# COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA GAME COMMISSION



AGENDA HARRISBURG, PENNSYLVANIA January 30, 2018

Bryan Burlan

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, January 30, 2018, at 2001 Elmerton Ave., Harrisburg, PA 17110 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

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

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

## BUREAU OF WILDLIFE MANAGEMENT

## **PROPOSED RULE MAKING**

A. Amend 58 Pa. Code § 139.4.

<u>Commentary</u>: To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2018-2019 license year. The 2018-2019 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

In regard to small game seasons, the staff is proposing to eliminate the hen pheasant restriction in WMUs 2A, 2C, 4C, and 5B. Staff has determined that allowing harvest of both male and female pheasants in these WMUs is appropriate because they do not contain Wild Pheasant Recovery Areas, there is no evidence that these units are capable of sustaining huntable populations of wild pheasants under current landscape habitat conditions, and either-sex hunting would provide additional hunting opportunity (especially for youth hunters) and allow for more efficient use and distribution of game farm pheasants. The male-only restriction would continue in WMUs 4E and 5A, which contain active Wild Pheasant Recovery Areas.

In regards to black bear seasons, staff is recommending a new 4-day extended firearms seasons in WMUs 4A and 5A and an increase (from 4 to 6 days) in the length of the extended firearms season in WMU 3A. These changes are intended to prevent increases in bear populations and bear-human conflicts within these WMUs.

For furbearers, staff is proposing that 2 WMUs (4B and 4C) be opened to fisher trapping. Fisher population indices in these units are comparable to those in other units where fisher harvest is occurring sustainably, and staff and constituents have recommended this expansion of harvest opportunity.

There are no proposed changes in turkey, deer, or elk seasons.

#### "EXHIBIT A"

#### (SEASONS AND BAG LIMITS TABLE)

#### 2018-2019 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Squirrel</i> – (Combined species) <i>Eligible Junior Hunters only</i> , with or without the required junior license	Sept. 29	Oct. 13	б	18
<i>Squirrel</i> – (Combined species)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 Dec. 24 Feb. 28, 2019	б	18
Ruffed Grouse	Oct. 13 and Dec. 10	Nov. 24 Dec. 24	2	б
<i>Rabbit, Cottontail</i> – <i>Eligible Junior Hunters only</i> , with or without the required junior license	Sept. 29	Oct. 13	4	12
Rabbit, Cottontail	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 Dec. 24 Feb. 28, 2019	4	12

*Ring-necked Pheasant* – There is no open season for the taking of pheasants in the Hegins-Gratz or Franklin County wild pheasant recovery areas.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<b>Ring-necked Pheasant</b> <b>Eligible Junior Hunters only</b> , with or without the required junior license	Oct. 6	Oct. 13	2	6
WMUs 4E and 5A – <i>Male only</i>				
WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C, and 5D - <i>Male or female</i>				
Central Susquehanna Wild Pheasant Recovery Area – <i>Male only</i>	As authorized by E	xecutive Order		
Ring-necked Pheasant	Oct. 20 and	Nov. 24	2	6
WMUs 4E and 5A – <i>Male only</i>	Dec. 10 and	Dec. 24		
WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C, and 5D - <i>Male or female</i>	Dec. 26	Feb. 28, 2019		
Bobwhite Quail	Oct. 13	Nov. 24	8	24
	and Dec. 10	Dec. 24		
	and Dec. 26	Feb. 28, 2019		
Hare (Snowshoe Rabbits) or Varying Hare	Dec. 26	Jan. 1, 2019	1	3
Woodchuck (Groundhog)	No closed season except during the Unlimited regular firearms deer season(s). Hunting on Sundays is prohibited.			d

Species	First Day	Last Day	Daily Limit	Season Limit
Turkey, Fall - Male or Female			1	1
WMU 2B	Oct. 27	Nov. 16		
(Shotgun, Bow & Arrow only)	and Nov. 22	Nov. 24		
WMU 1B	Oct. 27	Nov. 3		
WMUs 1A, 2A, 4A and 4B	Oct. 27	Nov. 3		
	and Nov. 22	Nov. 24		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 27 and	Nov. 10		
51, 52, 50, 52, 10, 12 and 12	Nov. 22	Nov. 24		
WMU 2C	Oct. 27	Nov. 16		
	and Nov. 22	Nov. 24		
WMU 5A	Nov. 1	Nov. 3		
WMU 5B	Oct. 30	Nov. 1		
WMUs 5C and 5D	Closed to fall turkey	hunting		
Turkey, Spring <sup>1</sup> Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 20, 2019	Apr. 20, 2019	1	1
Turkey, Spring <sup>1</sup>			1	2
Bearded Bird only	Apr. 27, 2019	May 11, 2019	May be hunted <sup>1</sup> /2 sunrise to 12 noor	
	and			
	May 13, 2019	May 31, 2019	May be hunted <sup>1</sup> / <sub>2</sub> sunrise to <sup>1</sup> / <sub>2</sub> hour	

#### MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703-712) as published in the *Federal Register* on or about February 28 of each year. Exceptions:

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

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

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Crow</i> (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 14, 2019	Unlimi	ted
Starling and English Sparrow	No closed season ex regular firearms dee		Unlimi	ted
	FALCONR	Y		Field
				Possession
Species	First Day	Last Day	Daily Limit	Limit After Second Day
Species Squirrel – (Combined species)	<b>First Day</b> Sept. 1	<b>Last Day</b> Mar. 30, 2019		Limit After
			Limit	Limit After Second Day
Squirrel – (Combined species)	Sept. 1	Mar. 30, 2019	Limit 6	Limit After Second Day
Squirrel – (Combined species) Quail	Sept. 1 Sept. 1	Mar. 30, 2019 Mar. 30, 2019	Limit 6 8	Limit After Second Day 18 24
Squirrel – (Combined species) Quail Ruffed Grouse	Sept. 1 Sept. 1 Sept. 1	Mar. 30, 2019 Mar. 30, 2019 Mar. 30, 2019	Limit 6 8 2	Limit After Second Day 18 24 6

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

#### WHITE-TAILED DEER

Species	First Day		Last Day	Season Limit
<i>Deer, Archery (Antlered &amp; Antlerless)</i> <sup>2</sup> With the required archery license WMUs 2B, 5C and 5D	Sept. 15 Dec. 26	and	Nov. 24 Jan. 26, 2019	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Archery (Antlered &amp; Antlerless)</i> <sup>2</sup> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Sept. 29 Dec. 26	and	Nov. 10 Jan. 12, 2019	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only)</i> With the required muzzleloading license	Oct. 13		Oct. 20	An antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armo Forces or U.S. Coast Guard	Oct. 18 ed		Oct. 20	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered & Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Nov. 26		Dec. 8	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered only)</i> <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Nov. 26		Nov. 30	One antlered deer.
Deer, Regular firearms (Antlered & Antlerless) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 1		Dec. 8	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> <sup>2</sup> With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26		Jan. 12, 2019	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> <sup>2</sup> With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 26, 2019	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

#### WHITE-TAILED DEER – (Continued)

Season			
Species	First Day	Last Day	Limit
<i>Deer, Extended Regular firearms (Antlerless)</i> Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 26, 2019	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted established by the U Department of the A	nited States	An antlerless deer with each required antlerless license.
	BLACK BI	EAR	Saagan
Species	First Day	Last Day	Season Limit
<i>Bear, Archery</i> <sup>4</sup> WMUs 2B, 5C and 5D	Sept. 15	Nov. 24	1
<i>Bear, Archery</i> <sup>4</sup> WMU 5B	Sept. 29	Nov. 10	1
<i>Bear, Archery</i> <sup>4</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 29	Nov. 3	1
<i>Bear, Muzzleloader</i> <sup>4</sup> WMUs 2B, 5B, 5C & 5D	Oct. 13	Oct. 20	1
<i>Bear, Special firearms</i> <sup>4</sup> Only Junior and Senior License Holders <sup>3</sup> , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces or in the United States Coast Guard, with requir antlerless license WMUs 2B, 5B, 5C & 5D		Oct. 20	1
Bear, Regular Firearms <sup>4</sup> (Statewide)	Nov. 17	Nov. 21	1
Bear, Extended firearms <sup>4</sup> WMUs 3A, 3B, 3C, and 3D	Nov. 26	Dec. 1	1
<i>Bear, Extended firearms</i> <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Nov. 26	Dec. 8	1
<i>Bear, Extended firearms</i> <sup>4</sup> WMUs 1B, 2C, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 28	Dec. 1	1

#### ELK

Species	First Day	Last Day	Season Limit
Elk, Special Conservation Tag <sup>5</sup> and Special-License Tag <sup>5</sup> (Antlered and Antlerless)	Sept. 1	Nov. 10	1
Elk, Regular <sup>5</sup> (Antlered and Antlerless)	Nov. 5	Nov. 10	1
Elk, Extended <sup>5</sup> (Antlered and Antlerless)	Nov. 12	Nov. 17	1

	FURTAKING - TR	APPING			
Species	First Day	Last Day	Daily Limit		Season Limit
Mink and Muskrat	Nov. 17	Jan. 6, 2019		Unlimited	
Beaver	Dec. 26	Mar. 31, 2019			
WMUs 1A, 1B and 3C (Combined)			20		40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5I	D (Combined)		20		20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5I	B (Combined)		5		5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 21	Feb. 17, 2019		Unlimited	
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 17, 2019		Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 15	Jan. 6, 2019	1		1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4B, 4C, 4D and 4E	Dec. 15	Dec. 26	1		1
<i>River Otter, with required otter permit</i> WMUs 3C & 3D	Feb. 16, 2019	Feb. 23, 2019	1		1

#### FURTAKING - HUNTING

Species	First Day	Last Day	Daily Limit		Season Limit
Coyote - (Outside of any big game season)	May be taken with a furtaker's license	a hunting license or		Unlimited	
Coyote - (During any big game season)	May be taken whil or with a furtaker's	e lawfully hunting big license.	game	Unlimited	
Opossum, Striped Skunk, Weasel	No closed season.				
Raccoon and Fox	Oct. 20	Feb. 16, 2019		Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 12, 2019	Feb. 6, 2019	1		1
Porcupine	Sept. 1	March 30, 2019	3		10

No open seasons on other wild birds or wild mammals.

<sup>1</sup>Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

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

 $^{3}$  Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

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

<sup>5</sup> Only one elk may be taken during the hunting license year with the required elk license.

#### B. Amend 58 Pa. Code § 141.28.

<u>Commentary</u>: The Somerset Wild Pheasant Recovery Area (WPRA) was established by the Commission in 2009. From 2009-2011, 964 wild pheasants were trapped and transferred to the WPRA and annual population and habitat monitoring have continued through 2017. Population surveys show that current wild pheasant numbers in this WPRA are very low, and much lower than the initial population at the conclusion of releases. Staff have concluded that due to habitat conditions, weather severity, or a combination of these factors, a huntable wild pheasant population is not achievable or sustainable on this WPRA and that in keeping with guidelines established in the Pennsylvania Ring-necked Pheasant Management Plan for unsuccessful WPRAs, the Somerset WPRA should be dissolved and the area should be re-opened to either-sex pheasant hunting and to the stocking of game farm pheasants.

### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter B. SMALL GAME

(a) *Definition*. For the purpose of this section, the phrase "wild pheasant recovery area" (WPRA) includes and is limited to the following geographic locations.

(1) [Somerset WPRA. That portion of Somerset County, WMU-2C, bounded on the western side starting at the intersection of Coleman Station Rd. and Stutzmantown Rd. proceeding south on Coleman Station Rd., crossing SR 31, to Brotherton Rd., continuing south to Round Hill Rd., then east onto Wills Church Rd., then to Archery Rd. The boundary then follows Berlin Plank Rd. (US Rt. 219) south into the town of Berlin where it joins the Mason Dixon Hwy. (US Rt. 219) proceeding south to Pine Hill Rd. to Walker School Rd. then east on Maple Valley Rd., to Sawmill Rd. to the Cumberland Hwy. (SR 160). The boundary then follows the Cumberland Hwy. (SR 160) south to Salco Rd. and then proceeds north on Salco Rd. to Huckleberry Hwy. (SR 160) in the town of Berlin. The boundary follows Huckleberry Hwy. (SR 160) north, crossing SR 31, to the intersection of Roxbury Rd., then north to Shanksville Rd. The boundary then proceeds north to Stutzmantown Rd., then west to the beginning at the intersection of Coleman Station Rd.

- (2) Central Susquehanna WPRA. Portions of ...
- [(3)] (2) Hegins-Gratz Valley WPRA. That portion of ...
- [(4)] (3) Franklin County WPRA. That portion of ...

\* \* \* \* \*

# **BUREAU OF WILDLIFE PROTECTION**

# **ADOPTED RULE MAKING**

- A. Amend 58 Pa. Code § 147.102.
- <u>Commentary</u>: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 26, 2017, meeting, amended § 147.102 (relating to application, examination and fees) to expand the examination period to year-round testing and to require advance scheduling of examinations.

## ANNEX "A"

# CHAPTER 147. SPECIAL PERMITS

# Subchapter F. FALCONRY

§ 147.102. Application, examination and fees.

\* \* \* \* \*

(b) *Examination*.

\* \* \* \* \*

(3) Examinations will be administered by the Commission at each regional office throughout the permit year. An applicant shall schedule the examination with regional personnel in advance.

#### **PROPOSED RULE MAKING**

#### B. Amend to 58 Pa. Code § 141.4.

Commentary: The Commission is proposing to amend § 141, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2018-2019 hunting license year. The Commission is also proposing to amend § 141.4 (relating to hunting hours) by eliminating the hunting hours closure of mourning dove season prior to noon during the first mourning dove season. The Commission has progressively expanded the length of the first mourning dove season over the past few years and has determined that a simplified hunting hours standard is preferred over a split hunting the now longer first mourning dove season. The elimination of this text will cause hunting hours for mourning dove hunting to default to the hunting hours standard for migratory birds; 1/2 hour before sunrise until sunset.

### CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

#### § 141.4. Hunting hours.

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

\* \* \* \* \*

(4) [Mourning doves may be hunted from 12 noon to sunset from the first season opening date through the first season closing date.

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

\* \* \* \* \*

(See Pennsylvania Meridian Map, Hunting Hours and Migratory Game Bird Hunting Hours Tables)

# HUNTING HOURS TABLE FOR JULY 1, 2018 THROUGH JUNE 30, 2019

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
July 1-7	5:09	9:02	Jan. 6 – 12	6:52	5:21
July 8 – 14	5:14	8:59	Jan. 13 – 19	6:51	5:24
July 15 – 21	5:19	8:54	Jan. 20 – 26	6:48	5:35
July 22 – 28	5:25	8:48	Jan. 27 – Feb. 2	6:43	5:44
July 29 – Aug. 4	5:32	8:41	Feb. 3 – 9	6:37	5:52
Aug. 5 – 11	5:39	8:32	Feb. 10 – 16	6:30	6:00
Aug. 12 – 18	5:45	8:23	Feb. 17 – 23	6:21	6:09
Aug. 19 – 25	5:52	8:13	Feb. 24 – Mar. 2	6:12	6:17
Aug. 26 – Sept. 1	5:58	8:02	Mar. 3 – 9	6:01	6:24
Sept. 2 – 8	6:05	7:51	Mar. 10 – 16 *Begins	6:50	7:32
Sept. 9 – 15	6:12	7:39	Mar. 17 – 23	6:39	7:39
Sept. 16 – 22	6:18	7:28	Mar. 24 – 30	6:28	7:46
Sept. 23 – 29	6:25	7:16	Mar. 31 – Apr. 6	6:17	7:54
Sept. 30 – Oct. 6	6:32	7:05	Apr. 7 – 13	6:05	8:01
Oct. 7 – 13	6:39	6:54	Apr. 14 – 20	5:55	8:08
Oct. 14 – 20	6:46	6:44	Apr. 21 – 27	5:44	8:15
Oct. 21 – 27	6:54	6:34	Apr. 28 – May 4	5:35	8:22
Oct. 28 – Nov. 3	7:02	6:26	May 5 – 11	5:26	8:29
Nov. 4 – 10 <b>**Ends</b>	6:10	5:25	May 12 – 18	5:19	8:36
Nov. 11 - 17	6:18	5:13	May 19 – 25	5:12	8:42
Nov. 18 – 24	6:26	5:09	May 26 – June 1	5:07	8:49
Nov. 25 – Dec. 1	6:33	5:06	June 2 – 8	5:04	8:54
Dec. 2 – 8	6:40	5:06	June 9 – 15	5:02	8:58
Dec. 9 – 15	6:45	5:05	June 16 – 22	5:02	9:01
Dec. 16 – 22	6:49	5:07	June 23 – 30	5:05	9:03
Dec. 23 – 29	6:52	5:10			
Dec. 30 – Jan. 5	6:53	5:15	*Daylight Saving Time	e Begins * -End	ds**

MIGRATORY GAME BIRD HUNTING HOURS TABLE							
2018-2019							
Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.		
Aug. 26 – Sept. 1	5:58	7:32	Dec. 23 – 29	6:52	4:40		
Sept. 2 – 8	6:05	7:21	Dec. 30 – Jan. 5	6:53	4:45		
Sept. 9 – 15	6:12	7:09	Jan. 6 – 12	6:52	4:51		
Sept. 16 – 22	6:18	6:58	Jan. 13 – 19	6:51	4:54		
Sept. 23 – 29	6:25	6:46	Jan. 20 – 26	6:48	5:05		
Sept. 30 – Oct. 6	6:32	6:35	Jan. 27 – Feb. 2	6:43	5:14		
Oct. 7 – 13	6:39	6:24	Feb. 3 – 9	6:37	5:22		
Oct. 14 – 20	6:46	6:14	Feb. 10 – 16	6:30	5:30		
Oct. 21 – 27	6:54	6:04	Feb. 17 – 23	6:21	5:39		
Oct. 28 – Nov. 3	7:02	5:56	Feb. 24 – Mar. 2	6:12	5:47		
Nov. 4 – 10**Ends	6:10	4:55	Mar. 3 – 9	6:01	5:54		
Nov. 11 – 17	6:18	4:43	Mar. 10 – 16 *Begins	6:50	7:02		
Nov. 18 – 24	6:26	4:39	Mar. 17 – 23	6:39	7:09		
Nov. 25 – Dec. 1	6:33	4:36	Mar. 24 – 30	6:28	7:16		
Dec. 2 – 8	6:40	4:36	Mar. 31 – Apr. 6	6:17	7:24		
Dec. 9 – 15	6:45	4:35	Apr. 7 – 13	6:05	7:31		
Dec. 16 – 22	6:49	4:37	*Daylight Saving Time	Begins * Ends	**		

### C. Amend 58 Pa. Code §§ 141.43, 141.44, and 141.47.

<u>Commentary</u>: In an effort to expand hunting opportunities within the Commonwealth, the Commission is proposing to amend §§ 141.43, 141.44, and 141.47 (relating to deer, bear, and elk) to authorize the use of semiautomatic, centerfire shotguns for firearms deer, bear and elk seasons. The Commission has historically permitted the use of semiautomatic shotguns for deer and bear seasons within most areas defined as special regulations areas. The Commission is proposing to extend this authorization to the remainder of the Commonwealth.

#### CHAPTER 141. HUNTING AND TRAPPING

### Subchapter C. BIG GAME

\* \* \* \* \*

§ 141.43. Deer.

(d) Regular and special firearms deer seasons.

(1) Permitted devices. It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

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

(ii) A manually operated <u>or semiautomatic</u>, centerfire shotgun that propels single-projectile ammunition.

\* \* \* \* \*

§ 141.44. Bear.

\* \* \* \* \*

(c) Regular and extended firearms bear seasons.

(1) Permitted devices. It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

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

(ii) A manually operated <u>or semiautomatic</u>, centerfire shotgun that propels single-projectile ammunition.

\* \* \* \* \*

§ 141.47. Elk.

(a) Permitted devices. It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated, centerfire rifle or handgun. The firearm must be a .27 caliber or larger firearm that propels single-projectile ammunition 130 grains or larger.

(2) A manually operated or <u>semiautomatic</u>, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.

Action:

18

## D. Create 58 Pa. Code § 141.29.

<u>Commentary</u>: The Commission is proposing to create § 141.29 (relating to hunting mourning doves over managed fields) to authorize the hunting and taking of mourning doves in areas where grain or other feed has been distributed or scattered solely as a result of manipulation of an agricultural crop or other feed where grown. This authorization will not authorize the hunting of any other species in these managed areas.

# CHAPTER 141. HUNTING AND TRAPPING

# Subchapter B. SMALL GAME

# § 141.29. Hunting mourning doves over managed fields.

(a) Limited hunting authorized. Except as otherwise limited by subsection (b) below, in accordance with the authorization in 50 C.F.R. 20.21 (relating to what hunting methods are illegal), it is lawful to hunt mourning doves on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation. This authorization does not apply to any other species of wildlife.

(b) Limited manipulation of crops authorized. It is lawful to manipulate an agricultural crop or other feed on the land where grown no later than September 15 each license year. In such cases where the manipulation of natural vegetation or agricultural crops is not the result of a normal agricultural operation, the Commission may order the suspension of any further manipulation if the manipulation is causing conflict with other lawful hunting, public safety hazards or detrimental impacts to the health and welfare of any wildlife.

(c) *Definition*. For the purposes of this section, manipulation means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

E. Amend 58 Pa. Code §§ 141.1 and 147.681-147.686.

<u>Commentary</u>: The Commission is proposing to amend § 141.1 (relating to special regulations areas) and eliminate §§ 147.681-147.686 (relating to purpose; permit eligibility and use; operation; records and reports; suspension of baiting sites; and violations) to eliminate the baiting permit and reporting requirements. All other standards and requirements will remain the same.

### CHAPTER 141. HUNTING AND TRAPPING

## Subchapter A. GENERAL

§ 141.1. Special regulations areas.

\* \* \* \* \*

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

(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)] as set forth in this paragraph.

\* \* \* \* \*

(i) Purpose. The purpose of this paragraph is to authorize eligible persons to hunt through the use of or otherwise take advantage of approved bait to enhance the harvest rate of white-tailed deer on private, township or municipal property within the southeast special regulations area where landowners have suffered material damage to their real property and traditional hunting and deer control methods have proven ineffective in controlling local deer populations.

(ii) Operation. Landowners and persons they permit to hunt on their property may hunt through the use of or otherwise take advantage of approved bait for the purpose of enhancing the harvest rate of white-tailed deer. This authorization is subject to the following conditions:

(A) This authorization only applies during regular open hunting seasons for white-tailed deer in the affected portion of each wildlife management unit located on private, township or municipal property within the southeast special regulations area.

(B) A bait site may not be located less than 250 yards from any previously established bait site authorized under this paragraph.

(C) Approved bait may be distributed at each bait site by approved feeders from 2 weeks prior to the opening of the first white-tailed deer season through the close of the last white-tailed deer season within the applicable wildlife management unit.

(D) Approved feeders are limited to sealed, waterproof, automatic, mechanical feeders that are set to distribute bait up to a maximum of three times per day during legal hunting hours only. The feeder must be visibly tagged or labeled with the full name and address of the landowner or an individual authorized by the landowner to use or place the approved feeder.

(E) Bait accumulation at any one bait site may not exceed 5 gallons total volume at any given time.

(F) Approved bait is limited to shelled corn and protein

pellet supplements.

(G) It is the sole responsibility of landowners and persons they permit to hunt on their property to ensure that the area bait site is in compliance with this paragraph prior to hunting in that area.

(H) The landowner and persons they permit to hunt on their property may not, under any circumstances, hunt, take, kill or harvest any game or wildlife other than white-tailed deer at the bait site or coming to and from the bait site.

(iii) Suspension. The Commission may suspend the operation of any bait site if one or more of the following conditions is determined to exist:

lawful hunting.

(A) The baiting activity is causing conflict with other

(B) The baiting activity is causing public safety hazards.

(C) The operation of the baiting site is not in compliance with the requirements of this paragraph.

(D) The operation if the baiting site is detrimental to the health and welfare of any wildlife, including white-tailed deer.

(E) Chronic Wasting Disease has been detected within 10 air miles of the southeast special regulations area. This suspension may remain indefinitely until the Commission determines that resumption of baiting activities will not create an unreasonable future risk of spreading of the disease on the landscape.

(iv) *Violations*. Violations of this paragraph will be prosecuted under section 2308 of the act (relating to unlawful devices and methods).

# CHAPTER 147. SPECIAL PERMITS Subchapter R. DEER CONTROL [DEER ATTRACTANT PERMIT]

[<u>§ 147.681.</u> Purpose.

The purpose of §§ 147.682--147.687 is to authorize eligible persons to hunt through the use of or otherwise take advantage of approved bait to enhance the harvest rate of white-tailed deer on private, township or municipal property within the southeast special regulations area where traditional hunting and deer control methods have proven ineffective in controlling local deer populations.

§ 147.682. Permit eligibility and use.

(a) Application. Deer attractant permits may be issued to private, township or municipal landowners who have suffered material damage to their real property in the southeast special regulations area by white-tailed deer. Permits will be made available through a system established by the Director.

(b) *Hunting*. Deer attractant permits may be utilized by landowners or persons they permit to hunt on their property, or both, who:

(1) Possess a valid hunting license or qualify for applicable license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) for the geographical area including the proposed bait site.

(2) Have no prior record of violations of the act or this title, or related license revocations within the 5 years preceding the date of application.

§ 147.683. Operation.

A deer attractant permit issued under this subchapter authorizes landowners or persons they permit to hunt on their property, or both, to hunt through the use of or otherwise take advantage of approved bait for the purpose of enhancing the harvest rate of white tailed deer. This authorization is subject to the following conditions:

(1) This authorization only applies during regular open hunting seasons for white tailed deer in the affected portion of each wildlife management unit located within the southeast special regulations area.

(2) A proposed bait site may not be located less than 250 yards from any previously established bait site authorized under this subchapter.

(3) Approved bait may be distributed at each bait site by approved feeders from 2 weeks prior to the opening of the first white-tailed deer season through the close of the last white tailed deer season within the applicable wildlife management unit.

(4) Approved feeders are limited to sealed, waterproof, automatic, mechanical feeders that are set to distribute bait up to a maximum of three times per day during legal hunting hours only. The feeder must be visibly tagged or labeled with the landowner's permit number or the full name and address of the landowner.

(5) Bait accumulation at any one bait site may not exceed 5 gallons total volume at any given time.

(6) Approved bait is limited to shelled corn and protein pellet supplements.

(7) A person engaging in privileges authorized by a deer attractant permit shall possess a copy of the permit on their person at all times while exercising the permit privileges and while maintaining the bait site and shall produce the permit upon demand of a landowner upon whose land that person may be occupying or to an officer whose duty it is to enforce this title.

(8) It is the sole responsibility of the landowner or his agent and persons they permit to hunt on their property to ensure that the area bait site is in compliance with this section prior to hunting in that area.

(9) The landowner and persons they permit to hunt on their property may not, under any circumstances, hunt, take, kill or harvest any game or wildlife other than white-tailed deer at the bait site or coming to and from the bait site. Persons not authorized by the landowner to hunt on their property may not, under any circumstances, hunt, take, kill or harvest any game or wildlife at the bait site or coming to and from the bait site.

§ 147.684. Records and reports.

(a) A report of deer harvested at or near a bait station shall be submitted by the hunter in accordance with the requirements of section 2323 of the act (relating to tagging and reporting big game kills).

(b) An annual report of deer harvested under the authority of the permit shall be submitted by the landowner or his agent in the manner specified by the Commission within 30 days of the close of the last open season within the applicable wildlife management unit.

(c) Failure to submit a timely and complete annual report required under this section will automatically render the permittee ineligible to reapply for the permit for the subsequent permit year.

<u>§ 147.685. Suspension of baiting sites.</u>

(a) The Commission may suspend the operation of any bait site if one or more of the following is determined:

(1) The baiting activity is causing conflict with other lawful hunting.

(2) The baiting activity is causing public safety hazards.

(3) The operation of the baiting site is not in compliance with the requirements of §§ 147.682–147.684 (relating to permit eligibility and use; operation; records and reports).

(4) The operation if the baiting site is detrimental to the health and welfare of any wildlife, including white tailed deer.

(b) The Commission may suspend the operation of bait sites authorized under this subchapter upon the detection of Chronic Wasting Disease within the southeast special regulations area. This suspension may remain indefinitely until the Commission determines that resumption of baiting activities will not create an unreasonable future risk of spreading of the disease on the landscape.

§ 147.686. Violations.

Violations of this subchapter will be prosecuted under section 2308 of the act (relating to unlawful devices and methods). Furthermore, the Director may deny, revoke or suspend a permit for violation requirements, standards or limitations of this subchapter upon written notice to the permittee.]

### F. Amend 58 Pa. Code §§ 147.316 and 147.317.

<u>Commentary</u>: The Commission is proposing to amend §§ 147.316 and 147.317 (relating to application; permit) to require junior hunters to obtain a free pheasant permit to hunt pheasants within the Commonwealth. The Commission is also proposing to amend § 147.317 to exempt additional individuals from the pheasant permit requirement, including individuals currently exempted from licensure by statute and also individuals hunting and taking privately acquired propagated pheasants on private lands. This latter change will allow privately acquired pheasants to be hunted and killed on private property without requirement of a pheasant permit or its associated fee. This exemption will not apply to private lands designated by agreeement as cooperative access lands. This exemption will also require that any pheasants hunted, taken or possessed under this paragraph must be banded, tagged, marked or receipted in accordance with the requirements of section 2930 of the act (relating to propagation permits).

## CHAPTER 147. SPECIAL PERMITS

## Subchapter Q. PHEASANT PERMIT

### § 147.316. Application.

(a) *Form and content.* Applications for pheasant hunting permits issued under this subchapter shall be made through the Commission or any of its authorized licenseissuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the applicant's name, address, date of birth and Commission-issued Customer Identification Number, and any other information required by the Commission.

## (b) *Eligibility*.

(1) Adult pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident adult or senior hunting license, or a valid mentored adult hunting permit. The fee for [a] an adult pheasant hunting permit is \$25, plus any applicable transactional and issuing agent fees.

(2) Junior pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident junior hunting license. There is no fee for a junior pheasant hunting permit.

## § 147.317. Permit.

(a) A pheasant hunting permit is required for [an adult] any person to hunt or take pheasants by any means or manner or device, including the use of dogs, in this Commonwealth.

(b) A pheasant hunting permit shall be signed and carried on person when hunting or taking pheasants in this Commonwealth.

(c) This section and subchapter may not be construed to require a permit [for individuals engaged in lawful pheasant hunting activities under a valid commercial or noncommercial regulated hunting grounds issued under section 2928 of the act (relating to regulated hunting grounds permits).] for individuals:

(1) Engaged in lawful pheasant hunting activities under a valid commercial or noncommercial regulated hunting grounds or special retriever training area permit issued under sections 2928 and 2942 of the act (relating to regulated hunting grounds permits; special retiever training areas).

(2) Engaged in lawful dog training activities under a valid dog training area, special retriever area, field dog trial or field dog trial for retrievers permit issued under sections 2941, 2942, 2943 and 2944 of the act (relating to dog training areas; special retriever training areas; field dog trials; and field dog trials for retrievers).

(3) Engaged in the lawful hunting of pheasants they have acquired and released on private lands not otherwise designated as cooperative access lands under sections 709 and 729 of the act (relating to cooperative agreements relating to lands; and public access projects). Any pheasants hunted, taken or possessed under this paragraph must be banded, tagged, marked or receipted in accordance with the requirements of section 2930 of the act (relating to propagation permits).

G. Amend 58 Pa. Code § 135.41.

<u>Commentary</u>: The Commission is proposing to amend § 135.41 (relating to State game lands) to require any person installing, using or occupying an elevated treestand, other similar elevated device or platform to securely attach their person to the tree, treestand or other similar device or platform using a fall restraint device.

## CHAPTER 135. LANDS AND BUILDINGS

## Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

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

\* \* \* \* \*

\* \* \* \* \*

(11) Construct, place, maintain, occupy, use, leave or abandon any structures or other tangible property, except that portable hunting blinds or stands may be used subject to the following restrictions:

\* \* \* \* \*

(v) <u>Any person installing, using or occupying an elevated</u> <u>hunting location, specifically including treestands and other similar devices or platforms shall</u> <u>securely attach their person to the tree, treestand or other similar device or platform using a fall</u> <u>restraint device. For the purposes of this paragraph, a fall restraint device shall mean a full-body</u> <u>safety harness and tether system capable of fully supporting a person's body weight during a fall</u> <u>event.</u>

# BUREAU OF WILDLIFE HABITAT MANAGEMENT

# **ADOPTED RULE MAKING**

- A. Amend 58 Pa. Code §§ 135.2 and 135.48-135.55, and add Chapter 147, Subchapter AA.
- Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 26, 2017, meeting amended §§ 135.2 and 135.48-135.55, and add Chapter 147, Subchapter AA (relating to disabled person access permit) to permit the use of wheelchairs anywhere persons may lawfully walk, define "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 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. Purpose and scope.

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. Definitions.

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<sup>®</sup> 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. State game lands open to wheelchair access.

(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 routes open to mobility devices and motor vehicles.

(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.

(b) Designated routes will be open for use by 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.

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 mobility devices and motor vehicles on designated routes.

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) *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) *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) *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 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) *Spark arrestors required*. All mobility devices powered by an internal combustion engine shall be equipped with a fully functional spark arrestor 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. Transport of passengers restricted.

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. 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 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.

#### **PROPOSED RULE MAKING**

B. Create 58 Pa. Code §§ 135.183, 147.1001 and 147.1003.

<u>Commentary</u>: The Commission is proposing to create § 135.183 (relating to archery ranges) and amend §§ 147.1001 and 147.1003 (relating to purpose and scope; range permit) to authorize the manners of usage of archery ranges established by the Commission. These changes will not include a requirement that induviduals using archery ranges acquire a range permit, hunting or trapping license or meet other exemption criteria.

#### CHAPTER 135. LANDS AND BUILDINGS

#### Subchapter J. SHOOTING RANGES

#### <u>§ 135.183.</u> Archery ranges.

(a) General provisions. In addition to § 135.2 (relating to unlawful actions) the following provisions pertain to lands under Commission ownership, lease or jurisdiction designated as archery ranges:

week.

(1) Archery ranges are open from dawn until dusk each day of the

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. Applications for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range during any period reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range bales when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. An individual using Commission-owned ranges does so at their own risk and assumes all responsibility for injuries to a person or property caused by or to them.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or designee may close a range by posting signs to that effect. An individual or organized group may not use the range during a period when it is posted as closed.

(b) Prohibited acts. At an archery range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Discharge a bow or crossbow from any location on the range other than an established shooting station on the firing line.

(2) Discharge a bow or crossbow at any target other than a paper target placed on a permanent target bale mounted by the Commission. Users are prohibited from intentionally shooting at or damaging the frames, stands or other structures constructed by the Commission to mount permanent target bales.

(3) Discharge any arrow or bolt equipped with a broadhead or other cutting device, except at a broadhead shooting station designated by the Commission.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) Discharge a bow or crossbow more than six times successively if another person is using the range.

(6) Discharge a firearm or use firearm ammunition or other explosive

materials.

(7) Operate, manipulate or discharge a bow or crossbow in negligent disregard for the safety of other persons present at or nearby the range. This is specifically intended to include loading a bow or crossbow, operating or manipulating a loaded bow or crossbow, or discharging a bow or crossbow anywhere on the firing range while another person is downrange.

(8) Use a Commission range in violation of any other requirement of this section or posted signage.

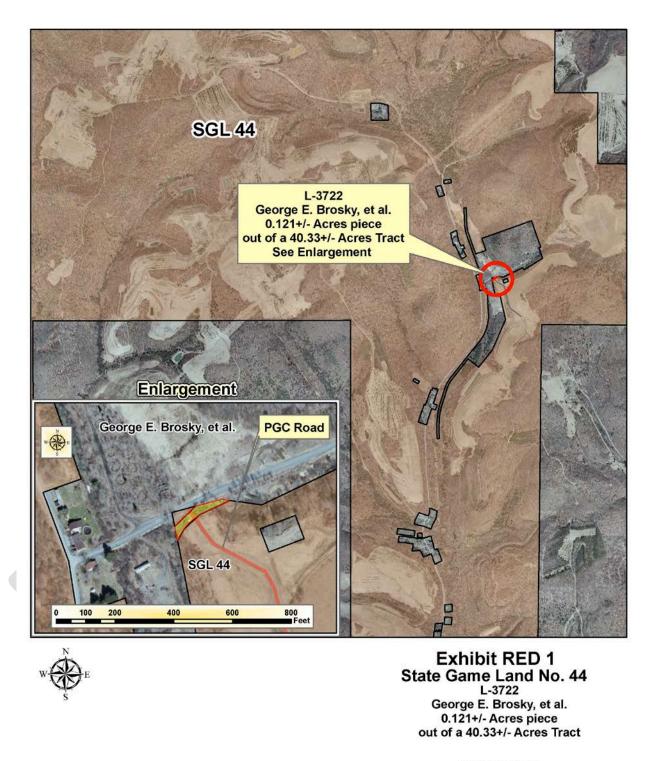
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#### **REAL ESTATE**

#### C. Donation

Contract No. L-3722, State Game Land No. 44, Elk County

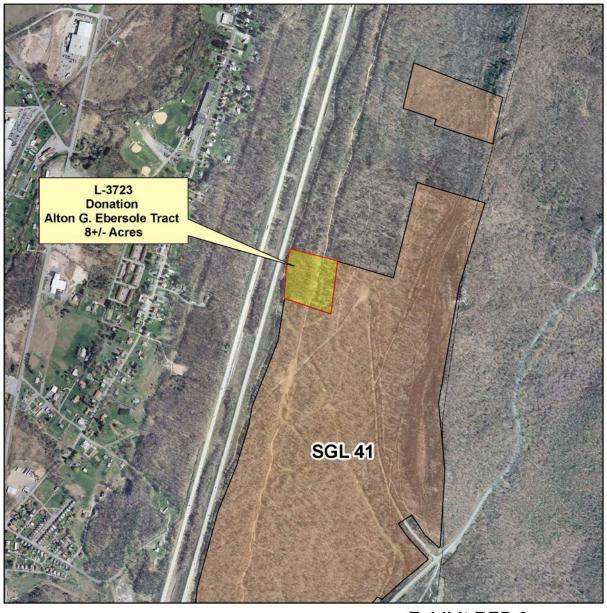
George E. Brosky, George T. Brosky, Paul N. Brosky, Yvonne M. Brosky, Commentary: William T. Brosky and Cynthia L. Williams (referred to as Broskys) are offering to donate right-of-way access across land located in Horton Township, Elk County adjoining State Game Land No. 44 (Exhibit RED 1). During survey work on State Game Land No. 44 it was discovered Broskys own an irregular shaped narrow strip of land which bisects a corner of State Game Land No. 44 preventing access to Drummond Road. The narrow strip contains 0.121 acres of land. The Broskys reserve the right to use the right-of-way provided such use does not impair access to Game Lands. The Commission shall maintain the road, except that any damage done by Broskys due to timber or other heavy truck traffic related to work on their property shall be repaired at the Broskys' cost and The Broskys retained the ability to negotiate with the expense. Commission for fees associated with commercial heavy hauling. Neither party shall be responsible for plowing snow in the winter, but either may do so at their own expense.

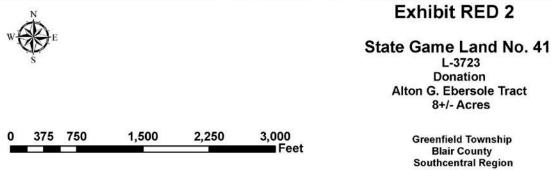


0	750 1,500	3,000	4,500	6,000
				Feet

Horton Township Elk County Northcentral Region Contract No. L-3723, State Game Land No. 41, Blair County

<u>Commentary</u>: Alton G. Ebersole is offering to donate 8+/- acres of land in Greenfield Township, Blair County adjoining State Game Land No. 41 (Exhibit RED 2). The property is forested with mixed northern hardwoods with dogwood, sumac, witch-hazel, and devil's club in the understory. An overhead electric transmission line bisects the tract. Access is through existing State Game Land No. 41.





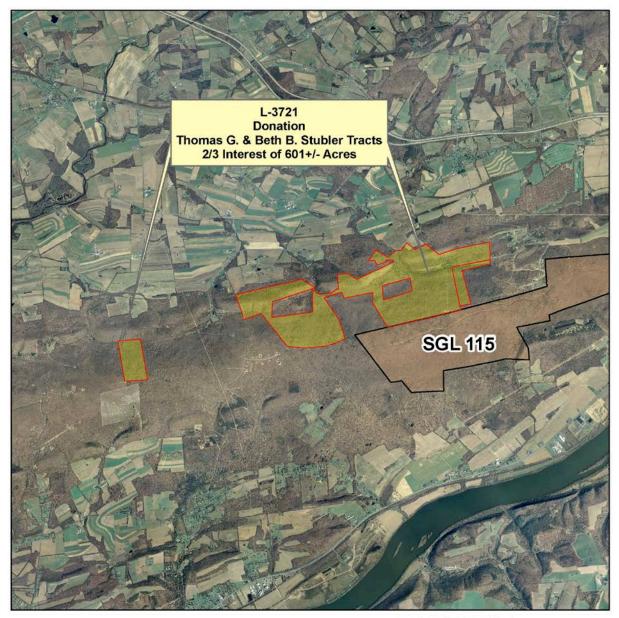
#### D. Notational Vote

Contract No. L-3721, State Game Land No. 115, Montour County

<u>Commentary</u>: The following item was sent to the Board of Game Commissioners on December 15, 2017, for action through a notational vote and was unanimously approved on December 19, 2017.

Thomas G. Stubler and Beth B. Stubler are offering to donate their two-thirds (2/3) interest in 601+/- acres located in Liberty Township, Montour County adjoining State Game Land No. 115 (Exhibit RED 8). The property is located on the north aspect of Montour Ridge, is mostly forested with mixed northern hardwoods, and has blueberry, mountain laurel, and rhododendron in the understory. An over-head electric transmission line bisects a portion of the property. Access is from Oakwood Drive. The Stublers' desire is to donate the property by December 31, 2017, hence the need for a notational vote. Settlement shall be no later than December 31, 2017.

Action: This is an informational item only, therefore no action is required.





# Exhibit RED 8 State Game Land No. 115

L-3721 Donation Thomas G. & Beth B. Stubler Tracts 2/3 Interest of 601+/- Acres

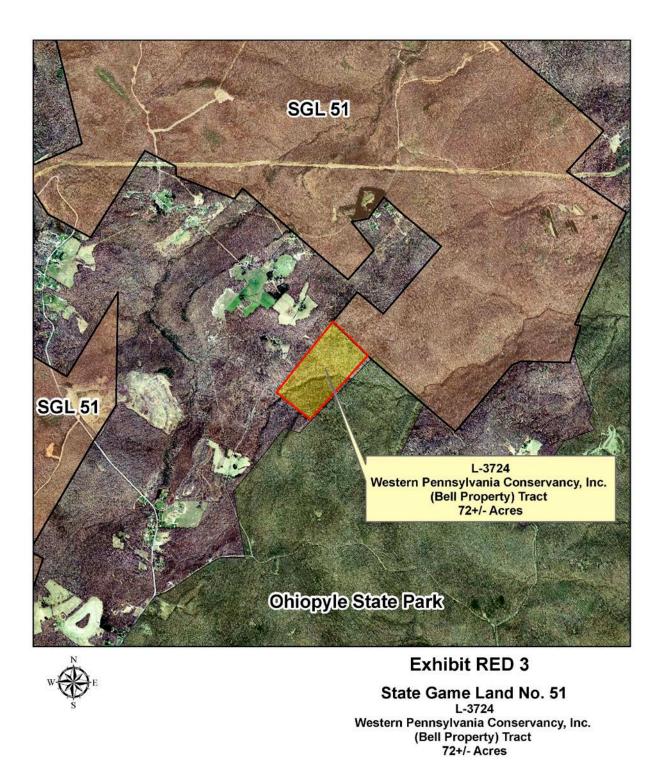
0	2,000 4,000	8,000	12,000	16,000
				Feet

Liberty Township Montour County Northeast Region

#### E. Acquisition

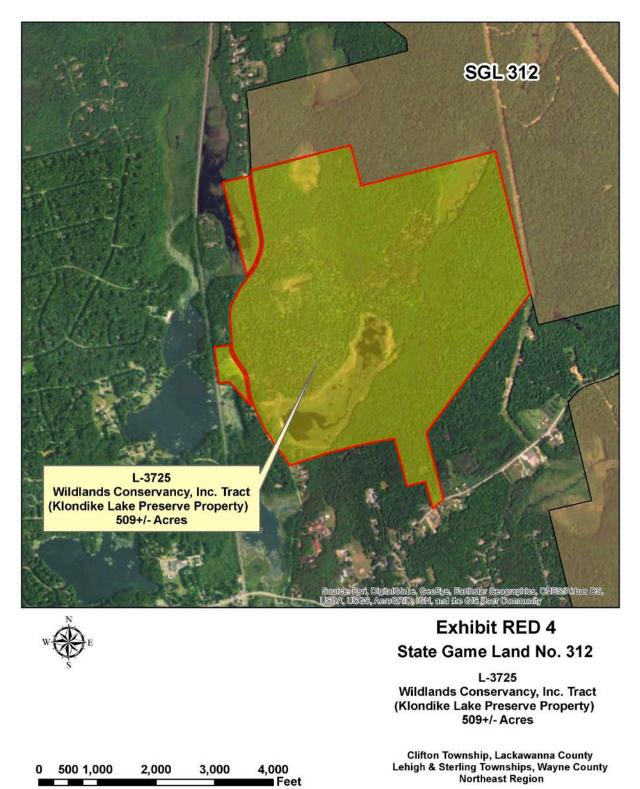
Contract No. L-3724, State Game Land No. 51, Fayette County

<u>Commentary</u>: Western Pennsylvania Conservancy, Inc. is offering 72+/- acres of land in Dunbar Township, Fayette County adjoining State Game Land No. 51 (Exhibit RED 3). The option price is \$70,000 lump sum to be paid by Rice Poseidon Midstream, LLC for compensation of habitat and recreational losses which occurred on state game lands from a previously approved project. The property is forested with mixed hardwoods which were recently cut creating an early successional forest in pole stage. The tract is located within the Youghiogheny Valley, Ohiopyle State Park Important Bird Area and the Chestnut Ridge/Laurel Ridge Important Mammal Area. Bruner Run flows through the property. Ohiopyle State Park adjoins the property along its southeast boundary. Access is through existing State Game Land No. 51.



0 750 1,500 3,000 4,500 6,000 Feet Dunbar Township Fayette County Southwest Region Contract No. L-3725, State Game Land No. 312, Lackawanna and Wayne Counties

Wildlands Conservancy, Inc. is offering 509+/- acres of land in Clifton Commentary: Township, Lackawanna County and Lehigh and Sterling Townships, Wayne County adjoining State Game Land No. 312 (Exhibit RED 4). The option price is \$290,000 lump sum to be paid with funds from third party commitments for compensation of habitat and recreational losses which occurred on state game lands from previously approved projects. The property is forested with northern hardwoods and hemlock and spruce in wetland areas, plus approximately 15 acres of forest openings. Located at the headwaters of the Lehigh River, the section of the main stem of the Lehigh River flowing through the middle of the property is designated as an Exceptional Value waterway by the Pennsylvania Department of Environmental Protection. The property contains 2.5 miles of streams with over 230 acres of high-quality riparian and wetland habitat, including a 45acre former impoundment created by a man-made dam which has been drawn down. Multiple plant species listed as Pennsylvania Threatened and Species of Special Concern are known to occur on the site. The habitat is conducive to support snowshoe hare. Access is from Lehigh Road and Route 507.

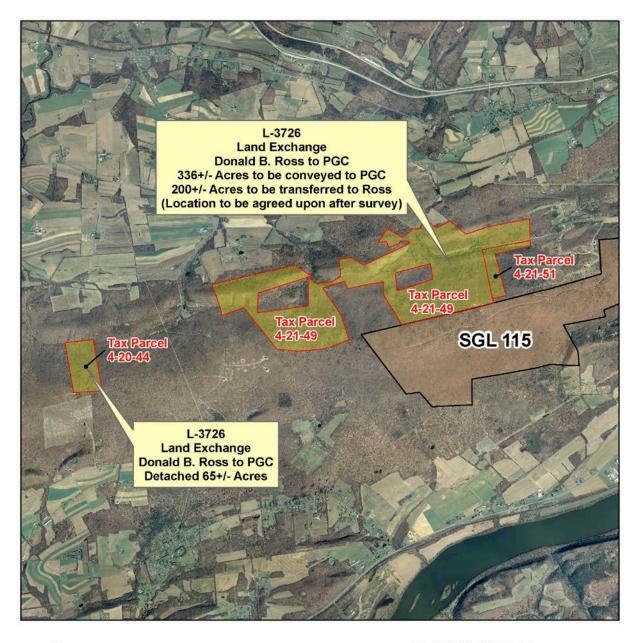


#### F. Exchange

Contract No. L-3726, State Game Land No. 115, Montour County

Commentary: Donald B. Ross (Ross) is offering to exchange his one-third (1/3) interest in two-thirds (2/3) of 601+/- acres of land located on the north aspect of Montour Ridge in three tracts in Liberty Township, Montour County referenced as Montour County Tax Parcels Numbers 4-20-44, 4-21-49, and 4-21-51. Two of the tracts adjoin State Game Land No. 115 (Exhibit RED 5). In exchange, the Commission will transfer to Ross a two-thirds (2/3) interest in one-third (1/3) of the 601+/- acres. The portion of the property acquired by Ross will generally be the northern portion of Tax Parcels Numbers 4-21-49 and 4-21-51 which consist of approximately 536+/- acres. The Commission will generally acquire the southern portion of Tax Parcel Numbers 4-21-49 and 4-21-51, as well as, all of Tax Parcel Number 4-20-44 consisting of 65+/- acres. Conveyance will be based on actual acres. After the conveyance area is delineated, Ross will own 200+/ acres and the Commission will own 401+/- acres. The Commission's 401+/- acres will consist of 65+/- acres of Tax Parcel 4-20-44 and the remaining 336+/- acres of Tax Parcels Numbers 4-21-49 and 4-21-51 which adjoin State Game Land No. 115. The property is forested with mixed northern hardwoods with blueberry, mountain laurel, and rhododendron in the understory. An overhead electric transmission line bisects Tax Parcel Numbers 4-21-49 and 4-21-51. Access is from Oakwood Drive.

> The effect of this transaction, when consummated, would be to eliminate the undivided ownership and provide 100% ownership control to the Commission and Ross for the acreage remaining in their respective ownership.





0 1,600 3,200

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6,400

9,600

### Exhibit RED 5 State Game Land No. 115

L-3726 Land Exchange Donald B. Ross 401+/- Acres to PGC 200+/- Acres to Ross

Liberty Township Montour County Northeast Region

12,800 Feet Contract No. L-3727, State Game Land No. 172, Bradford County

<u>Commentary</u>: Appalachia Midstream Services, LLC (Appalachia) is offering 17.14+/- acres of land in Wilmot Township, Bradford County adjacent to State Game Land No. 172 (Exhibit RED 6) in exchange for a License for Right-of-Way (License) granting the privilege of constructing, operating, maintaining, and removing a natural gas pipeline on State Game Land No. 36 in Monroe Township, Bradford County. Appalachia has agreed to subdivide and convey this land to the Commission in addition to paying the Commission's standard habitat, surface and timber damages, the Commission's standard annual license fee so long as the license remains active, and providing an additional \$315,000 for the acquisition of additional land by the Commission.

The License authorizes 5,564' of 16-inch natural gas pipeline in a 50' wide right-of-way (Exhibit RED 7). Appalachia is also authorized to use and reclaim approximately 0.79 acre of temporary workspace outside of the right-of-way for initial construction and reclamation.

The habitat of the tract offered by Appalachia is a mix of reverting fields and woodlots. Access is through existing State Game Land No. 172.



## Exhibit RED 7

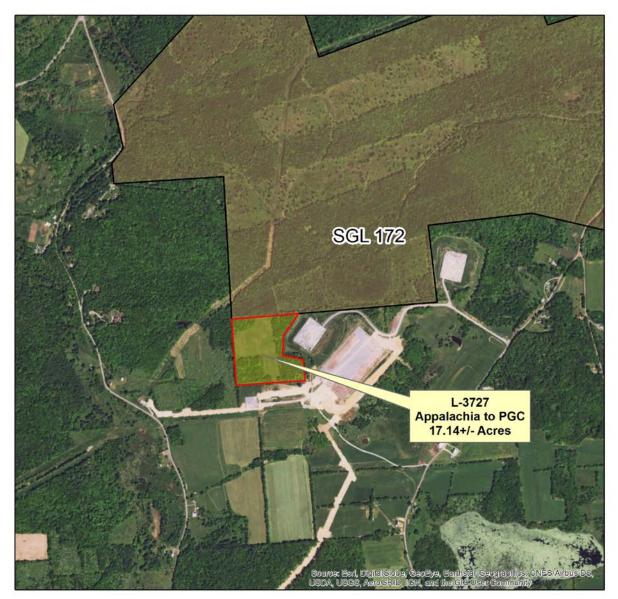


## State Game Land No. 36

L-3727 License to Appalachia Midstream Services, LLC (Appalachia) ROW License/Land Exchange

0	500	1,000	2,000	3,000

Monroe Township Bradford County Northeast Region



# Exhibit RED 6



### State Game Land No. 172

L-3727 Appalachia Midstream Services, LLC (Appalachia) to PGC 17.14+/- Acres ROW License/Land Exchange

3,000 \_\_\_\_ Feet 500 1,000 2,000

Wilmot Township Bradford County Northeast Region

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#### **OIL/GAS & MINERALS**

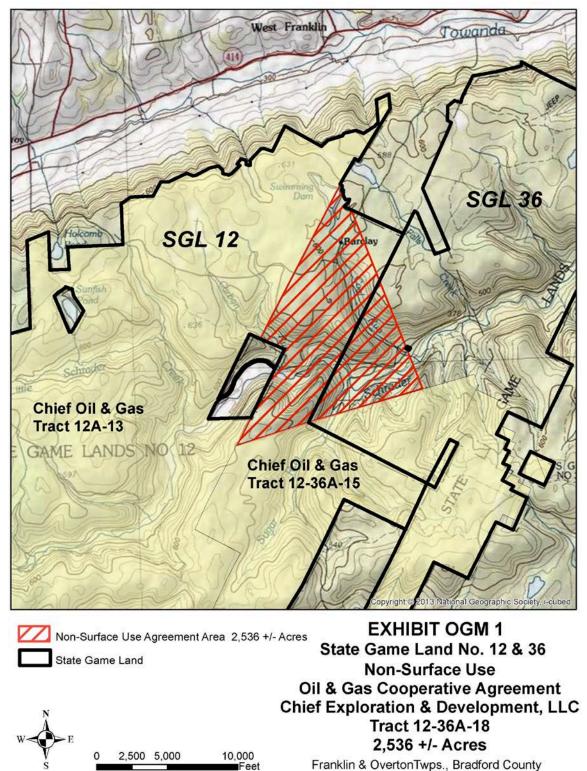
G. Non-Surface Use Oil and Gas Cooperative Agreement Tract 12-36A-18, State Game Land No. 12 and 36, Bradford County

<u>Commentary</u>: Chief Exploration & Development LLC (Chief) of Dallas, Texas has requested the Commission offer its oil and gas rights under a portion of State Game Land No.'s 12 and 36 for non-surface use development. The proposed tract, containing approximately 2,536+/- gross acres, is located in Franklin and Overton Townships, Bradford County (Exhibit OGM 1).

Chief currently holds agreements to operate on approximately 25,951 acres of State Game Land No's 12 and 36 consisting of both Commission owned and severed gas rights. Chief will access the 2,536-acre reserve from its current and planned drilling operations on adjacent areas of State Game Land No's 12 and 36 by horizontal drilling with no additional surface use or disturbance to the game lands. OGM staff has negotiated the proposed terms of the agreement with Chief in an effort to prudently develop the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No.'s 12 and 36.

The terms of the agreement are a five-year paid-up Non-Surface Use Oil and Gas Agreement, a \$2,350 per net oil and gas acre bonus payment and 21% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment of approximately \$5,959,600 may be deposited either into the Game Fund or into an interest-bearing escrow account to be used for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. The payment will be made in two installments of \$2,979,800. The first payment will be made in July 2018 and the second will be due in July 2019. 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 Restricted Surface Use Oil and Gas Cooperative Agreement.



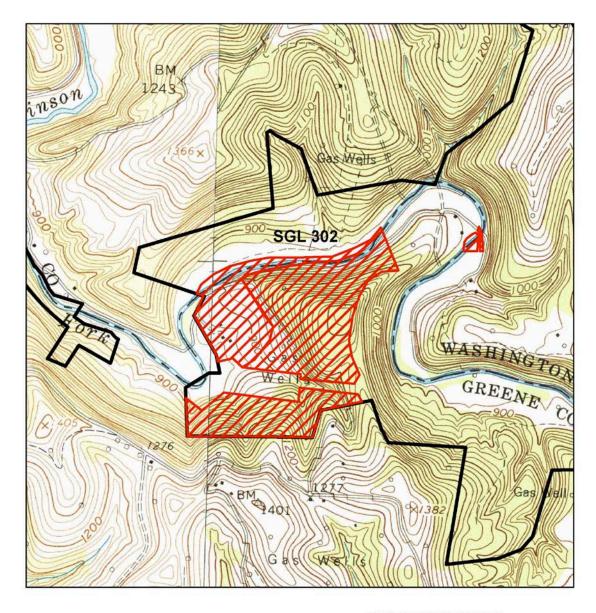
Franklin & OvertonTwps., Bradford County Northeast Region  H. Non-Surface Use Oil and Gas Cooperative Agreement Tract 302A-18, State Game Land No. 302, Washington/Greene Counties

<u>Commentary</u>: CNX Gas Company, LLC (CNX) of Canonsburg, Pennsylvania has requested the Commission offer its oil and gas rights under a portion of State Game Land No. 302 for non-surface use development. The proposed tract, containing approximately 103 +/- gross acres, is located in West Finley Township, Washington County and Richhill Township, Greene County (Exhibit OGM 2).

CNX has a strong, privately-owned oil/gas lease position surrounding this portion of State Game Land No. 302. They have initiated unconventional well drilling and development in the vicinity of the proposed tract, and also have the ability to unitize and develop the Commission's oil and gas reserve under the proposed tract by horizontal drilling with no surface use or disturbance to the game land. OGM staff has negotiated the proposed terms of the agreement with CNX in an effort to prudently develop the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No. 302.

The terms of the Agreement are a five-year paid-up Non-Surface Use Oil and Gas Agreement, a \$4,500 per net oil and gas acre bonus payment and 19% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment of approximately \$454,500 may be deposited either into the Game Fund or into an interestbearing escrow account to be used 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 Restricted Surface Use Oil and Gas Cooperative Agreement.





Non-Surface Use Agreement Area 103 +/- Acres State Game Land

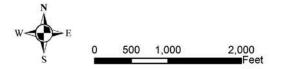


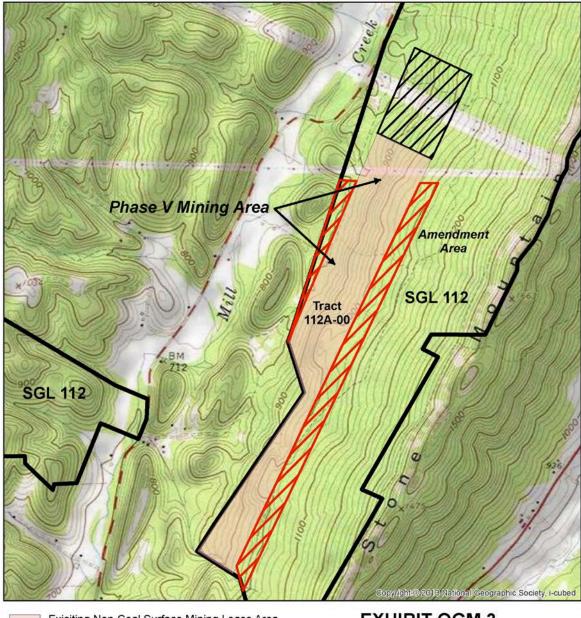
EXHIBIT OGM 2 State Game Land No. 302 Non-Surface Use Oil & Gas Cooperative Agreement CNX Gas Company, LLC Tract 302A-18 103 +/- Acres Richhill Twp., Greene County West Finley Twp., Washington County Southwest Region

- I. Non-Coal Surface Mining Lease Amendment; U.S. Silica Company. Tract 112A-00, Brady Township, Huntingdon County
- <u>Commentary</u>: U.S. Silica Company of Mapleton Depot, PA has requested an amendment to Lease Tract 112A-00 to add 65.5 support acres on a portion of State Game Land No. 112 located in Brady Township, Huntingdon County (Exhibit OGM 3). The additional acres are needed for erosion and sedimentation control structures and haul roads for proposed Phase V mining that is within the existing Agreement area.

In exchange for the additional acreage, and to offset the surface impact to the Game Land, U.S. Silica will:

- Convey two parcels of land totaling 79 +/- acres valued at \$72,000 (Exhibit OGM 4).
- Pay for surface damages in herbaceous (approx. 35.5 acres) and forested (approx. 30 acres) areas at \$1600/acre and \$1728/acre, respectively.
- Pay current market value for timber at double stumpage rate.
- Provide public and administrative right-of-way access to State Game Land No. 112 across approx. 0.7-mile of a 172-acre tract owned by U.S. Silica (Exhibit OGM 5).
- Provide the Commission up to 5,000 cubic yards of waste rock material of specific size and shape from mining operations, if available, for creating wildlife habitat. U.S. Silica has also committed to a future project or resources that would further enhance Game Land habitat.

All payments will be deposited into the Game Fund. Mining will continue to be regulated by the Commonwealth's Mining Regulations and the Commission's existing Non-Coal Surface Mining Lease with U.S. Silica.



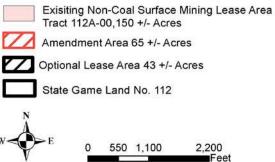
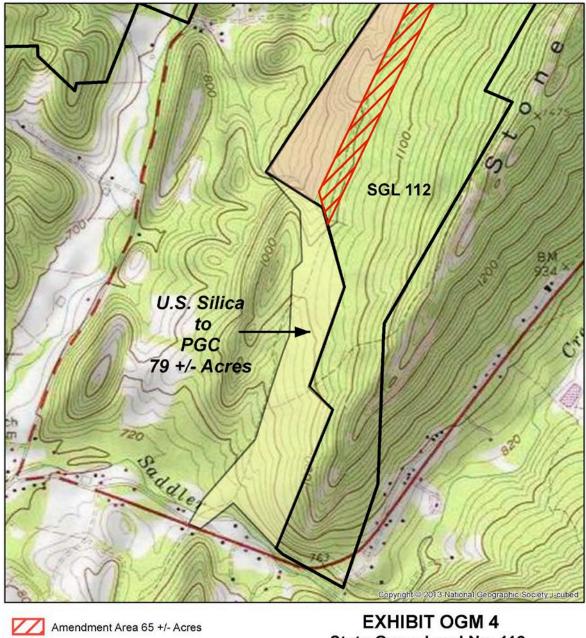


EXHIBIT OGM 3 State Game Land No. 112 Non-Coal Surface Mining Lease Amendment 65 acre Additional Support Area U.S. Silica Tract 112A-00

> Brady Twp., Huntingdon County Southcentral Region



State Game Land No. 112

Exisiting Non-Coal Surface Mining Lease Area Tract 112A-00,150 +/- Acres

U.S. Silica parcel to PGC 79 +/- Acres

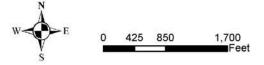
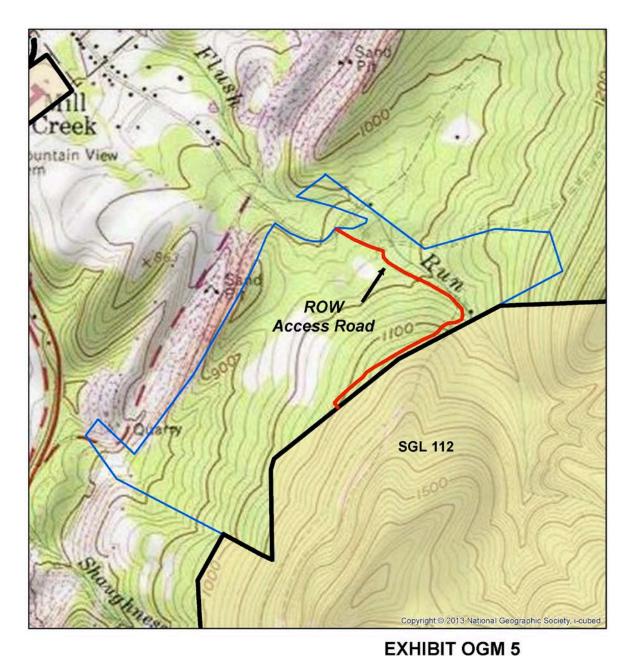
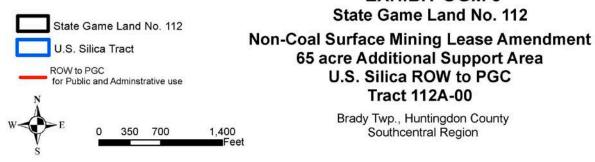


EXHIBIT OGM 4 State Game Land No. 112 Non-Coal Surface Mining Lease Amendment 65 acre Additional Support Area U.S. Silica Tract 112A-00 Brady Twp., Huntingdon County Southcentral Region





## **OTHER NEW BUSINESS**

Next Working Group Meeting

Proposed Commission Meeting Dates:

Election of Officers

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

Adjournment