

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
September 26, 2017**

Bryan Burhans

Bryan Burhans
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, September 26, 2017, at 2001 Elmerton Ave. Harrisburg, PA 17110 beginning at 1:00 p.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Brian H. Hoover, President
Timothy S. Layton, Vice President
James R. Daley, Secretary
David J. Putnam
Robert W. Schlemmer
Charlie E. Fox
Michael F. Mitrick
Stanley J. Knick, Jr.

Approval of Minutes of Commission Meeting held June 26, 2017.

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 147.102.

Commentary: Each year the Commission facilitates the examination of persons seeking a falconry permit. Historically, this testing process has only been available from January 1 through June 30 each year. In an effort to provide greater opportunity for falconry applicants, the Commission is proposing to amend § 147.102 (relating to application, examination and fees) to expand the examination period to year-round testing and to require advance scheduling of examinations.

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.102. Application, examination and fees.

* * * * *

(b) *Examination.*

* * * * *

(3) Examinations ~~[are]~~ will be administered by the Commission at each regional office ~~[between January 1 and June 30 each year]~~ throughout the permit year. Applicants must schedule their examination with regional personnel in advance.

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

B. Amend 58 Pa. Code §§ 141.1, 141.22 and 141.43 and 141.67.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 26, 2017, meeting, proposed to amend §§ 141.1, 141.22, 141.43, and 141.47 to extend the use of air guns and semiautomatic rifles for small game and furbearers to special regulation areas, delete the limiting term "centerfire" from the manually operated or semiautomatic rifle authorization that was erroneously added in a previous amendment, and relocate and extend the use of air guns and semiautomatic rimfire rifles .22 caliber or less for dispatching legally trapped furbearers caught in a trap during the regular or special firearms deer seasons.

Action:

ANNEX "A"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer and bear through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the Southeast area only.

(3) Take small game, furbearing animals, crows or wildlife with:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(4) Kill an animal legally caught in a trap with the following devices:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

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

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

(7) Hunt or take deer in the southeast special regulations area during regular open hunting seasons for white-tailed deer through the use of or by taking advantage of bait on private, township or municipal property only under a deer attractant permit issued under Chapter 147, Subchapter R (relating to deer control).

Subchapter B. SMALL GAME

§ 141.22. Small game seasons.

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

* * * * *

(7) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

* * * * *

(c) *Woodchuck (Groundhog) season.*

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

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

* * * * *

(vii) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

* * * * *

Subchapter C. BIG GAME

§ 141.43. Deer seasons.

* * * * *

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

Subchapter D. FURBEARERS

§ 141.67. Furbearer seasons.

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

* * * * *

(6) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

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

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

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Use any firearm, other than authorized in this paragraph, to dispatch legally trapped furbearers during the overlap with the regular or special firearms deer seasons:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

C. Amend 58 Pa. Code § 141.18.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 26, 2017, meeting, proposed to amend § 141.18 (relating to permitted devices) to authorize the use of electronic decoys used to hunt waterfowl, electronically heated scent, or lure dispensers and electronic devices that generate and distribute ozone gas for scent control purposes.

Action:

ANNEX "A"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.18. Permitted devices.

Notwithstanding the prohibitions found in § 141.6 (relating to illegal devices), the following devices may be used to hunt or take wildlife:

(1) Firearms that use an electronic impulse to initiate discharge of ammunition. This provision is not intended to authorize use of these devices when these firearms are otherwise prohibited devices for the applicable hunting or trapping season.

(2) Electronic sound amplification devices that are incorporated into hearing protection devices and completely contained in or on the hunter's ear.

(3) Electronic devices used for locating dogs while training or hunting, including devices such as e-collars, radio-telemetry dog tracking systems and beeper collars.

(4) Electronic illuminating devices that are affixed at the aft end of a bolt or arrow and used solely for the purpose of locating or tracking bolt or arrow flight after being launched from a crossbow or bow.

(5) Electronic crow decoys used solely for hunting crows.

(6) Electronic rangefinders, including hand-held devices and those contained within a scope or archery sight. This authorization may not be construed to permit a device that emits a light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam that is visible outside of the device or on the target.

(7) Electronically heated scent or lure dispensers. This provision is not intended to authorize use of scents and lures when use is otherwise prohibited by section 2308 of the act (relating to unlawful devices and methods) or § 137.34 or § 137.35 (relating to Chronic Wasting Disease and the emergency authority of the Director; Chronic Wasting Disease restrictions).

(8) Electronic devices that generate and distribute ozone gas for scent control purposes.

(9) Electronic waterfowl decoys used solely for hunting waterfowl.

BUREAU OF WILDLIFE HABITAT MANAGEMENT

PROPOSED RULE MAKING

- A. Amend 58 Pa. Code §§ 135.2 and 135.48-135.55, and create Chapter 147, Subchapter AA.

Commentary: The Commission has recently conducted an extensive review of public access to State game lands by persons with mobility challenges. This evaluation included various public meetings and requests for public comment. Based upon the results of this evaluation, the Commission is seeking improvements that will enhance public access to its State game lands by persons with mobility disabilities while simultaneously protecting the wildlife resources and avoidance or minimization of conflicts with other lawful users of the State game lands system. To reach this purpose, the Commission is proposing to amend §§ 135.2 and 135.48-135.55, and create Chapter 147, Subchapter AA as set forth below. Among other things, these amendments will permit the use of wheelchairs anywhere persons may lawfully walk, define the term “mobility devices”, provide for the use of mobility devices and motor-vehicles on suitable designated routes on State game lands, and define the parameters of acceptable use of mobility devices on State game lands to avoid or minimize damage to wildlife resources or conflicts with other lawful users of the State game lands system.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§ 135.2. Unlawful actions.

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

* * * * *

(3) Travel on lands by means of vehicle or conveyance propelled by motorized power. ~~[This prohibition does not include the travel by individuals permanently confined to a wheelchair propelled by electric power obtained from batteries. Individuals desiring to hunt from an electric powered wheelchair shall have a disabled person permit under section 2923 of the act (relating to disabled person permits)]~~ This provision is not intended to restrict travel by certain devices used for persons with mobility disabilities as specifically authorized under Chapter 135, Subchapter C (relating to State game lands).

* * * * *

Subchapter C. STATE GAME LANDS

§ 135.48. ~~[State game lands roads open to vehicular traffic for disabled persons]~~ Purpose and scope.

~~[(a) — Vehicular traffic permitted. — Vehicular traffic will be permitted on designated roads on State game lands for persons issued a Disabled Persons Permit under section 2923(a) of the act (relating to disabled person permits). State game lands roads open to vehicular traffic for disabled persons will be designated by the Director. The Commission will make a list of these open roads available to the permittee.~~

~~(1) — Roads designated for limited open travel will be open from 14 days prior to the opening day of archery season to the closing day of the muzzleloader/archery season. Any travel authorized by this section is subject to further limitation based upon existing weather or road conditions as indicated by conspicuous signage or postings.~~

~~(2) — A permittee may be accompanied by only one person, and before participating in hunting in any manner that person shall be in possession of a valid Pennsylvania hunting or furtakers license. The permittee may also be accompanied by one or more of the permittee's children who hold a valid junior hunting or furtakers license.~~

~~(b) — Additional reference. See § 135.2 (relating to unlawful acts).]~~

It is the policy of the Commission to promote public access to State game lands for persons with mobility disabilities in compliance with the federal Department of Justice regulations promulgated at 28 CFR Part 35. Sections 135.49—135.55 set forth how, where and when persons with mobility disabilities may access State game lands with powered wheel-chairs, powered mobility devices and motor-vehicles.

§ 135.49. ~~[Scope]~~ Definitions.

~~[Sections 135.50—135.56 regulate the use of ATVs on State game lands by disabled persons.]~~ The following words and terms, when used in this chapter have the following meanings, unless the context clearly indicates otherwise:

ATV—All-terrain vehicle—Any device meeting the definition under 75 Pa.C.S. § 7702 (relating to definitions).

Designated route—State game land access or maintenance roads and trails that have been designated by the Director to be open for travel by persons with mobility disabilities using certain powered vehicles and conveyances. This term does not include roads that are open to motor-vehicle access by the general public.

Disability—A person's physical or mental impairment that substantially limits his or her mobility.

Disabled person access permit—A permit issued by the Commission under Chapter 147, Subchapter AA (relating to disabled person access permit) to authorize persons with mobility disabilities utilize mobility devices and motor-vehicles to access designated routes on State game lands.

Mobility device—A power-driven device, other than a wheelchair, that is used by persons with mobility disabilities for the purpose of locomotion. The term includes all-terrain vehicles, golf carts, Segways® and other mobility devices designed to operate in areas without defined pedestrian routes, regardless of whether it is designed primarily for use by persons with mobility disabilities. This term does not include motor-vehicles.

Transport vehicle placard—A placard provided by the Commission to disabled person access permit holders that must be displayed on the dashboard or in a window of the transport vehicle.

Universal access symbol—A symbol displaying a wheelchair, generally blue and white in color, that is widely recognized as evidence that the person who is displaying the symbol is disabled.

Wheelchair—A manually-operated or power-driven device designed primarily for use by individuals with mobility disabilities for the main purpose of indoor and/or outdoor locomotion. The term wheelchair is intended to include power-driven scooters. For the purposes of this chapter, a wheelchair shall not be construed as a mobility device.

§ 135.50. [Definitions] State game lands open to wheelchair access.

~~[The following words and terms, when used in this section and §§ 135.49 and 135.51—135.55, have the following meanings, unless the context clearly indicates otherwise:~~

~~ATV—All terrain vehicle—~~

~~(i) — A Class I ATV as defined in 75 Pa.C.S. § 7702(1) (relating to definitions), or a motorized off highway vehicle 58 inches or less in width, having a dry weight of 900 pounds or less traveling on four or more low pressure tires and having a bench seat.~~

~~(ii) — The term does not include a motorized off highway vehicle excluded from the definition of the term “all terrain vehicle or ATV” under 75 Pa.C.S. § 7702.~~

~~Designated road—State game land access or maintenance road that have been declared open to disabled persons using ATV’s by the Director.~~

~~Permitted person—A person who qualifies for and is in possession of a permanent Disabled Person Permit to use a vehicle as a blind issued by the Commission and who possesses a valid hunting license.~~

~~Universal access symbol—A placard on which is displayed a wheelchair, generally blue and white in color that is recognized worldwide as evidence that the person who is displaying the symbol is disabled.~~

~~Towing vehicle placard—A placard provided by the Commission to permitted persons that shall be displayed on the dashboard or in a window of a vehicle.~~

(a) Persons with mobility disabilities may use wheelchairs to access any portion of State game lands where pedestrian foot travel is authorized. In the event the Commission restricts pedestrian foot travel in any location through posted signage, wheelchair access shall also be restricted.

(b) Access to State game lands under this section does not require a permit issued under section 2923 of the act (relating to disabled person permits) or Chapter 147, Subchapter AA (relating to disabled person access permit).

(c) Notwithstanding the prohibitions of section 2308(a)(7) of the act (relating to unlawful devices and methods), persons with mobility disabilities may utilize wheelchairs to locate or flush game or wildlife.

(d) Notwithstanding the prohibitions of section 2503 of the act (relating to loaded firearms in vehicles), persons with mobility disabilities may possess loaded firearms or other devices on or in a wheelchair, including when the wheelchair is in motion.

§ 135.51. Designated ~~[roads on State game lands open to ATVs]~~ routes open to mobility devices and motor vehicles.

~~[State game land roads that will be open for use by permitted persons operating ATVs will be designated by the Director. The Commission will make a list of these open roads available to the permittee, and will provide the list by mail to a permitted person that has applied for a towing vehicle placard]~~ (a) Persons in possession of a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may use mobility devices and motor vehicles to access designated routes on State game lands that have been approved by the Director. Designated routes will be classified to authorize mobility device and motor vehicle combined access or mobility device-only access, as determined by route selection assessment criteria approved by the Director.

~~[(1) The Director, or a designee, may close State game lands or portions thereof, to recreational or other uses, when the specified uses may be or has become detrimental to those lands or the flora or fauna thereon, or where the uses conflict with legal hunting, furtaking or fishing activities or the Commission's management or administration of State game lands. The closure may be seasonal or year round and shall remain in effect until the Director, or a designee, removes the restrictions.~~

~~(2)]~~ (b) Designated [roads shall] routes will be open for use by [permitted] persons with a disabled person access permit from 14 days prior to the opening day of the archery season to the closing day of the late muzzleloader/archery season and during the spring

turkey season. Any travel authorized by this section is subject to further limitation based upon existing weather or road conditions or the need for emergency or administrative closure, as indicated by conspicuous signage or postings.

§ 135.52. Towing vehicle placard for persons using mobility devices.

~~[(a) — A permitted person may apply for a towing vehicle placard on a form provided by the Commission.~~

~~(b) — The towing vehicle placard shall be displayed on the dashboard or in a window of the towing vehicle when the towing vehicle is parked on State game lands.]~~

Any vehicle used to transport a mobility device for use on designated routes shall be marked with a transport vehicle placard issued by the Commission if the transport vehicle is parked on State game lands. The transport vehicle placard shall be conspicuously displayed on the dashboard or in a window of the transport vehicle. A transport vehicle placard will be issued by the Commission upon issuance of a disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit).

§ 135.53. Operation of ~~[ATVs on designated State game land roads by permitted persons]~~ mobility devices and motor vehicles on designated routes.

~~[Permitted persons may operate an ATV on designated State game land roads under]~~ Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may operate mobility devices and motor vehicles on designated routes subject to the following conditions:

(1) ~~[The ATV is operated at a speed not to exceed 10 mph]~~ Safe operation. Mobility devices and motor vehicles shall not be operated on any designated route:

(i) In negligent disregard for the safety of persons or property.

(ii) In excess of 10 mph on any designated route classified for mobility device and motor vehicle combined access.

(iii) In excess of 5 mph on any designated route classified for mobility device-only access.

(2) ~~[A universal access symbol for the disabled, at least 3 inches by 3 inches in size is displayed in a prominent place on the ATV while on State game lands]~~ Marking required. Mobility devices operated on designated routes shall be marked with a universal access symbol placard or sticker that is at least 3 inches by 3 inches in size and displayed in a conspicuous manner.

(3) ~~[The ATV is]~~ ATVs and snowmobiles as mobility devices. Any ATV or snowmobile used as a mobility device on a designated route shall be registered with the

Department of Conservation and Natural Resources and ~~[is displaying]~~ shall display the valid registration plate or registration decal as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).

(4) ~~[The ATV is equipped with a fully functional spark arrester while operating on State game lands]~~ Spark arrestors required. All mobility devices powered by an internal combustion engine shall be equipped with a fully functional spark arrester while operating on a designated route.

(5) Classification of designated route. Mobility devices meeting the requirements of this Chapter may access designated routes classified for both mobility device and motor-vehicle combined access and mobility device-only access. Motor-vehicles meeting the requirements of this Chapter may access only designated routes classified for motor-vehicle access.

(6) Limited deviation from designated route authorized. Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may traverse a maximum of 100 yards perpendicular to the nearest designated route road or trail edge to establish a hunting or trapping location, but may not traverse streams, springs, wet areas or food plots or other areas posted against travel.

(7) Size, weight and noise limited. Mobility devices shall not exceed 65 inches in width, 1,200 lbs. in weight, nor shall the noise level exceed 99 decibels when measured at 20 inches.

(8) Use of vehicle to hunt restricted. Persons using mobility devices and motor-vehicles on designated routes are subject to the restrictions of section 2308(a)(7) of the act (relating to unlawful devices and methods) concerning on the use of power-driven vehicles or conveyances to hunt.

(9) Loaded firearms. Persons using mobility devices and motor-vehicles on designated routes are subject to the restrictions on loaded firearms in, on or against a vehicle under section 2503 of the act (relating to loaded firearms in vehicles), except as may otherwise be authorized under section 2923 of the act (relating to disabled person permits).

§ 135.54. ~~[Areas of operation and passengers]~~ Transport of passengers restricted.

~~[(a) — A permitted person may traverse a maximum of 100 yards perpendicular from the nearest road edge to establish a hunting location but may not traverse streams, springs, wet areas or food plots or other areas posted against travel.~~

~~(b) — When a permitted person is incapable of operating an ATV, the person may be accompanied by one other person who is the operator, if the ATV is designed to carry a passenger.~~

~~(c) — Except as provided in subsection (b), a permitted person may not carry another person as a passenger on an ATV.]~~

A person with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) who is incapable of operating the mobility device or motor-vehicle, whichever is applicable, may be accompanied by up to one other person who will serve as the operator, provided the mobility device or motor-vehicle is designed and manufactured to carry a passenger. No additional passengers are authorized.

§ 135.55. [Penalties] Unlawful acts; penalties.

It is unlawful to operate a mobility device, motor-vehicle or other conveyance on State game lands outside of the authorizations set forth in this subchapter. A person who violates any provision of this subchapter shall be subject to the penalties [as] provided in the act.

CHAPTER 147. SPECIAL PERMITS

Subchapter AA. DISABLED PERSON ACCESS PERMIT

§ 147.1021. Purpose and scope.

This subchapter provides for disabled person access permits to be issued to eligible persons to authorize their holders to utilize mobility devices and motor-vehicles to access designated routes located on State game lands.

§ 147.1022. Eligibility and application.

(a) Disabled person access permits will only be issued to persons who provide satisfactory evidence of a mobility disability which will include any of the following:

(1) A disability parking placard issued by the Pennsylvania Department of Transportation. Such proof can be either the placard itself or an identification card issued by the Department documenting the issuance of a disability parking placard.

(2) A disability vehicle registration plate issued by the Pennsylvania Department of Transportation. Such proof will be the vehicle registration card bearing a registration number beginning in "PD."

(3) A formal document issued by a state other than Pennsylvania, the District of Columbia, Puerto Rico, Guam, American Samoa, Virgin Islands, Trust Territory of the Pacific Islands and Northern Mariana Islands officially recognizing the existence of a mobility disability.

(4) A disabled person permit issued by the Commission under section 2923 of the act (relating to disabled person permits).

(5) A formal document issued by a medical doctor certifying that the applicant has a mobility disability.

(6) Other satisfactory evidence indicating that the applicant has a mobility disability.

(b) A state-issued proof of a mobility disability shall be in the applicant's name and unexpired. If the state-issued proof of a mobility disability evidences an expiration date or the mobility disability is temporary in nature, the Commission will apply a corresponding expiration date to any permit issued under this subchapter.

(c) Applications for disabled person access permits issued under this subchapter shall be made on a form provided by the Commission.

(d) Applications must include the name, customer identification number and contact information of the permit applicant.

(e) There is no fee for a disabled person access permit.

§ 147.1023. Disabled person access permits.

A disabled person access permit issued under this subchapter authorizes the permittee to use mobility devices and motor-vehicles to access designated routes on State game lands as is more specifically set forth under Chapter 135, Subchapter C (relating to State game lands).

§ 147.1004. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. L-3714, State Game Land No. 311, Elk County

Commentary: The Rocky Mountain Elk Foundation is offering to donate three connected parcels of land, totaling 35.32+/- acres, located in Benezette Township, Elk County adjoining State Game Land No. 311 (Exhibit RED 1). Tract 1 is 9.84+/- acres, Tract 2 is 11+/- acres, and Tract 3 is 14.48+/- acres and adjoins State Game Land No. 311. Woodlots consisting of mixed northern hardwoods and conifers are located to the north and in the southeast corner of the properties. The remaining habitat is mostly grass fields interspersed with a few shrubs. Tract 2 has a house and outbuilding suitable for equipment storage. The timber on all three tracts is reserved until August 31, 2018. The properties will provide prime elk viewing opportunity. Access is from Winslow Hill Road.

Action:

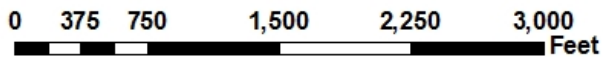
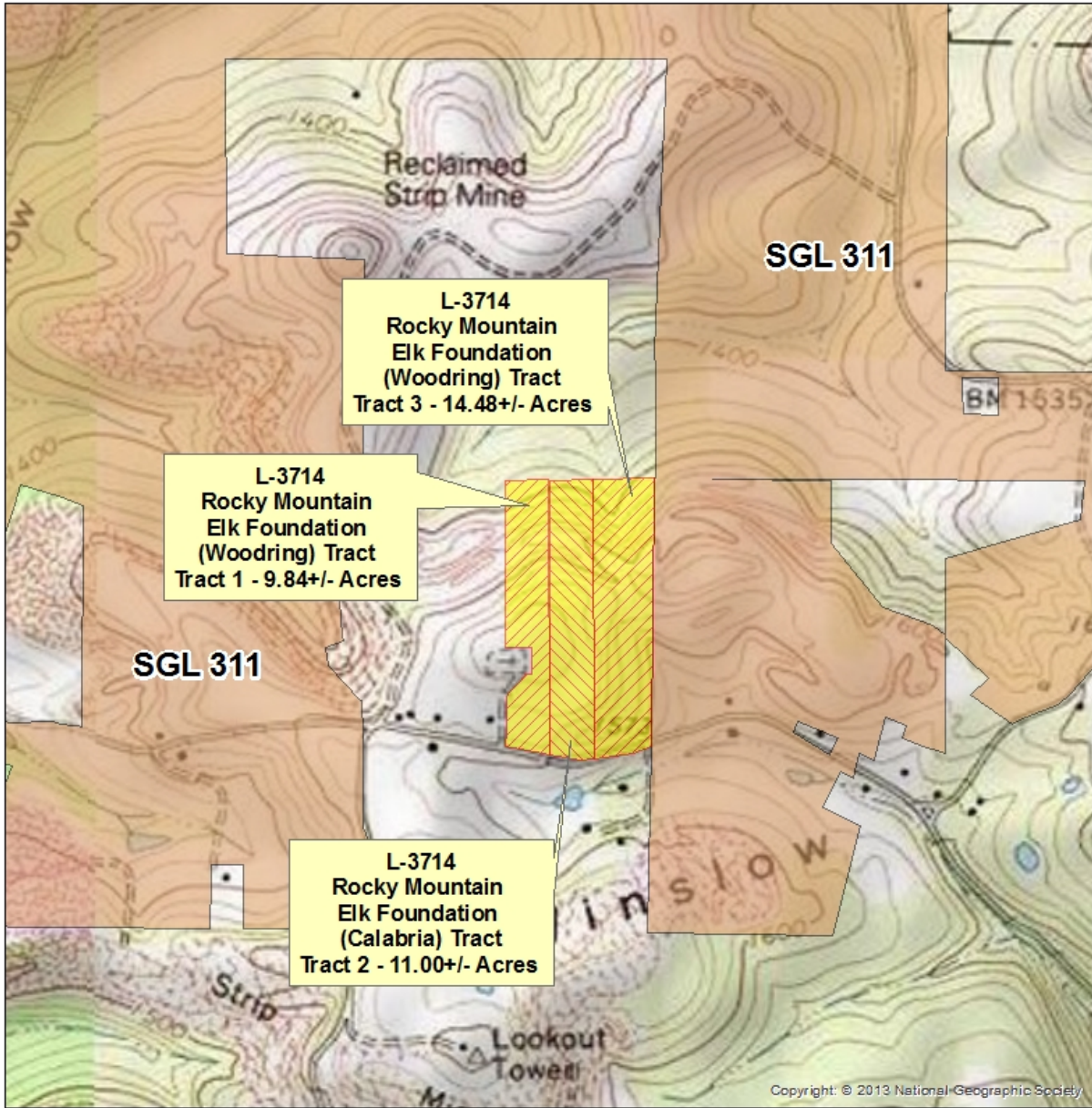


Exhibit RED 1
State Game Land No. 311

L-3714
Rocky Mountain Elk Foundation
(Woodring & Calabria) Tracts
Tract 1 - 9.84+/- Acres
Tract 2 - 11.00+/- Acres
Tract 3 - 14.48+/- Acres
Benzette Township
Elk County
Northcentral Region

Contract No. L-3715, State Game Land No. 187, Luzerne County

Commentary: Benjamin J. Ostrowski is offering to donate 18.8+/- acres of land in Dorrance Township, Luzerne County located west of State Game Land No. 187 (Exhibit RED 2). The property is forested with chestnut oak, scrub oak, hickory and maple with blueberry and huckleberry in the understory. The property is landlocked.

Action:

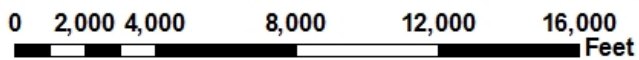
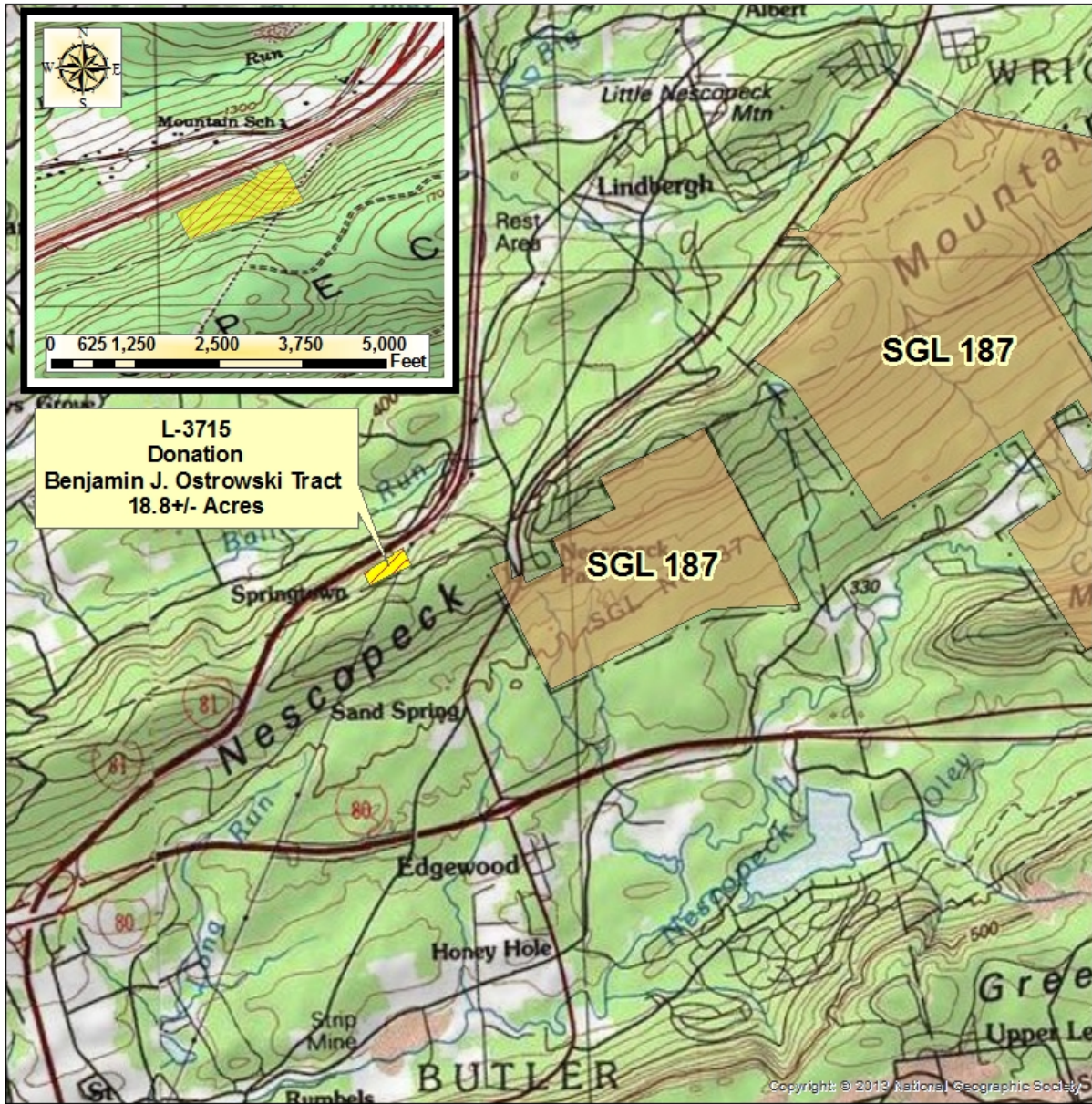


Exhibit RED 2

State Game Land No. 187

**L-3715
Donation
Benjamin J. Ostrowski Tract
18.8+/- Acres**

Dorrance Township
Luzerne County
Northeast Region

B. Acquisition

Contract No. L-3716, State Game Land No. 302, Greene County

Commentary: Consol Pennsylvania Coal Company LLC, CNX Thermal Holdings LLC, CNX Land LLC, CNX Gas Company LLC, and Cone Gathering LLC (hereafter collectively referred to as CONSOL Parties) are offering 1,536+/- acres, of land in Richhill Township, Greene County adjoining and near State Game Land No. 302. The land is being presented at no cost to the Commission through the United States Fish and Wildlife Service (USFWS) as mitigation requirements for impacts to wildlife resources, specifically impacts to Indiana bats (federal and state listed endangered species) and northern long-eared bats (federal threatened species) for approved permitted activities associated with coal, oil, and natural gas development projects. The land is to be managed in perpetuity in accordance with an Indiana bat management plan approved by the USFWS. CONSOL Parties reserve certain rights in and to the surface of the properties. In addition to the transfer of the properties, CONSOL Parties shall make a one-time payment to the Commission in the amount of \$580,000 for the purpose of creating a stewardship fund for the perpetual management of the properties. CONSOL Parties shall remove all homes, sheds, garages, barns, outbuildings or other structures located on the properties except those structures required to support permitted activities.

1,236+/- acres of the 1,536+/- acres adjoins State Game Land No. 302 and are bisected by a coal conveyor beltline running north to south. (Exhibit RED 3). The area outside of the beltline and operating area is forested with mixed hardwoods interspersed with hay fields and reverting old fields. The properties contain known Indiana bat roosting and foraging areas. Owen Run flows through the northern parcels and Crabtree Creek flows through the southern tracts. Multiple access points are available from Walker Hill Road, Ackley Creek Road, Iams Hill Road, Smokey Row Lane, Raymer Road, Nebo Ridge Road, Durbin Road and Braddock Run Road.

The remaining 300+/- acres are located southeast of State Game Land No. 302 in four tracts. (Exhibit RED 4). The majority of the acreage is forested with mixed hardwoods separated by approximately 65 acres of grass/hay fields planted on the gently sloping hillsides and along the roadways. The properties lie within and near the bat occupation area established by the USFWS. Access is from Route 21, Crow Road, and Poland Run Road.

Action:

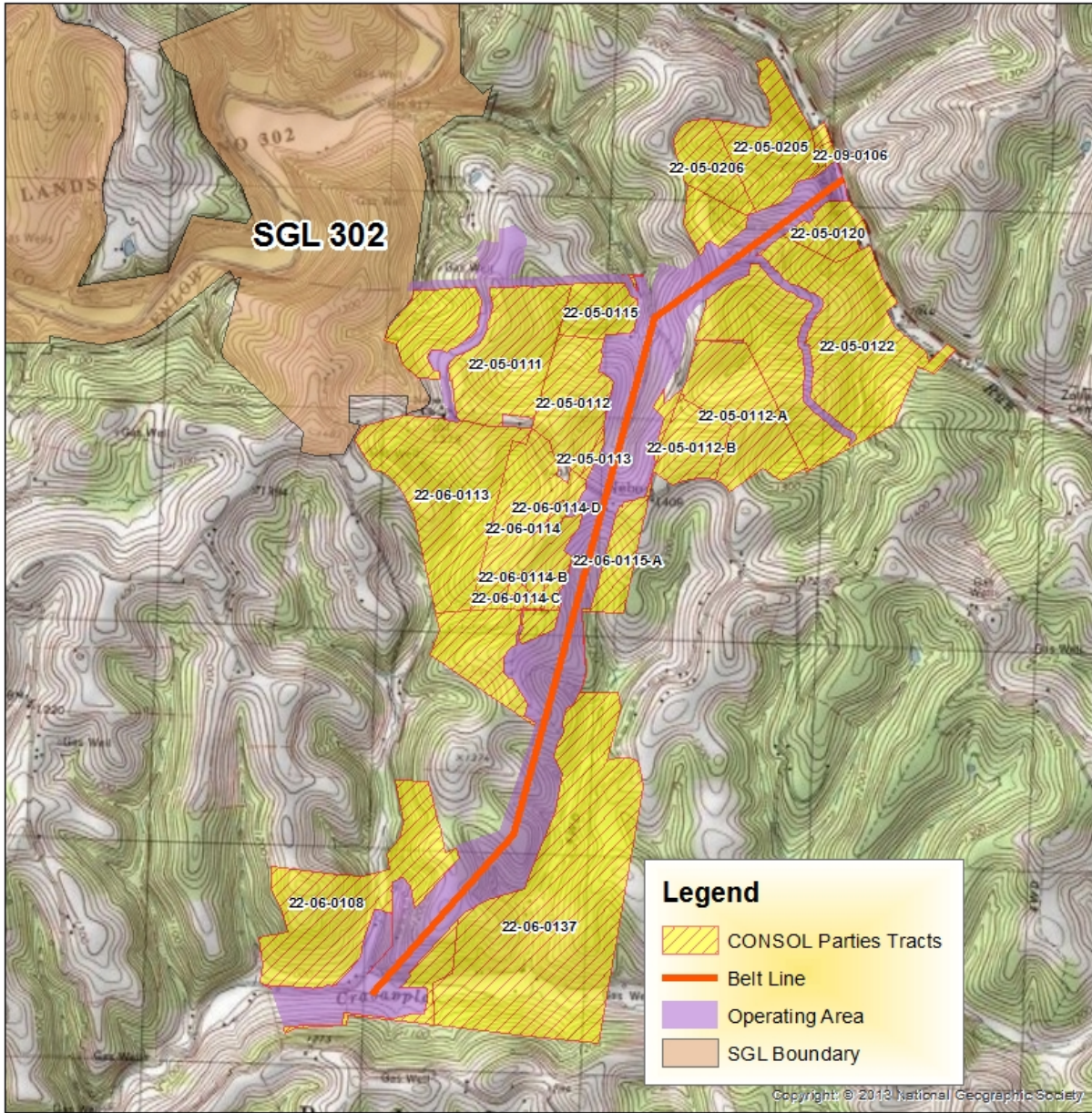
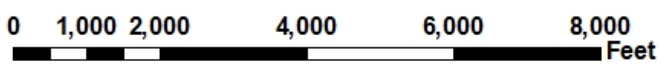


Exhibit RED 3
State Game Land No. 302
 L-3716
 CONSOL Parties
 Bat Conservation Areas
 1,236+/- Acres
 Richhill Township
 Greene County
 Southwest Region



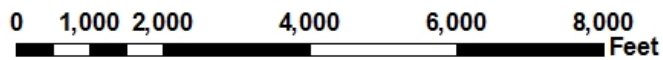
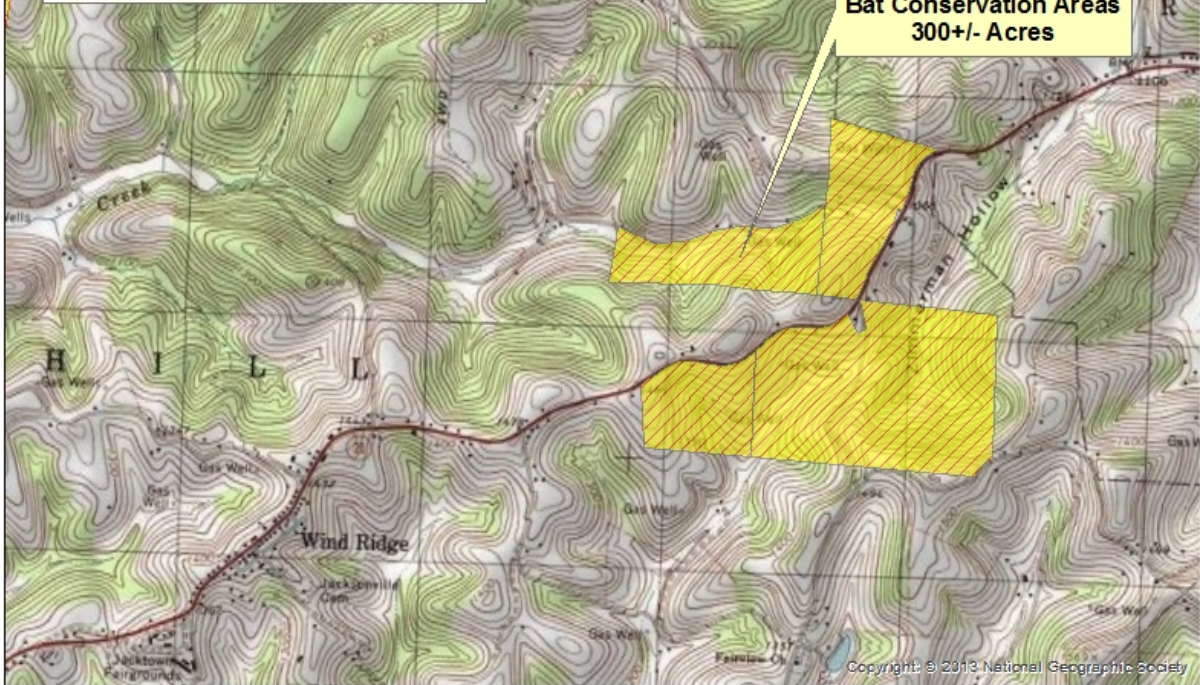
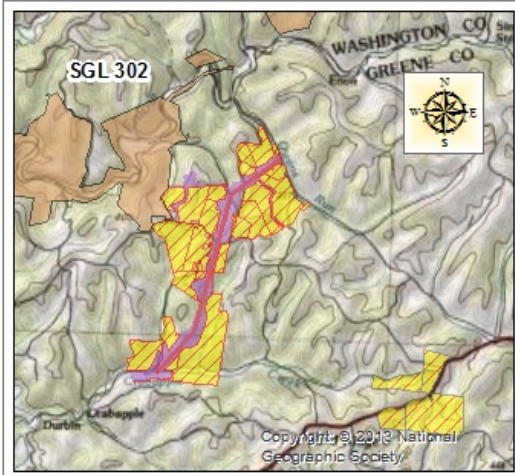


Exhibit RED 4
State Game Land No. 302
L-3716
CONSOL Parties
Bat Conservation Areas
300+/- Acres

Richhill Township
 Greene County
 Southwest Region

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Contract No. L-3717, Northeast Region Office, Luzerne County

Commentary: Robyn Patryce Hanson Saxton, AKA Robyn P. Albrecht is offering a permanent easement 20-feet wide traversing the length of her property located at 100 Country Club Lane, Dallas Township, Luzerne County from Country Club Road to property owned by the Commission for a right-of-way for the construction, improvement, operation, and maintenance of a waterline to service the Commission's Northeast Region Office (Exhibit RED 5). The 0.078+/- acres right-of-way is being conveyed to the Commission for a lump sum payment of \$5,200. The Commission is in the process of constructing a new Northeast Region Office building on the parcel of land where the existing office building is located. The existing office is currently serviced by well water and public sewer and acquiring this easement will allow the Commission the opportunity to use public water at the new Northeast Region Office building location.

Action:



Exhibit RED 5
Northeast Region Office
 L-3717
 Waterline Easement (20' Wide)
 From
 Robyn Patryce Hanson Saxton
 0.078+/- Acres
 Dallas Township
 Luzerne County
 Northeast Region

C. Exchange

Contract No. L-3718, State Game Land No. 179, Greene County

Commentary: CNX Land, LLC and Consol Mining Company, LLC (Consol) are offering 177.3+/- acres of land in Jackson Township, Greene County adjacent to State Game Land No. 179 as the sixth and final tract of land being offered to the Commission in exchange for a License for Right-of-Way for a 16" waterline on State Game Land No. 245 in East Finley and South Franklin Townships, Washington County, and a License for Right-of-Way for 69kV overhead electric transmission lines on State Game Land No. 179 in Jackson and Gilmore Townships, Greene County (Exhibit RED 6). This Right-of-Way/Land Exchange, and the previous five tracts of land totaling 221.1+/- acres, were approved by the Commission under Contract No. L-3664 at its January 28, 2014, meeting. This final tract of land increases the total acreage to be conveyed to the Commission to a total of 398.4+/- acres.

This final 177.3+/- acres offered by CNX and Consol will serve to expand the acreage of State Game Land No. 179 in an area where mining activities have limited hunter access in recent years. The majority of the tract is hardwood forest with pole stage and some larger marketable timber, but also includes over 30 acres of shrub lands and reverting old fields. A two-acre impoundment has been constructed on the unnamed tributary to Tom's Run that splits the tract north and south, and over five acres of emergent wetlands are present along the floodplain just upstream of the impoundment. Access is available via Jones Road (T-428) which bisects the southern third of this tract.

Action:

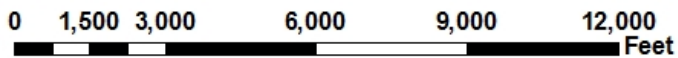
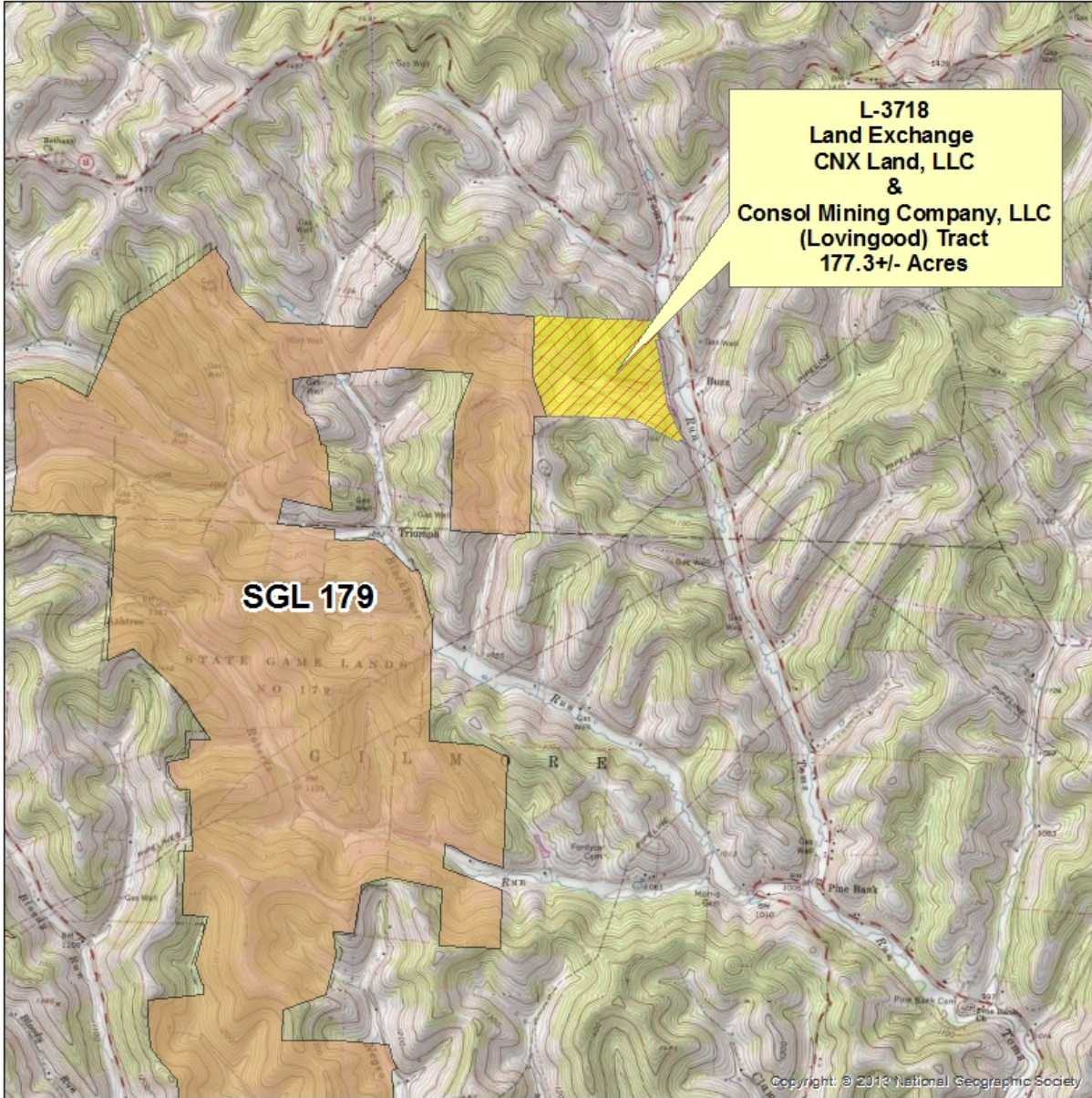


Exhibit RED 6
State Game Land No. 179
L-3718
Land Exchange
CNX Land, LLC
&
Consol Mining Company, LLC
(Lovingood) Tract
177.3+/- Acres
 Jacks on Township
 Greene County
 Southwest Region

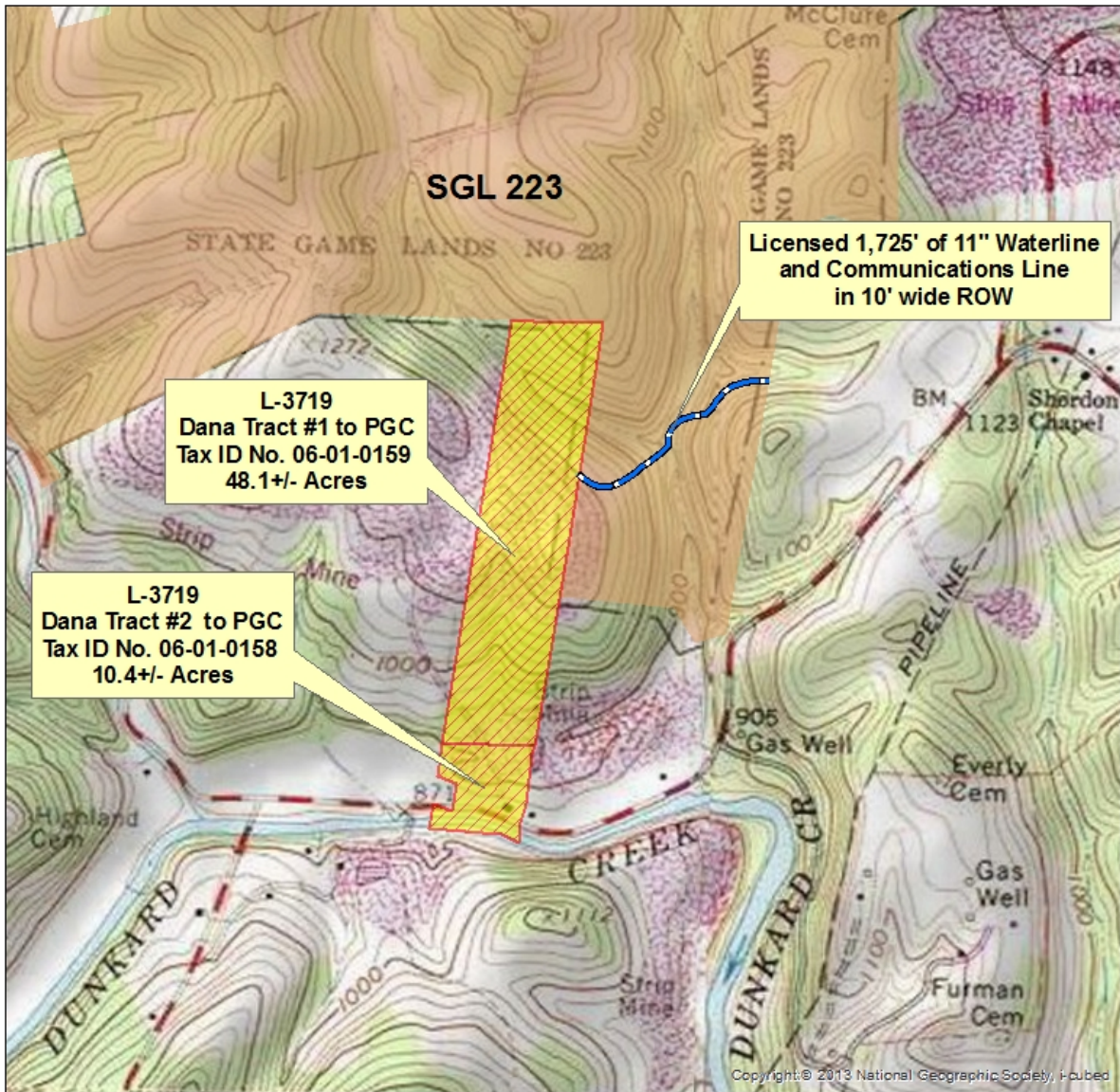
Contract No. L-3719, State Game Land No. 223, Greene County

Commentary: Dana Mining Company of Pennsylvania, LLC (Dana) is offering a total of 58.5+/- acres of land comprised of two tracts located in Dunkard Township, Greene County adjacent to State Game Land No. 223 (Exhibit RED 7) in exchange for a License for Right-of-Way (license) to Dana granting the privilege of constructing, operating, maintaining, and removing a waterline across State Game Land No. 223 in Dunkard Township, Greene County. Dana has agreed to cause to convey this land to the Commission in addition to paying the Commission's standard habitat, surface and timber damages, as well as paying the Commission's standard annual license fee so long as the license remains active.

The license authorizes approximately 1,725' of 11-inch diameter waterline and associated communications line, both to be covered with a minimum of three feet of soil, in a ten-foot wide right-of-way (Exhibit RED 7). Dana is also authorized to use and reclaim approximately 1.19 acres of temporary workspace outside of the right-of-way for initial construction and reclamation.

The contiguous tracts offered by Dana are located adjacent to State Game Land No. 223, and will serve to improve public access by extending the game lands south to Bald Hill Church Road (S.R.2021) and Dunkard Creek. The habitat is mostly hardwood forest with pole stage and some larger marketable timber. There is a dense shrub understory throughout, and approximately one acre of reverting old field. Titus Run crosses the northern tract, and a smaller unnamed tributary to Dunkard Creek flows from the northern tract and discharges into Dunkard Creek within the southern tract. A portion of the northern tract is bisected by an overhead electric distribution line right-of-way, and will also be crossed by the waterline.

Action:



L-3719
 Dana Tract #1 to PGC
 Tax ID No. 06-01-0159
 48.1+/- Acres

L-3719
 Dana Tract #2 to PGC
 Tax ID No. 06-01-0158
 10.4+/- Acres

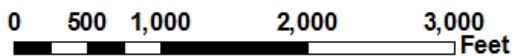
**Licensed 1,725' of 11" Waterline
 and Communications Line
 in 10' wide ROW**

Exhibit RED 7

State Game Land No. 223

L-3719
 Dana Mining Company of PA, LLC
 Tracts #1 & #2 to PGC
 Total of 58.5+/- Acres

Dunkard Township
 Greene County
 Southwest Region



OIL/GAS & MINERALS

- D. Non-Surface Use Oil and Gas Cooperative Agreement
Tract 189A-17, State Game Land No. 189, Beaver County

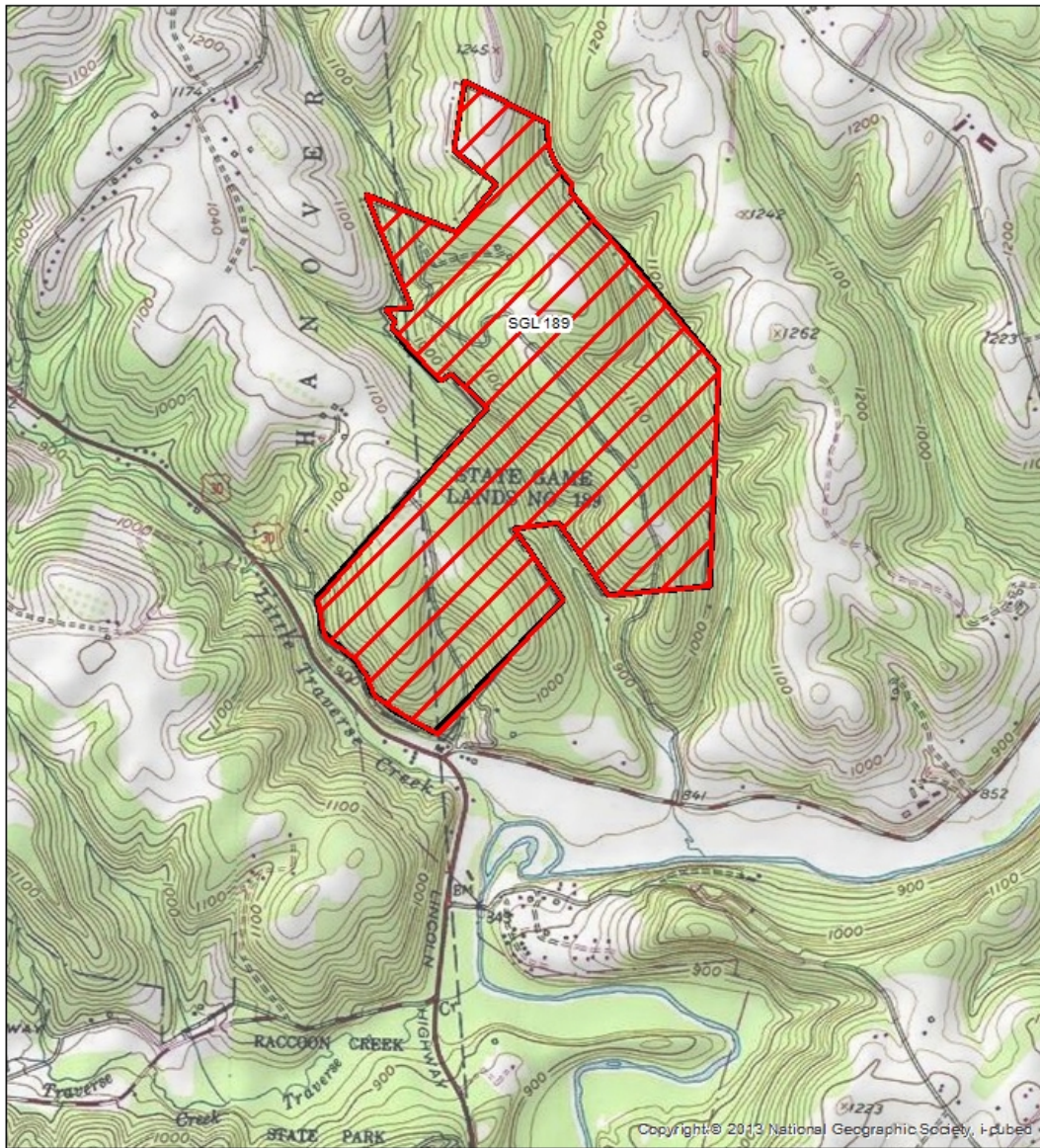
Commentary: Range Resources Appalachia, LLC (Range) requested the Commission offer its oil and gas ownership under a 223.2 acre portion of State Game Land No. 189 for oil and gas development. The proposed tract is located in Hanover and Independence Townships, Beaver County (Exhibit OGM 1).

Range has the only privately owned oil/gas lease hold positions in and around the entirety of State Game Land No. 189. Range has also initiated unconventional well drilling and development programs in the vicinity of the proposed tract and has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no surface disturbance to the proposed state game land tract. The OGM staff has negotiated the terms of the proposed agreement with Range to prudently develop the Commission's oil and gas reserves, while simultaneously safeguarding the wildlife resources and recreational uses of State Game Land No. 189.

The terms of the agreement are a five-year paid up non-surface use oil and gas agreement, a \$3,500 per acre bonus payment and 20% royalty for all oil, gas, and other liquids or condensates produced and sold from the proposed tracts which are owned by the Commission. The bonus payment of \$781,200 may be deposited into the Game Fund or into an interest-bearing escrow account for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties owed the Commission shall be directly deposited into the Game Fund.

Oil and Gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's Standard Non-Surface Use Oil and Gas Cooperative Agreement.

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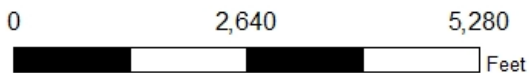


Proposed Tract 189A-17
(223.2 +/- Acres)

EXHIBIT OGM 1
State Game Land No. 189

Non-Surface Use
Oil & Gas Cooperative Agreement
Range Resources Appalachia, LLC
Tract 189A-17
223.2 +/- Acres

Hanover/Independence Twps, Beaver County



OTHER NEW BUSINESS

Next Working Group Meeting Date

Next Commission Meeting Dates

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

Adjournment