harrisburg, unopened, to determine if they comply with §143.45(b), (c), (e) and (g) (relating to completing and submitting applications).]~~

(b) ~~[If the conditions in §143.45(b), (c) and (e) are met, it constitutes initial acceptance, and the applications will be forwarded to a county treasurer within the wildlife management unit for issuance of the appropriate number of licenses. If the conditions are not met, the enclosed applications will be rejected and returned to the sender as soon as possible.]~~ 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) ~~[Envelopes containing applications initially accepted for the issuance of a license shall be opened and inspected by the county treasurer at his earliest convenience. If an application in an accepted envelope fails to comply with §143.45 (relating to completing and submitting applications), applications enclosed in the accepted envelope shall be rejected and returned by the county treasurer to the sender as soon as practicable. The back tags initially assigned to the envelope shall be marked VOID across the face in ink.]~~ 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 ~~[from the Commission]~~.

(b) ~~[Licenses shall be validated by the addition of the county treasurer's or the Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag. The county treasurer shall write in ink the assigned antlerless license number on the face of the check or money order.]~~ 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 ~~[third]~~ 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 ~~[October 1]~~ 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.

~~[The Commission having unsold licenses on the third Monday in August and thereafter will accept applications for those units in compliance with §143.45 (relating to completing and submitting applications) from 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 ~~[fourth]~~ first Monday in August, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) ~~[An applicant for this tag may not use the regular antlerless deer license application.]~~ An applicant shall only use the ~~[unsold]~~ application contained in the "*Hunting and Trapping Digest*" or a reasonable facsimile thereof.

* * * * *

(c) ~~[Unsold tags shall be validated by the addition of the county treasurer's or Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag.]~~ 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 second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to the appropriate Commission wildlife management unit address in Harrisburg.]~~ 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 fourth Monday in August, residents and nonresidents of this Commonwealth shall be eligible to apply to designated wildlife management units for an unlimited number of antlerless deer licenses by mailing the application to the appropriate Commission wildlife management unit address in Harrisburg.]~~ 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 third Monday in September, county treasurers within the designated wildlife management units shall accept antlerless applications over the counter from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.]~~ 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 ~~[the Commission wildlife management unit address in Harrisburg]~~ a county treasurer.

(2) Changing on the application the designated wildlife management ~~[unit]~~ units in which the applicant desires to hunt and forwarding it to ~~[another Commission wildlife management unit address in Harrisburg]~~ 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 ~~[their records or through communication with another county treasurer]~~ 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.

~~[The]~~ 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. [~~FLINTLOCK (MUZZLELOADER) DEER LICENSES~~] (Reserved)

[~~Sec.~~

~~143.81. Purpose and scope.~~

~~143.82. Definition.~~

~~143.83. Preamble.~~

~~143.84. Application.~~

~~143.85. Issuance of licenses.~~

~~143.86. Unlawful acts.~~

~~143.87. Penalties.]~~

§143.81. [~~Purpose and scope~~] (Reserved).

[~~This subchapter establishes methods for application and issuance of a license.~~]

§143.82. [~~Definition.~~] (Reserved).

[~~The following words or terms, when used in this subchapter, have the following meaning, unless the context clearly indicates otherwise:~~

~~License — The special stamp issued by a license issuing agent authorizing the holder thereof to hunt deer with a muzzleloading firearm during the special season.]~~

§143.83. [~~Preamble~~] (Reserved).

[~~Applications shall be submitted to authorized issuing agents and licenses issued by them under the act and this subchapter.~~]

§143.84. [~~Application.~~] (Reserved).

[~~(a) — Application shall be made no later than the second Saturday in November.~~

~~(b) — A collector may, upon completing an application, purchase a muzzleloading firearm deer season license only after the close of the special flintlock season and is not bound by the procedures in this section.]~~

143.85. [~~Issuance of licenses.~~] (Reserved).

[~~When the conditions in §143.84 (relating to application) have been met, the agent may issue the appropriate license.~~]

§143.86. ~~[Unlawful acts.]~~ (Reserved).

~~[It shall be unlawful to:~~

~~(1) — Accept an application or issue a license contrary to the act or this chapter.~~

~~(2) — Apply for or receive a license contrary to the act or this chapter.~~

~~(3) — Aid another person in applying for or receiving a license contrary to the act or this subchapter.~~

~~(4) — Transfer a license to another individual.]~~

§143.87. ~~[Penalties.]~~ (Reserved).

~~[A person violating this subchapter shall, upon conviction, be sentenced as prescribed by the act.]~~

Subchapter J. MIGRATORY GAME BIRD LICENSE

Sec.

* * *

143.186. ~~[Processing survey cards]~~ Processing Harvest Information Program surveys.

* * *

§143.181. Purpose and scope.

This subchapter establishes rules for application and issuance of Migratory Game Bird ~~[License and survey cards]~~ 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 ~~[numbers, wallet-size card]~~ 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.

~~[Survey card—The matching, numbered Migratory Game Bird Harvest Information Program card that is attached to the Migratory Game Bird License. The survey card will be completed at the time the license is issued.]~~

§143.183. Application.

~~[Application may be made when purchasing a hunting license, or at any time thereafter. In addition to filling out the application for a hunting license, the applicant shall complete the matching numbered Migratory Game Bird Harvest Information Program survey card.]~~ 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 survey card has been completed in its entirety, the issuing agent shall enter the date of issuance in ink on the license and the matching numbered survey card in the space provided and issue the license.]~~ After confirming that the HIP survey has been completed in its entirety, the issuing agent shall issue the license.

§143.186. ~~[Processing survey cards.]~~ Processing HIP surveys.

~~[Issuing agents shall forward survey cards completed each month directly to the United States Fish and Wildlife Service, Office of Migratory Bird Management, no later than the 5th day of the following month. Issuing agents shall forward the survey cards in the postage-paid envelopes provided by the Commission, as per the instructions set forth in the current issuing agents instruction manual.]~~ 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) ~~[Process survey cards contrary to §143.186 (relating to processing survey cards).~~

~~(3)]~~ Apply for or receive a Migratory Game Bird License contrary to the act or this subchapter.

~~[(4)]~~ (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. ~~[Persons who are eligible for license and fee exemptions and meet the requirements prescribed in section 2706 of the act (relating to resident license and fee exemptions) are not required to purchase a regular hunting license.]~~

* * * * *

§143.206. Validity of license.

An elk license is valid for taking elk only in the elk management area designated on the elk license and is valid for an ~~[antlerless or antlered]~~ 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 management area other than the elk management area 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 ~~[by the Commission,]~~ 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 ~~[and antlerless deer harvest report card]~~ attached to be used only for tagging ~~[and reporting]~~ 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 ~~[by the Commission]~~ 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 ~~[or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions)].~~

* * * * *

(f) 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 ~~[license]~~ permit.

§147.676. Unlawful acts.

It is unlawful to:

* * * * *

(6) Fail to ~~[complete]~~ submit harvest report and survey information in accordance with instructions provided ~~[on the report card or the survey, or both].~~

* * * * *

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, senior combination license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) or to persons who qualify under section 2363 of the act (relating to trapping exception for certain persons).]~~ 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.

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

Action:

E. Amend 58 Pa. Code, Chapter 141, §141.48, and Chapter 143, §§143.206 and 147.207

Commentary: The Commission recently redesignated all the ‘elk management areas/units’ found within the Commonwealth’s north central region as ‘elk hunt zones’. This redesignation is reflected in the Commission’s elk management plan as well as the 2006/2007 Hunting & Trapping Digest, however, this change is not properly reflected in the regulations. In an effort to correct this lack of consistency the following provisions must be amended to redesignate ‘elk management areas/units’ as ‘elk hunt zones’.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.48. [~~Elk management units.~~] Elk hunt zones.

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

(b) The [~~elk management units~~] elk hunt zones shall be established by the Director prior to the opening of elk season.

CHAPTER 143. HUNTING AND FURTAKE LICENSES

Subchapter K. ELK LICENSES

§143.206. Validity of license.

An elk license is valid for taking elk only in the [~~elk management area~~] elk hunt zone designated on the elk license and is valid for an antlerless or antlered 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 management area~~] elk hunt zone other than the [~~elk management area~~] elk hunt zone designated on the elk license.

* * * * *

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

Action:

F. Amend 58 Pa. Code, Chapter 147, by adding §147.746.

Commentary: Due to a change in Federal regulations that removes the necessity for a person to obtain a joint state/federal depredation permit to control the numbers of resident Canada geese on their property under certain circumstances, it is necessary to amend Chapter 147, Subchapter U by adding §147.476. The adoption of the amended regulations will place our regulations in compliance with the new Federal regulations regarding resident Canada geese.

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 of other interests by resident Canada geese. The permit will prescribe the method of take 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.

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

Action:

G. Amend 58 Pa. Code, Chapter 141, §§141.41, 141.43 and 141.47.

Commentary: The Commission has been receiving 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. Staff 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.

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.

* * * * *

(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]~~ firearm which:

(1) ~~[Is .44 caliber or larger and has open sights.]~~ 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 ~~[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 centerfire firearm 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 firearm 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:

H. Amend 58 Pa. Code, Chapter 137, §137.1, and Chapter 147, §147.203.

Commentary: On June 29, 2006, the Governor signed into law House Bill 1580 (Act No. 51), which effectively transfers all regulatory authority over cervidae propagation activities from the Commission to the Department of Agriculture as of June 29, 2006. In order to complete this transition, the Commission must amend 58 Pa. Code §137.1 (relating to importation, sale and release of certain wildlife) and 58 Pa. Code §147.203 (relating to pens, shelters and enclosures) to eliminate the remaining regulatory language concerning those cervidae activities no longer regulated by the Commission.

CHAPTER 137. WILDLIFE

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

* * * * *

~~[(g) — Except as provided in subsection (h), a person wishing to import any members of the family cervidae shall first obtain an importation permit from the Commission subject to the following:~~

~~(1) — An application for an importation permit shall state the name and address of the applicant, name and address of the person supplying the cervid, the common and scientific name and the number of cervids to be covered by the permit, the purpose for which the cervids are being imported, the qualifications of the applicant to use the cervids for the stated purpose and the location where the cervids will be housed or retained. The application shall be received by the Commission at least 10 days prior to the proposed import date and be accompanied by an owner's statement that to his knowledge the cervids to be imported have never resided on a premise or come in contact with equipment used on a premise where Chronic Wasting Disease (CWD) was ever diagnosed. If the cervids are to be purchased at auction the name and address of the person supplying the cervids and number of cervids purchased shall be reported to the Commission by telephone or fax on the date of purchase. An applicant must receive a confirmation number before the animals are imported. A copy of the completed permit will be forwarded to the applicant.~~

~~(2) — The shipment shall be accompanied at all times by a certificate of veterinary inspection completed by an accredited veterinarian in compliance with the Department of Agriculture health requirements. The certificate shall remain with the permittee's records for 5 years. The applicant shall identify the herd of origin and the herd of destination on both the permit application and the certificate of veterinary inspection. The cervids to be imported shall be identified to the herd they are being transferred or sold from by at least one permanent unique identifier to include, legible tattoo, United States Department of Agriculture (USDA) approved eartag, breed registration or other state approved permanent identification methods and one temporary identifier. If a microchip is used for identification, the owner shall provide the necessary reader.~~

~~(3) — In states or provinces where CWD has been detected, herds of origin shall be able to demonstrate a minimum of 5 years in a CWD monitoring program. In states or provinces where CWD has not been detected, herds of origin shall be able to demonstrate a minimum of 3 years in a CWD monitoring program. CWD monitoring programs shall meet the following minimum standards or adopted National standards acceptable to the Commission.~~

~~(i) — In states where CWD has been found in free-ranging wildlife, the state program shall have perimeter fencing requirements adequate to prevent ingress, egress or contact with cervids.~~

~~(ii) — Surveillance based on testing of all cervid deaths over 16 months of age.~~

~~(iii) — Physical herd inventory with annual verification reconciling animals with records by an accredited veterinarian or state or Federal personnel is required. Inventory is to include a cross-check of all available animal identifications with the herd inventory and specific information on the disposition of all animals not present.~~

~~(iv) — Herd additions are allowed from herds with equal or greater time in an approved state CWD monitoring program with no negative impact on the certification status of the receiving herd. If herd additions are acquired from a herd with a later date of enrollment, the receiving herd reverts to the enrollment date of the sending herd. If a herd participating in the monitoring program acquires animals from a non-participating herd, the receiving herd shall start over with a new enrollment date based upon the date of acquisition of the animals. If a new herd begins with animals of a given status, that status will be retained by the new herd, based upon the lowest status of animals received. Animals of different status which are commingled during marketing or transport will revert to the lowest status.~~

~~(v) — The state or province of origin shall list CWD as a reportable disease and impose an immediate quarantine on a herd or premise, or both, when a CWD animal is found.~~

~~(vi) — Animal health officials in the state or province of origin shall have access to herd records from the time the herd is enrolled in the CWD monitoring program or for 5 years, whichever is less, including records of deaths and causes of death.~~

~~(h) — A person wishing to import any members of the family cervidae for slaughter within 72 hours at a USDA inspected facility and in accordance with the Department of Agriculture requirements shall first obtain an importation permit from the Commission subject to the following:~~

~~(1) — An application for importation permit shall state the name and address of the applicant, name and address of the person supplying the cervid, the common and scientific name and the number of cervids to be covered by the permit, that the cervids are being imported for immediate slaughter, and the location where the cervids will be slaughtered. The application must be received by the Commission at least 10 days prior to the proposed import date and be accompanied by an owner's statement that to his knowledge the cervids to be imported have never resided on a premise or come in contact with equipment used on a premise where CWD was ever diagnosed.~~

~~(2) — Cervids from herds that are known to have been infected with CWD within the last 5 years may not be imported.~~

~~(3) If cervids are from states or provinces where CWD has been detected herds of origin shall be able to demonstrate a minimum of 5 years in a CWD monitoring program as described in subsection (g)(3).~~

~~(4) Cervids shall be individually identified as to the herd of origin by legible tattoo, ear tag or other method approved by the Commission.~~

~~(5) Cervids may not have contact with any other animals not for immediate slaughter.~~

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

CHAPTER 147. SPECIAL PERMITS

Subchapter K. PROPAGATING

§147.203. Pens, shelters and enclosures.

(a) Pens, shelters and enclosures shall be:

* * * * *

(2) Covered and completely surrounded by appropriate materials to confine the species being propagated and exclude surrounding wildlife. ~~[Areas for hooved animals which are surrounded by a fence at least 10 feet in height need not be covered.]~~

* * * * *

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

Action:

I. Amend 58 Pa. Code, Chapter 147, by removing Subchapter G and amending §147.146.

Commentary: On July 7, 2006, the Governor signed into law House Bill 1528 (Act No. 77), which effectively transfers all regulatory authority over taxidermy activities from the Commission to the Department of Agriculture as of October 5, 2006. The statutory amendments made to the Game and Wildlife Code (34 Pa.C.S. §101 et seq.) were limited to a minor amendment to section 2904 (relating to permit fees) and the complete elimination of section 2926 (relating to taxidermy permits). In order to complete this transition, the Commission must eliminate the majority of the remaining taxidermy regulations found in 58 Pa. Code §§147.121-147.129. However, in an intentional effort to continue certain accommodations made for taxidermists respecting the sale of unclaimed specimens, the Commission must relocate and incorporate the provisions currently found in section 147.126 (relating to unclaimed specimen procedure) to section 147.146 (relating to sale of inedible wildlife parts).

CHAPTER 147. SPECIAL PERMITS

Subchap.

* * *

[~~G. TAXIDERMRY~~ _____ ~~147.121~~]
(Reserved).

* * *

Subchapter G. [~~TAXIDERMRY~~] (Reserved)

Sec.

[~~147.121. Definitions.~~
~~147.122. Application.~~
~~147.123. Taxidermy examination.~~
~~147.124. Permit renewal.~~
~~147.125. Records and reports.~~
~~147.126. Unclaimed specimen procedure.~~
~~147.127. Operation.~~
~~147.128. Eligibility for examination.~~
~~147.129. Unlawful acts.]~~

[~~§147.121. Definitions.~~] (Reserved).

[~~In addition to the definitions in the act and §131.2 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:~~

~~Apprentice—A person the taxidermist is teaching and is listed on the permit.~~

~~General taxidermy permit—A permit issued to a person to engage in the activities described in section 2926(b) of the act (relating to taxidermy permits).~~

~~Legitimate employe—An employe of record, one of which the employer deducts or pays, or both, taxes or other fees required by any local, state or the Federal government and is listed on the permit.~~

~~Mount—Prepare, preserve, arrange, set up or pose game, wildlife, fish or reptiles or any portion or part thereof in a life-like position or some other form of display.~~

~~Protected specimen—Any wildlife that is not a game bird, game animal or furbearer and is described in §§ 133.1 and 133.2 (relating to protected mammals; and protected birds).~~

~~Restricted taxidermy permit—A permit issued to a person to engage in taxidermy in one of the following specific categories only:~~

~~(i)—Big and small game, excluding wild turkey.~~

~~(ii)—Fish.~~

~~(iii)—Game birds, including wild turkey.~~

~~Specimen—A sample, a part of a whole, something that obviously belongs to a particular category but is noticed by reason of an individual distinguishing characteristic; a representative piece, antler, horn, skull, bone, feet, feathers, hide, fur, pelt, skin or an individual carcass or part thereof exemplifying a whole.~~

~~Taxidermy shop—An established business address listed on the permit where taxidermy is to be performed.~~

~~Unclaimed specimen—A specimen or completed mount that has not been picked up by the client after being notified according to the procedures in §147.126 (relating to unclaimed specimen procedure).]~~

~~[§147.122.—Application.] (Reserved).~~

~~[(a)—An application for examination shall be submitted on a form supplied by the Commission. A nonrefundable fee of \$300 shall be submitted with the application. A retake fee for any part of the examination will be \$50. An additional \$100 shall be submitted for the permit if the examination is passed.~~

~~(b)—The applicant shall list on the application if testing for a general permit or a restricted permit. If the applicant is testing for a restricted permit, the category shall be listed.~~

~~(1)—Big and small game, excluding wild turkey.~~

~~(2)—Fish.~~

~~(3)—Game birds, including wild turkey.]~~

~~[§147.123.—Taxidermy examination.] (Reserved).~~

~~(a) — General taxidermy permit applicants shall present five specimens that have been mounted by the applicant within the last 3 years. The required specimens shall be: One antlered whitetail deer head, one small mammal, one upland game bird, one duck or other waterfowl and one fish. The fish must be skin mounted and the applicant would be permitted to use artificial cast head, fins or eyes. All birds shall be mounted with the feet and legs visible. All specimens shall be found in the wild within this Commonwealth.~~

~~(b) — Restricted taxidermy permit applicants shall present five specimens that have been mounted by the applicant within the last 3 years in the category they are attempting to secure a permit. Big and small game applicants shall present one antlered whitetail deer head, one other big game specimen, two small game specimens and one furbearer specimen. Fish applicants shall present five different fish specimens to include two warm water specimens, two cold water specimens and one of the applicant's choice. Four of the specimens must be skin mounted. The fifth specimen can be a skin mount or a reproduction. If it is a reproduction, it must be cast by the applicant. It cannot be a commercially produced fish body. Game bird applicants shall present one wild turkey, two upland game birds and two waterfowl specimens. All birds and waterfowl shall be mounted with the feet and legs visible. All specimens must be found in the wild within this Commonwealth.~~

~~(c) — The examination shall consist of three parts:~~

~~(1) — The following will be the criteria used to judge each specimen presented for examination:~~

~~(i) — Lifelike and realistic in appearance. This will include proportion, muscle structure, setting of the eyes and antlers, proper placement of ears, wings, feet and legs, workmanship around the lips and nose and durability of work.~~

~~(ii) — Sewing. Seams may not show and shall be completely closed. Patching of skin shall be of the same color and texture.~~

~~(iii) — Whitetailed deer head (antlered) — ears. Paper or plastic liners or other media should be used in the ears. Ears shall be tight with no drumming or bridging.~~

~~(iv) — Restoration of color. Color used shall give a natural appearance. Over painting and over waxing are not acceptable.~~

~~(v) — Preservation. Any part subject to deterioration shall be adequately preserved. The specimens, especially fish, will be checked for objectionable odors.~~

~~(vi) — Cleanliness of specimen. Evidence of grease, dirt, borax, sawdust, and the like, on a specimen is not acceptable.~~

~~(vii) — Support strength. Wires or rods used for support in legs, necks, wings, and the like, shall be of sufficient strength for their intended use and may not be visible.~~

~~(viii) — Novelty mounts will not be accepted.~~

~~(2) — The second part of the examination will be a written test on general taxidermy methods, applicable law and regulations pertaining to taxidermy. The applicant shall attain a minimum score of 70%.~~

~~(3) — The third part of the examination will require the applicant to perform a practical taxidermy process on a selected specimen that is acceptable to the Taxidermy Examination Board.~~

~~(d) — A satisfactory score shall be attained on all parts of the examination to be eligible for a taxidermy permit.~~

~~(e) — A sworn affidavit shall be submitted by the applicant attesting that the specimens were prepared and mounted by the applicant personally within the last 3 years. Submission of a false or fraudulent affidavit will result in immediate disqualification from the examination process and subject the applicant to violation of section 906 of the act (relating to false or fraudulent statements on reports, etc.). In addition thereto, the applicant will be denied future application and examination for 2 years.]~~

~~[§147.124. — Permit renewal.] (Reserved).~~

~~[An application for renewal of a taxidermy permit which has expired for more than 1 year will require reexamination as established in this subchapter.]~~

~~[§147.125. — Records and reports.] (Reserved).~~

~~(a) — A record of all transactions shall be kept on PGC-9LE according to the instructions provided or on a form supplied by the permittee listing the following information:~~

~~(1) — The name, address and telephone number of the person from whom the specimen was received.~~

~~(2) — A special permit number or tag number, if a specimen is required to be tagged or marked.~~

~~(3) — The date received and the date returned.~~

~~(4) — A description of the wildlife specimen received.~~

~~(b) — The required records shall be maintained at the taxidermy shop where the work is performed.~~

~~(c) — An annual report, when required by the Director, shall be submitted in the form of a PGC-9LE or on the form supplied by the permittee as listed in subsection (a).]~~

~~[\S147.126.—Unclaimed specimen procedure.] (Reserved).~~

~~[A specimen shall 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 shall be considered unclaimed after 30 days from the date the taxidermist was notified.~~

~~(5) —After the specimen has been declared unclaimed, the taxidermist may dispose of it in accordance with section 2926(b)(2) of the act (relating to taxidermy permits).]~~

~~[\S147.127.—Operation.] (Reserved).~~

~~(a) —Legitimate employes of more than 30 consecutive days and apprentices shall be listed on the face of the permit and come under the direct supervision of the permittee at the place of business listed on the permit. Permits shall be amended during the permit year to add or delete employes and apprentices by notifying the Bureau of Law Enforcement.~~

~~(b) —Specimens shall be deposited at the business address listed on the permit. Drop points or pick up stations are not permitted.~~

~~(c) —All Convention on International Trade in Endangered Species (C.I.T.E.S.) wildlife not properly marked, tagged or documented shall be reported to the wildlife conservation officer in charge of the area. Threatened or endangered species may not be mounted unless properly permitted.~~

~~(d) —Only one shop may be established per permit. Except as otherwise provided in subsection (a), all taxidermy work shall be performed by a licensed taxidermist.~~

~~(e) —A taxidermist mounting or preparing any migratory birds shall be in possession of a current and valid Federal Fish and Wildlife Permit.~~

~~(f) —A taxidermist or an employee may not hold wildlife protected by the act or this part for more than 72 hours without notifying an officer of the Commission. Game birds, game animals and furbearers lawfully taken and lawfully possessed are excepted.]~~

~~[§147.128.— Eligibility for examination.] (Reserved).~~

~~[A person that has been convicted or has signed a Field Acknowledgment of Guilt relating to practicing taxidermy without a permit is not eligible to take the taxidermy examination for 2 years following.]~~

~~[§147.129.— Unlawful acts.] (Reserved).~~

~~[(a)— It is unlawful to:~~

~~(1)— Fail to keep an accurate record of all transactions or to make a false entry on the report.~~

~~(2)— Fail to submit the annual report, when required by the Director, within 30 days of expiration of the permit.~~

~~(3)— Sell an unclaimed specimen contrary to the procedures established in this part.~~

~~(4)— Sell a specimen that is not properly disposed of in accordance with the act.~~

~~(5)— Fail to list or delete an employee or apprentice from the permit.~~

~~(6)— Establish drop points or pick up stations contrary to this part.~~

~~(7)— Fail to report unmarked Convention on International Trade in Endangered Species (C.I.T.E.S.) or threatened or endangered species to the wildlife conservation officer in charge of the area within 72 hours.~~

~~(8)— Receive, possess or mount a migratory bird without a Federal Fish and Wildlife Permit.~~

~~(9)— Submit a false affidavit with the application for examination.~~

~~(10)— Receive, possess or hold a specimen for another without a taxidermy permit.~~

~~(11)— Receive, possess or hold a specimen other than authorized when issued a restricted taxidermy permit.~~

~~(12)— Practice taxidermy on a specimen other than authorized when issued a restricted taxidermy permit.~~

~~(b)— A person violating this subchapter will be subject to penalties provided in the act.]~~

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) * * *
[~~e~~] (d) * * *
[~~d~~] (e) * * *
[~~e~~] (f) * * *
[~~f~~] (g) * * *
[~~g~~] (h) * * *
[~~h~~] (i) * * *

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

Action:

J. Amend 58 Pa. Code, by adding Subchapter L, §§135.221-135.225.

Commentary: The Commission last set license fees by policy in 1999. Since that time, it has been determined that such setting of fees should be accomplished by regulation. It has further been determined that the structure of the 1999 policy was cumbersome and strict application would result in failing to capture the true value of some licenses without negotiation. The proposed regulations will allow for limited compensation for the cost of reviewing and approving right-of-way applications and establish minimum license fees which could then be negotiated within specific parameters to compensate the Commission for losses or private use of resources.

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.

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

Action:

K. Amend 58 Pa. Code, §§135.41 and 135.181.

Commentary: In order to effectively manage its lands and to more effectively and efficiently recover lead and other shot from clay bird shooting activities, the Commission, under its authority granted in Title 34, Section 721(a), is proposing to limit clay bird shooting on Game Lands to designated areas only.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§135.41. State game lands.

(c) In addition to the prohibitions contained in the act pertaining to State game lands and §135.2 (relating to unlawful actions), 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.

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

Action:

- L. 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.

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.

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 Director of the Bureau of Wildlife Protection 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.

Commentary:

Option No. 4071 46.33 +/- acres of land in Williams Township, Dauphin County, adjoining State Game Lands No. 264 (Exhibit RED-1). There are no new reservations. The option price is \$18,532 lump sum to be paid from monies escrowed from a coal lease to Ladnar, Inc. on State Game Lands No. 264.

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:

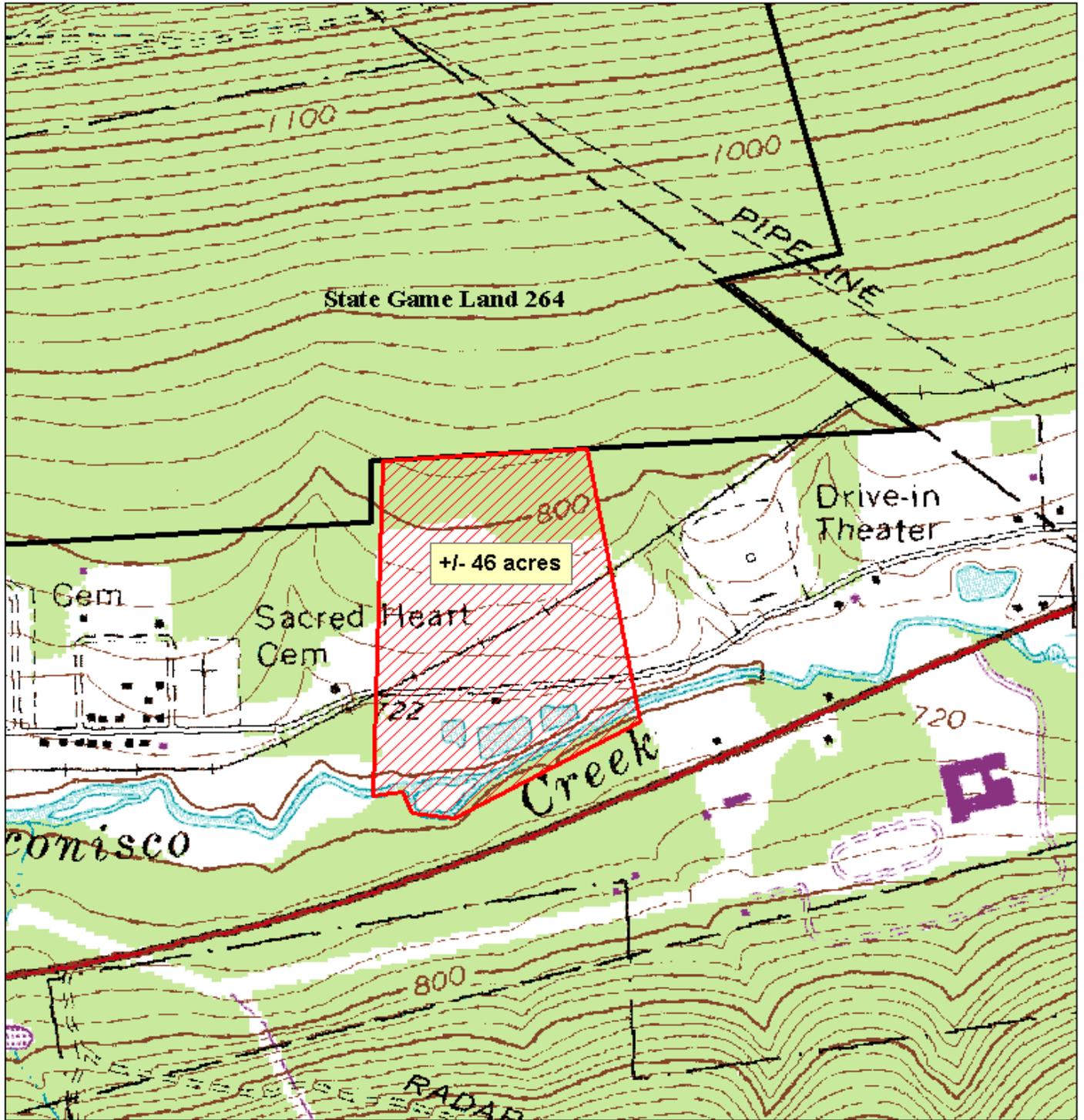


EXHIBIT RED-1
 Pennsylvania Game Commission
 STATE GAME LAND #264
 Central PA Conservancy to P.G.C.
 +/- 46 Acres
 Williams Twp., Dauphin Co.

B. Donation.

State Game Lands No. 302, West Finley Township, Washington County

Commentary:

Option No. 4072

112 +/- acres of land in West Finley Township, Washington County, an indenture to State Game Lands Number 302 (Exhibit RED-2), from CNX Gas Company LLC and is being offered to the Commission as a donation. The Donor excepts and reserves all coal and other minerals with the surface rights necessary to mine and remove the minerals by any means or processes now or hereafter in existence. Further excepted and reserved is the perpetual right to use the surface for transportation of oil, gas, minerals and other hydrocarbon related substances. Finally, CNX is excepting and reserving all timber for a period of three years.

Recommendation:

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

Action:

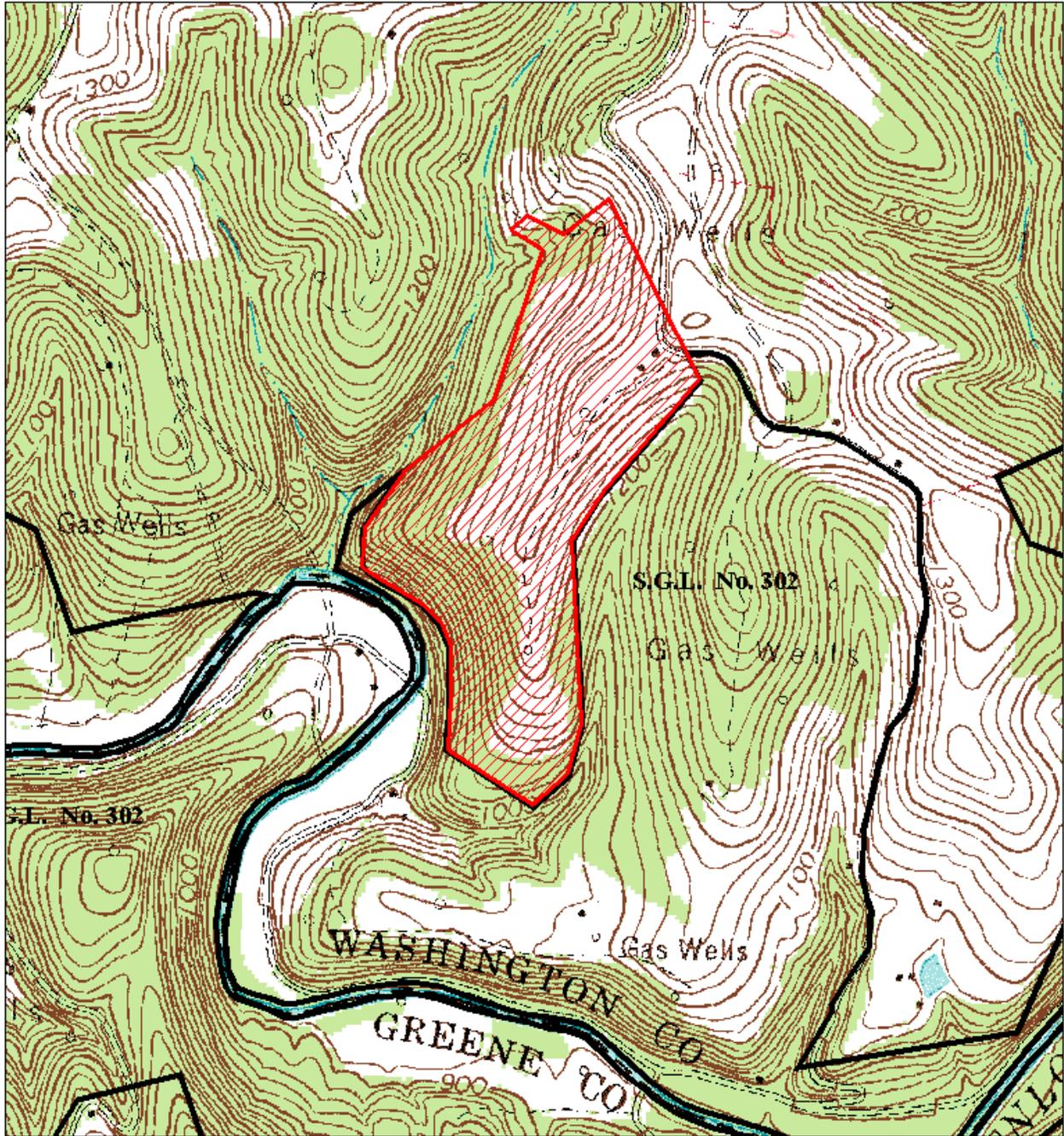
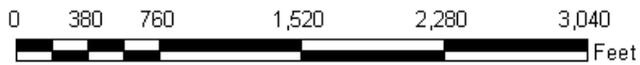


EXHIBIT RED-2
 Pennsylvania Game Commission
 STATE GAME LAND #302
 CNX Gas Co. LLC to P.G.C.
 +/- 112 Acres
 West Finley Twp., Washington Co.



C. Land Exchange.

State Game Lands No. 60, Centre County

Commentary: ORD Sewer Authority has agreed to a land exchange involving a portion of an abandoned railroad grade approximately 6,070 feet long adjoining State Game Lands No. 60 situate in Rush Township, Centre County (Exhibit RED-3). The Commission has limited use rights in this grade, and the ORD Sewer Authority needs the land to extend sewer to the adjoining residents. The Commission will quitclaim all right, title and interest in the grade so as to allow the sewer project to move forward.

In exchange, ORD Sewer Authority will provide \$3,000 towards the purchase of property in the Flight 93 National Memorial in Shade Township, Somerset County, as approved by the Commission at its June 2006 meeting (Exhibit RED-4). This exchange provides necessary additional funds over and above the \$120,000 provided by Amfire Mining Company in the previously referenced and approved exchange.

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

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

Action:

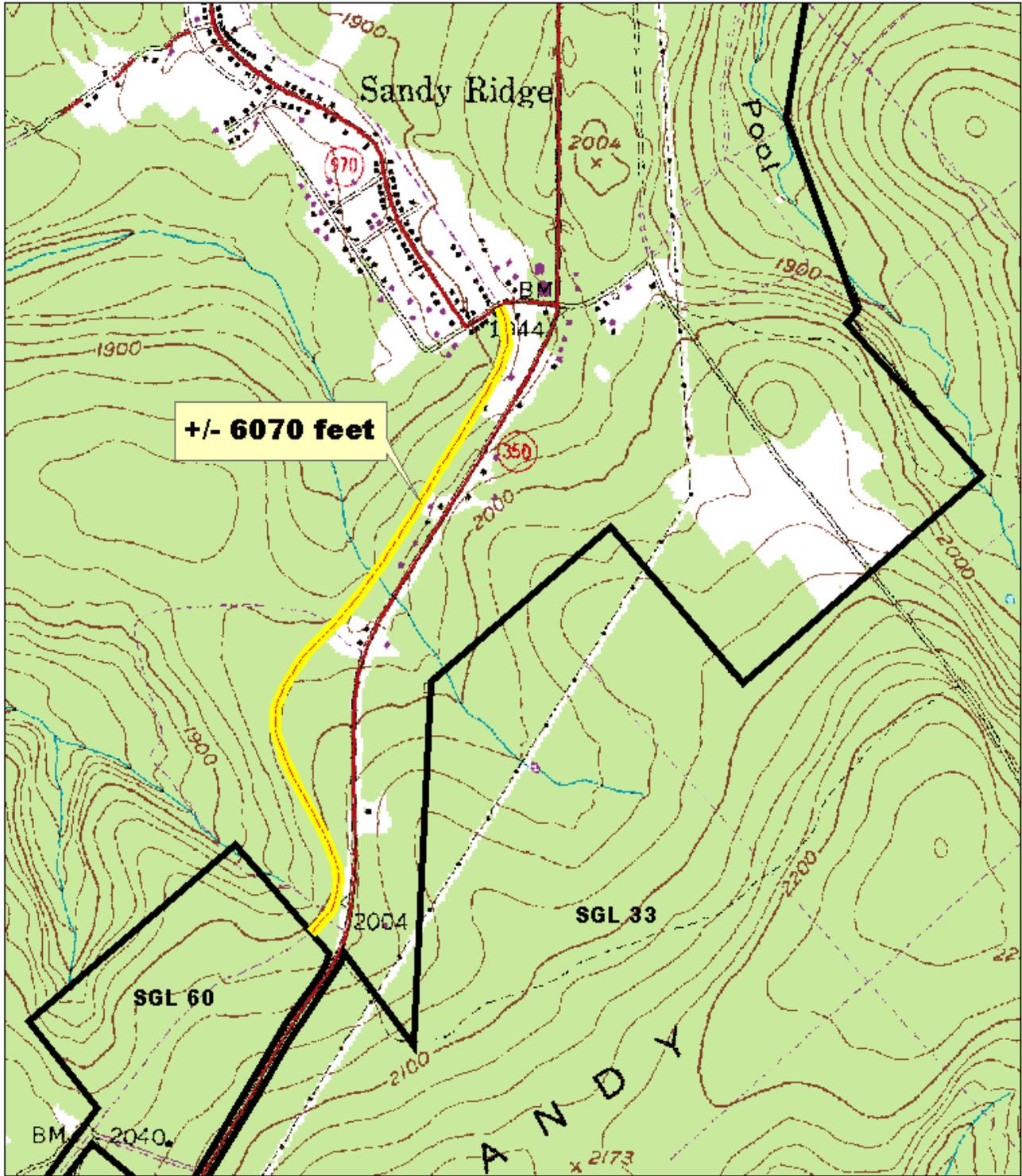


EXHIBIT RED-3
 Pennsylvania Game Commission
 STATE GAME LAND #060
P.G.C. TO ORD SEWER AUTHORITY
+/- 6,070 Feet
 RUSH TWP. , Centre Co.

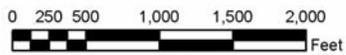
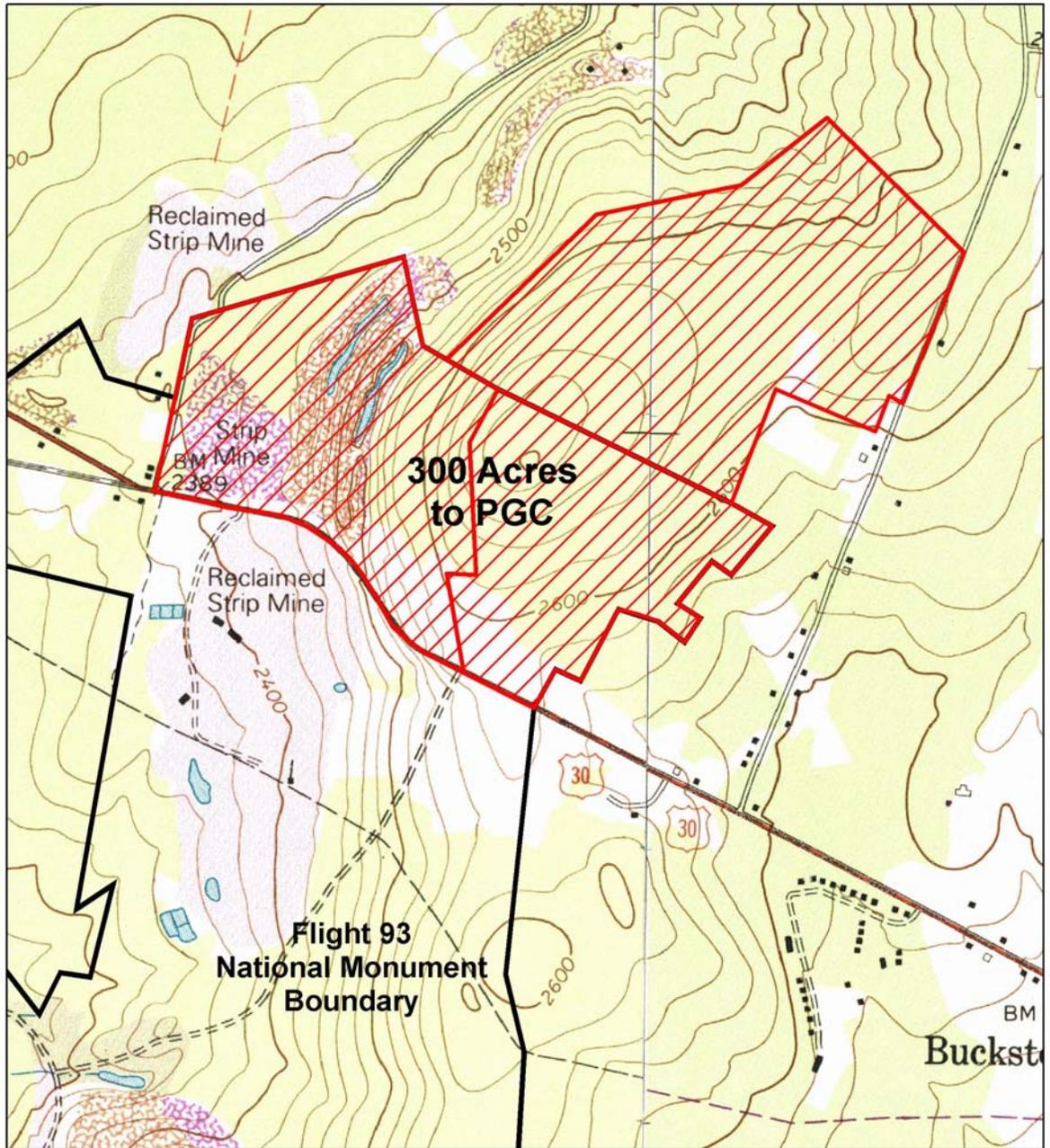


EXHIBIT RED - 4
 Pennsylvania Game Commission
 STATE GAME LAND #093
Flight 93 National Memorial
Appx. 300 Acres to PGC
 SHADE TWP., SOMERSET CO

OIL/GAS & MINERALS

- D. Anthracite Coal Deep Mining Lease, State Game Lands No. 264 Williams Township, Dauphin County, and Porter Township, Schuylkill County, Southeast Region.

Commentary: Ladnar Inc., of Hummelstown, PA seeks to amend its existing Anthracite Coal Deep Mining Lease Agreement (Tract 264A-97) by adding an additional 13 acres to the existing lease. The proposed amendment area will encompass 5 acres for mine portal development and an additional 8 acres for surface support to include a right of way for an electric line to provide power to the mine (Exhibit OGM-1).

The Royalty rate for each ton of coal mined, removed and marketed from the deep mine will be \$2.00 per ton or 5.5% of the current F.O.B. pit price, whichever is greater. This is an increase from the current lease royalty rate for deep mined coal, which is now at 3.5% of the then current F.O.B. pit price. The proposed lease amendment has a potential coal royalty value to the Commission of approximately \$3,200,000 over the estimated 10-year life of the mine. All revenues generated from the proposed coal recovery operation will be directly deposited into the Commission's Game Fund.

All timber impacted as a result of the proposed amended lease area is deemed to be surface damages and will be assessed by the Southeast Region Forestry staff at double stumpage rate. Revenues generated from timber impacts will be placed into the Game Fund. The Commission may elect to credit a portion of the timber value against the cost of Commission approved abandoned mine reclamation project(s) on State Game Lands No. 264. These wildlife habitat enhancement and recreational improvement values credited for reclamation/revegetation projects shall be at the sole discretion of the Commission. Currently there are numerous abandoned mine areas within State Game Lands No. 264 which have adversely impacted the area's wildlife resources and inherent use of the game lands and which may be eligible for these wildlife habitat enhancement and recreational improvement credits.

Mining will be regulated by the Commonwealth Surface and Underground Mining Regulations and the Commission's standard mining lease agreement. All other terms and conditions of the existing lease will remain unchanged.

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

Recommendation: The Executive Director and staff recommend this Anthracite Deep Mine Lease amendment be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

Action:

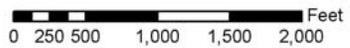
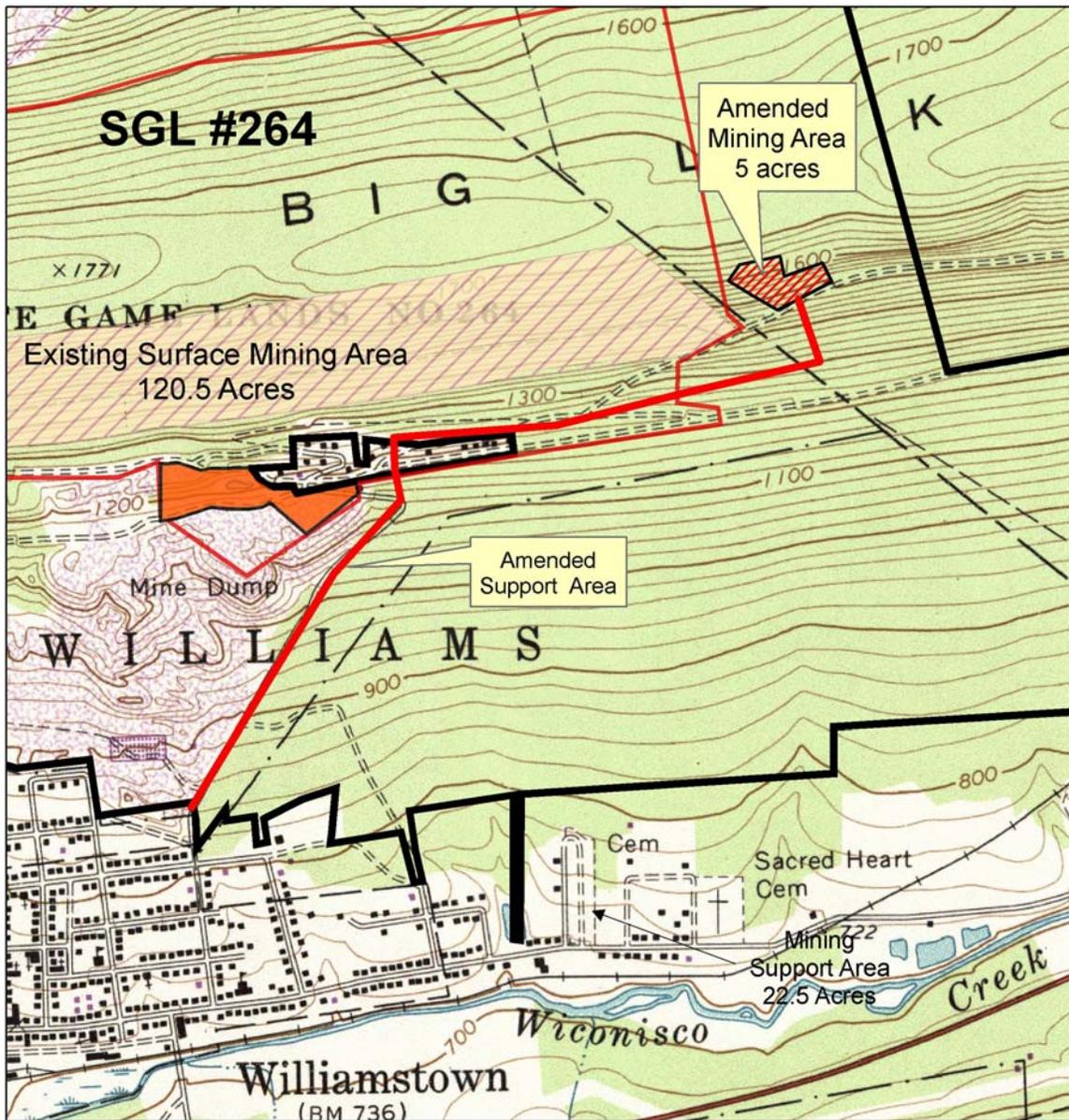


Exhibit OGM1
 Pennsylvania Game Commission
 STATE GAME LANDS #264
LADNAR, INC.
ANTHRACITE DEEP MINE LEASE AMENDMENT
TRACT 264A-97
 Williams Township, Dauphin County
 Porter Township, Schuylkill County

E. Surface Stone Removal Lease, State Game Lands No. 217, Lehigh County, Southeast Region.

Commentary:

Delaware Quarries, Inc. of New Hope, PA has requested a lease to remove surface stone from a portion of a 17-acre tract of State Game Lands No. 217 in Lynn Township, Lehigh County (Exhibit OGM2). The Commission is considered to be the owner of the mineral rights on this tract of land.

The proposed stone removal operation will have a total surface impact of approximately 13.3 acres for the actual mining and additional 3.7 acres for support activities. The initial phase of the project allows for removal of stone incidental to the construction of a 2,300-foot administrative road to be constructed to the Commission's specifications. The Commission intends to use the new administrative road for future timber sale access and other administrative functions. The administrative road will be completed by April 15, 2007 and stone removal will be limited to the immediate road corridor until such time as the road is complete. Additionally, the reclamation and habitat enhancement plan will require Delaware Quarries, Inc. to create several small vernal pond and wetland areas at locations designated by the Commission.

In exchange for the lease from the Commission, Delaware Quarries, Inc. will pay the Commission, on a monthly basis, a royalty rate of five dollars and fifty cents (\$5.50) or 12% of the then current F.O.B. pit price, whichever the greater, for each and every marketable ton of stone removed from the lease area. All royalty revenues generated from the proposed operation will be deposited directly into the Game Fund. The proposed lease has a potential royalty value of approximately \$110,000.

The project will be regulated by the Commonwealth's Small Non-Coal Surface mining regulations and the Commission's standard lease agreement. The five-year lease will include the standard \$10,000 performance bond and environmental protection measures. In addition, the lease will include a wildlife habitat reclamation and revegetation plan developed by the local Land Management Group Supervisor.

The staff has reviewed this proposal and determined the total value of the stone royalty, timber, as well as the proposed wildlife enhancement projects 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:

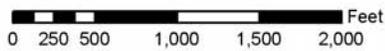
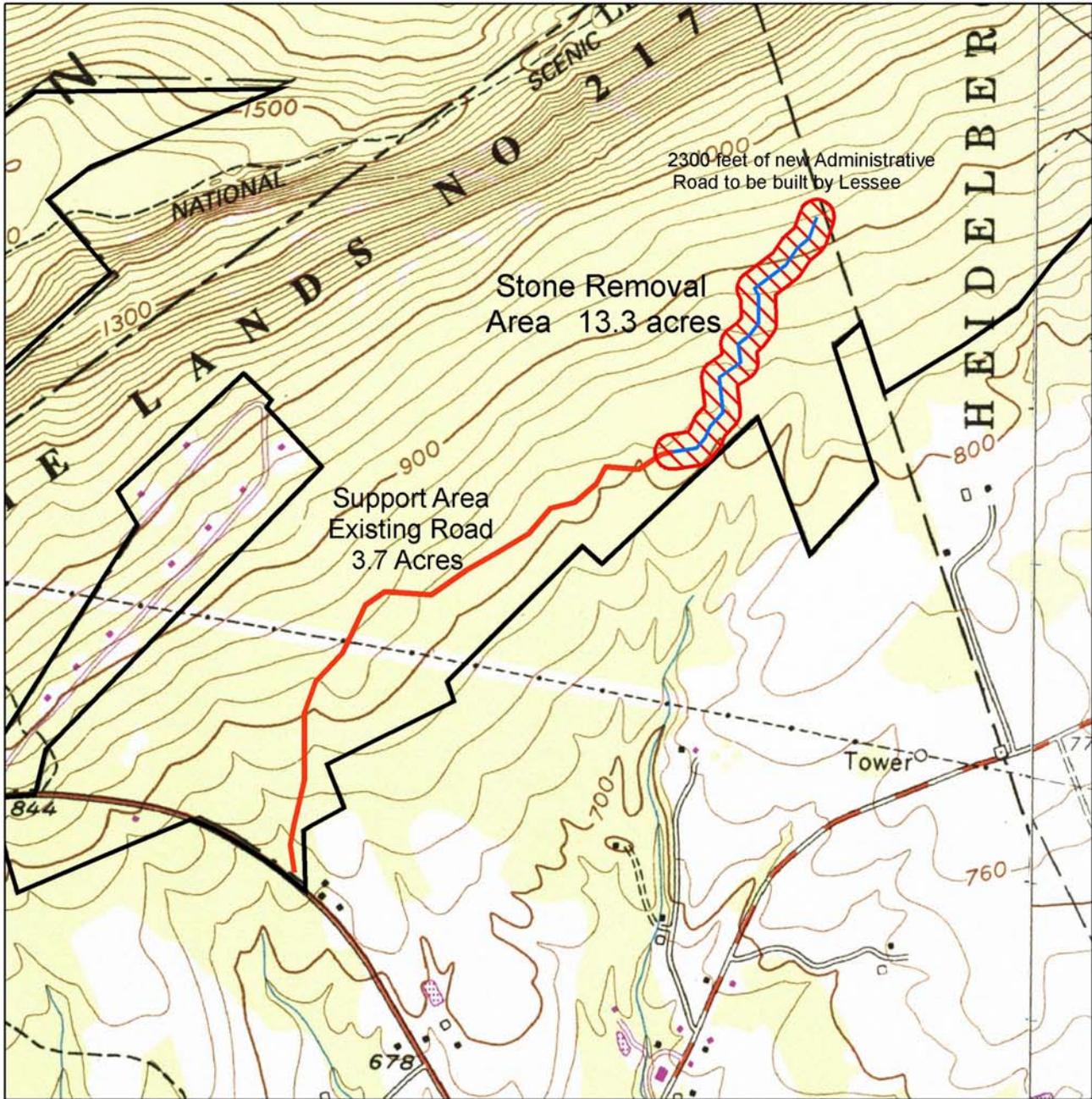


Exhibit OGM 2
 Pennsylvania Game Commission
 STATE GAME LANDS #217
 Delaware Valley Quarries, Inc.
SURFACE STONE REMOVAL LEASE
TRACT 217A-06
 Lynn Township, Lehigh County

Other New Business

Time and Place for Next Meeting – The Commission previously established January 21, 2007 at 1:00 p.m. and January 22 and 23, 2007 at 8:30 a.m. as the dates of this meeting and it is to be held at Harrisburg headquarters. Does the Commission wish to proceed with these dates and meeting site?

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

Adjournment