



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
January 26, 2010

Carl G. Roe
Executive Director

Table of Contents

Call to Order 1

Pledge of Allegiance 1

Roll Call of Commissioners..... 1

Approval of Minutes of Meeting held October 6, 2009..... 1

BUREAU OF WILDLIFE MANAGEMENT

A. State Wildlife Grants Program - PA Breeding Bird Atlas Analysis 2

B. Policy Update - Use of Fertility Control Agents in Wildlife Management 3-4

PROPOSED RULE MAKING

C. Amend 58 Pa. Code, §139.4 5-15

D. Amend 58 Pa. Code, §141.1 16-17

E. Amend 58 Pa. Code, §§141.48 and 143.206..... 18-19

F. Amend 58 Pa. Code, §141.62 20

G. Amend 58 Pa. Code, §141.66 21

H. Amend 58 Pa. Code, §147.701 22-24

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULEMAKING

A. Adoption of proposed amendments to Chapter 137, §137.1 25-26

B. Adoption of proposed amendments to Chapter 141, §141.22 27-29

C. Adoption of proposed amendments to Chapter 147, §§147.902 and 147.904..... 30-31

PROPOSED RULEMAKING

D. Amend 58 Pa. Code, §141.4 32-34

ADMINISTRATIVE HEARINGS

E. Administrative hearings concerning the revocation of hunting and furtaking privileges 35

BREAU OF WILDLIFE HABITAT MANAGEMENT

PROPOSED RULEMAKING

A. Amend 58 Pa. Code, §135.1, and by adding Subchapter M to Chapter 135 36-37

REAL ESTATE

B. Donation

Contract No. 3560, State Game Land No. 292, Luzerne County38-39

C. Land Exchanges

Contract No. 3561, State Game Land No. 284, Mercer County

Contract No. 3562, State Game Land No. 232, Washington County40-42

OIL/GAS & MINERALS

D. Oil & Gas Lease/Land Exchange,

State Game Land No. 179, Greene County.....43-46

E. Surface Mining Coal Lease Offering Land Exchange,

State Game Land No. 79, Cambria County47-49

BREAU OF ADMINISTRATION

PROPOSED RULEMAKING

A. Amend 58 Pa. Code, §143.45 50

Other New Business..... 51

Proposed Commission Meeting Dates 51

Election of Officers..... 51

Executive Session, if necessary, will be held immediately following the close of the
Commission Meeting..... 51

Adjournment 51

Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, January 26, 2010 at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Gregory J. Isabella, President
James J. Delaney, Jr., Vice President
Ronald A. Weaner, Secretary
Thomas E. Boop
David W. Schreffler
David J. Putnam
Robert W. Schlemmer
Ralph A. Martone

Approval of Minutes of Meeting held October 6, 2009.

BUREAU OF WILDLIFE MANAGEMENT

A. State Wildlife Grants Program – PA Breeding Bird Atlas Analysis

Commentary: Congress has appropriated funds under the State Wildlife Grants Program (SWG) directly and exclusively to state wildlife agencies for "wildlife species of the greatest conservation concern." Pennsylvania is eligible to receive these funds for fish and wildlife projects under the SWG program.

After 6 years and over 92,000 hours of fieldwork, Pennsylvania birders have completed the most detailed and comprehensive survey of breeding bird distribution and abundance ever completed in the Commonwealth. This data updates the status of endangered and threatened birds and document changes of all the state's 190+ breeding birds since the first, Atlas in the 1980s. The fieldwork for this project was funded predominately with federal funds through State Wildlife Grants (SWG).

Analysis and interpretation of this massive data set is ongoing under guidance of two researchers, Dr. Andy Wilson and Bob Mulvihill, but pursuit of outside funds to complete the effort and publish the results has been unsuccessful to date due to the current economic climate. Up to \$100,000 of additional SWG funds are needed to support the work of these researchers through 2010 to complete the analysis and interpretation of the data for use in management and conservation, and to prepare the final report.

This project will not require any net reduction in the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using SWG funds.

Recommendation: The Executive Director and staff recommend approval of \$100,000 of State Wildlife Grants monies to the Carnegie Museum of Natural History in support of the PA Breeding Bird Atlas Analysis project.

Action:

B. Policy Update – Use of Fertility Control Agents in Wildlife Management

Commentary:

The national registration process for mammalian gonadotropin releasing hormone (GnRH, and the product GonaCon), a fertility control agent intended for use in controlling white-tailed deer in urban and suburban settings, has been completed. This product has been registered by the U.S. Environmental Protection Agency as a restricted use pesticide; restrictions limit use to USDA APHIS Wildlife Services and state wildlife agency personnel. Use in any state jurisdiction will require advance state registration of GonaCon for use in the state, which would be done in Pennsylvania through the Department of Agriculture. EPA has issued a health effects statement for this product that essentially says there is no human health concern.

Given the number of deer-human conflicts in many communities across the Commonwealth and the public interest in improved urban deer control, many citizens and public officials and managers likely will view this new product as a viable option for their deer management issues. The Commission staff has reviewed the existing agency policy manual and found it silent with respect to these products. To promote a clear public expectation as to Commission policy relative to the use of fertility control agents in the Commonwealth with respect to wildlife population control the following policy statement was formulated and is presented for adoption.

**PENNSYLVANIA GAME COMMISSION
POLICY MANUAL**

Natural Resource Conservation

WILDLIFE MANAGEMENT	
2.30	Actions
2.31	Management

2.30 Actions

E. Fertility Control Agents

Where safe and appropriate, hunting always is the primary method used to manage wildlife populations in all environments. The Game Commission recognizes that species overabundance in localized or isolated areas is often largely influenced by landscape features and human manipulation of the environment, and these factors may not be easily modified. Therefore, when hunting methods are not adequately controlling wildlife populations, the Game Commission considers alternate methods that complement current

management efforts including properly approved and registered fertility control agents. Fertility control agents are only to be used in conjunction with hunting and other wildlife management methods because contraception alone cannot reduce wildlife populations to healthy or socially acceptable levels.

Application of any wildlife fertility control will be based on appropriate science and species population biology. Educational efforts to disseminate information on scientifically sound solutions for reducing problems with overabundant wildlife, including limitations of wildlife fertility control will be made available to the public. If fertility control agents prove to be safe, humane, and effective methods for resolving human-wildlife conflicts associated with overabundant species, the Game Commission may authorize their use.

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

Action:

PROPOSED RULE MAKING

C. Amend 58 Pa. Code, §139.4.

Commentary:

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 2010-2011 license year. The 2010-2011 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth.

Two changes are proposed for small game seasons. As requested by Commissioner Delaney this past July we have considered and are proposing a special cottontail rabbit junior hunter season that coincides with the ring-necked pheasant junior hunter season in early October. Most people agree that one of the best ways to introduce youth to hunting and encourage their continued participation is via small game hunting. Rabbits are an underutilized game mammal. We also have proposed closing the bobwhite quail season statewide, but allow releases of captive raised quail for hunting by permit on a case-by-case basis. We have significant evidence that bobwhite quail populations have declined dramatically in the state since 1966. We also are concerned that the continued release of pen reared bobwhite quail may have negative impacts on remaining isolated quail populations. The first step toward recovery of the Northern Bobwhite is to close the season statewide. Work is currently underway to complete a state bobwhite quail plan that carefully reviews the status and trend of Pennsylvania's quail population, restoration potential, and management practices. Given the diminished status of wild quail populations, and our ongoing work to complete and implement a bobwhite quail management plan we believe the timing is appropriate to close the quail season.

Several changes are proposed for fall and spring wild turkey seasons. A new hen turkey harvest and survival rate study that is beginning in 2010 is designed to determine the effect of fall turkey season length on turkey harvest rates. The research design calls for a 3 week season for 2010 and 2011 in WMUs 2F and 2G, and then it decreases to a 2 week season for 2012 and 2013; and a 2-week season for 2010 and 2011 in WMUs 2C, 2E, 4A, 4B and 4D, which increases to 3-weeks for 2012 and 2013. To implement this study we have proposed to add a week of fall hunting for WMU 2F and decrease by 1 week the fall season for WMU 4D. The increased fall season length in WMU 2F also will address the request we've heard to increase the season to provide more recreational activities to camp owners in this WMU. WMU 4D has shown a pattern of adverse effects from 3 week fall seasons and this research study is being conducted

to address this issue and determine if changing season length has the desired effect on harvest rates.

The fall turkey season in WMU 5A has been closed for seven years and has now improved enough to recommend reopening the season in 2010. The summer sightings and spring harvest density trends suggest that the population has stabilized and can withstand a conservative fall harvest, which is consistent with the management plan to recommend opening a fall turkey season that has been closed when population indices indicate no population growth after 5 years. For these reasons, we are proposing a conservative, three day, mid-week (Tuesday—Thursday) fall turkey season for 3 years in WMU 5A beginning 2010, while continuing to monitor population indices to determine how well the population can withstand the harvest.

The fall turkey seasons in WMUs 5C and 5D were shortened to 4 days in 2009 due to concerns of decreasing population trends, and although we usually monitor changes for 3 years before making additional recommendations, population indices suggest the populations here have declined substantially since 2001-2005. These WMUs warrant additional protection by closing the fall either-sex turkey season.

The final turkey season change is a proposal to change the closing day of the spring season to May 31. This date provides additional recreational hunting without impacting the resource because disturbance of hens would be minimal since most hens would be in their later stages of nest incubation.

The availability of deer harvest data is not anticipated until March, therefore the only proposed deer season change is to eliminate the two weeks following the regular firearms season that lead up to Christmas in WMUs 2B, 5C and 5D. There is no evidence that this season has increased the deer harvest, increased the proportion of deer harvested by firearms, or increased hunter effort. This change will simplify opening and closing dates of seasons, which are confusing to many hunters.

Several bear hunting season changes are proposed. Bear populations are in great shape throughout much of the state. We are proposing to expand the archery bear season to a full week, Monday through Saturday preceding the opening of the statewide firearms bear season. Archery bear harvest has consistently been below 5 percent of the total harvest.

We recommend that extended bear hunting be reopened in both WMU 3C and 3D in 2010. The northeast region reports that human-bear conflicts remain high in both of these WMUs and there is a desire to further reduce local bear abundances. Extended hunting was closed in WMU 3C in 2009 because of insufficient data, but the number of bears tagged for monitoring improved significantly this year. Extended hunting was closed in WMU

3D in 2008 after 6 consecutive years of extended hunting, which reduced population estimates by approximately half. Population estimates in 2009 were similar to 2008 in WMU 3D, suggesting that population declines have slowed or stabilized. In WMU 3C, population estimates do not appear to have decreased by the same magnitude, therefore we recommend extended hunting be open Monday through Saturday. Because populations in WMU 3D remain at approximately half what they were prior to 2002 when extended hunting began, and because two-thirds of WMU 3D residents want the bear population to stay the same as current levels (the highest percentage among all WMUs), we recommend that WMU 3D be open Wednesday through Saturday for extended hunting.

Finally for bears, we acknowledge that human-bear conflicts in the city of Bradford were at intolerable levels this year, and numerous requests to reduce local bear abundance were made by agency, community, and legislative leaders, therefore we recommend the regular bear season in WMU 3A be expanded to include Wednesday through Saturday during the deer season.

This amendment to §139.4 includes an extended elk season proposal that would permit elk licensees who were unsuccessful during the regular elk season to take any elk outside the state's elk management area during a one week period following the regular season. Checking, tagging, kill site marking requirements would be the same as the regular season.

Concerning furbearer seasons, we propose that season length be used to regulate bobcat taking in specified WMUs. We have proposed a shorter (three week) hunting and trapping season in 2010-2011 and participation by all licensed furtakers. All indices suggest that bobcat populations have increased significantly during previous years under regulated taking. Additionally, we are proposing a new, "experimental" fisher trapping season. Our recommendation is to proceed cautiously with a short, six day season in select WMUs to allow us to assess trapper effort and harvest success, and provide additional biological samples for demographic and genetic analyses.

Recommendation: The Executive Director and staff recommend the Commission approve the proposed 2010-2011 seasons and bag limits amendment to §139.4 as described in the attached table.

Action:

(SEASONS AND BAG LIMITS TABLE)

2010-2011 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 First Day
<i>Squirrels</i> – (Combined species) <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 15	6	12
<i>Squirrels</i> – (Combined species)	Oct. 16 and Dec. 13 and Dec. 27	Nov. 27 Dec. 23 Feb. 5, 2011	6	12
<i>Ruffed Grouse</i>	Oct. 16 and Dec. 13 and Dec. 27	Nov. 27 Dec. 23 Jan. 22, 2011	2	4
<i>Rabbits, Cottontail</i> <i>Eligible Junior Hunters only</i> , with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 16	4	8
<i>Rabbits, Cottontail</i>	Oct. 23 and Dec. 13 and Dec. 27	Nov. 27 Dec. 23 Feb. 5, 2011	4	8
<i>Ring-necked Pheasant</i> – There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Ring-necked Pheasant - Male only</i> in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B <i>Eligible Junior Hunters only,</i> with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 16	2	4
<i>Ring-necked Pheasant - Male or female</i> combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D <i>Eligible Junior Hunters only,</i> with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 16	2	4
<i>Ring-necked Pheasant - Male only</i> in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B	Oct. 23	Nov. 27	2	4
<i>Ring-necked Pheasant - Male or female</i> combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D	Oct. 23 and Dec. 13 and Dec. 27	Nov. 27 and Dec. 23 and Feb. 5, 2011	2	4

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Bobwhite Quail</i>	No open season, except captive raised or propagated bobwhite quail may be taken on regulated hunting grounds, and public and private lands by permit.			
<i>Hares (Snowshoe Rabbits) or Varying Hares</i>	Dec. 27	Jan. 1, 2011	1	2
<i>Woodchucks (Groundhog)</i>	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Turkey - Male or Female</i>			1	1
WMUs 1A, 1B & 2A (Shotgun, Bow & Arrow only)	Oct. 30	Nov. 13		
WMU 2B (Shotgun, Bow & Arrow only)	Oct. 30	Nov. 20		
WMUs 2C, 2D, 2E, 4A, 4B & 4D	Oct. 30	Nov. 13		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 30	Nov. 20		
WMU 5A	Nov. 2	Nov. 4		
WMUs 5B, 5C & 5D	Closed to fall turkey hunting			
<i>Turkey (Spring Gobbler) Statewide¹ Bearded Bird only</i>	April 30, 2011	May 31, 2011	1	2
<i>Turkey (Spring Gobbler) Statewide Youth Hunt¹ Bearded Bird only Eligible Junior Hunters only, with the required license and when properly accompanied as required by law</i>	April 23, 2011	April 23, 2011	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§703-711) as published in the Federal Register on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in §141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Crows</i> (Hunting permitted on Friday, Saturday and Sunday only)	July 2	April 10, 2011		Unlimited
<i>Starlings and English Sparrows</i>	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited

FALCONRY

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
<i>Squirrels</i> – (Combined species)	Sept. 1	Mar. 31, 2011	6	12
<i>Bobwhite Quail</i>	No open season, except captive raised or propagated bobwhite quail may be taken on regulated hunting grounds, and public and private lands by permit.			
<i>Ruffed Grouse</i>	Sept. 1	Mar. 31, 2011	2	4
<i>Cottontail Rabbits</i>	Sept. 1	Mar. 31, 2011	4	8
<i>Snowshoe or Varying Hare</i>	Sept. 1	Mar. 31, 2011	1	2
<i>Ring-necked Pheasant - Male and Female</i> - (Combined)	Sept. 1	Mar. 31, 2011	2	4

Migratory Game Birds - 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 & Antlerless)</i> ² (Statewide)	Oct. 2 and Dec. 27	Nov. 13 Jan. 15, 2011	One antlered and an antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Species	First Day	Last Day	Season Limit
<i>Deer, Archery (Antlerless)</i> WMUs 2B, 5C & 5D	Sep. 18 and Nov. 15	Oct. 1 Nov. 27	An antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered & Antlerless)</i> ² WMUs 1A, 1B, 2A, 2B, 2C, 2E, 2F, 3A, 3B, 3D, 4A, 4C, 4D, 4E, 5A, 5B, 5C & 5D	Nov. 29	Dec. 11	One antlered, and an antlerless deer with each required antlerless license.
<i>Deer, Regular firearms (Antlered only)</i> ^{2&3} WMUs 2D, 2G, 3C & 4B	Nov. 29	Dec. 3	One antlered deer.
<i>Deer, Regular firearms (Antlered & Antlerless)</i> ^{2&3} WMUs 2D, 2G, 3C & 4B	Dec. 4	Dec. 11	One antlered, and an antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only) (Statewide)</i> Only Junior and Senior License Holders, ⁴ 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 U.S. Coast Guard, with required antlerless license	Oct. 21	Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only) (Statewide)</i>	Oct. 16	Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ² <i>(Statewide)</i>	Dec. 27	Jan. 15, 2011	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ² WMUs 2B, 5C & 5D	Dec. 27	Jan. 29, 2011	An antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> WMUs 2B, 5C & 5D	Dec. 27	Jan. 29, 2011	An antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Deer, Antlerless

(Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)

Hunting is permitted on days established by the United States Department of the Army.

An antlerless deer with each required antlerless license.

BLACK BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age (Archery only) ⁵ WMUs 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B & 4D	Nov. 15	Nov. 20	1	1
Bear, any age (Statewide) ⁵	Nov. 22	Nov. 24	1	1
Bear, any age ⁵ WMU 3C and that portion of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 29	Dec. 4	1	1

Portions of WMUs 2G in Lycoming and Clinton counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Rd. and South of Lusk Run Rd. to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Rd., South of Croak Hollow Rd. to Rt. 664 (at Swisssdale), South of Rt. 664 to Little Plum Rd. (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Rd., South of Sulphur Run Rd. to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.

Bear, any age ⁵ WMUs 3A, 3D, 4C, 4D, 4E, 5B & 5C	Dec. 1	Dec. 4	1	1
---	--------	--------	---	---

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Regular (Antlered & Antlerless) ⁶	Nov. 1	Nov. 6	1	One elk with required license.
Elk, Special Conservation (Antlered & Antlerless) ⁶	Sept. 1	Nov. 6	1	One elk with required license.
Elk, Extended (Antlered & Antlerless) ⁶	Nov. 8	Nov. 13	1	One elk with required license.

FUR TAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Minks and Muskrats - (Statewide)</i>	Nov. 20	Jan. 9, 2011		Unlimited
<i>Beaver - (Statewide)</i>	Dec. 26	Mar. 31, 2011		
WMUs 2E, 2F & 2G (Combined)			20	20
WMUs 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			10	10
<i>Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels - (Statewide)</i>	Oct. 24	Feb. 20, 2011		Unlimited
<i>Coyotes & Foxes - (Statewide)</i> <i>(Cable restraint devices may be used)</i>	Dec. 26	Feb. 20, 2011		Unlimited
<i>Bobcat - (with appropriate permit)</i> WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Dec. 18	Jan. 8, 2011	1	1
<i>Fisher - (with appropriate permit)</i> WMUs 2C, 2D, 2E, 2F	Dec. 18	Dec. 23	1	1

FUR TAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Coyotes - (Statewide)</i>				Unlimited
<i>Coyotes - (During any archery deer season)</i>				May be taken while lawfully hunting deer or with a furtaker's license.
<i>Coyotes - (During the regular firearms deer season and any bear season)</i>				May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360 degree arc.

FUR TAKING - HUNTING – (Continued)

Species	First Day	Last Day	Daily Limit	Season Limit
<i>Coyotes - (During the spring gobbler turkey season)</i>				
			May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.	
<i>Opossums, Skunks, Weasels (Statewide)</i>				
			No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.	
<i>Raccoons and Foxes - (Statewide)</i>	Oct. 23	Feb. 19, 2011		Unlimited
<i>Bobcat - (with appropriate permit)</i>				
WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Dec. 18	Jan. 8, 2011	1	1

No open seasons on other wild birds or wild mammals.

¹ 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 gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

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

³ Season changes in WMUs 2D, 2G, 3C and 4B are for the purpose of a 4 year study which must be completed before additional units are modified.

⁴ Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁵ Only one bear may be taken during the hunting license year.

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

D. Amend 58 Pa. Code, §141.1.

Commentary:

In 2006 the Commission adopted a change in 58 Pa. Code, §141.1 that allowed the use of bait to hunt and take deer in the southeastern special regulations area of Pennsylvania. The Board further stipulated that this authorization would expire on March 31, 2010 unless the Commission authorized its continuation. Commission staff has worked throughout this trial period to assess whether the use of bait actually increased deer harvest opportunity, harvest, and hunter success. We will conclude this review following this year's hunting season and issue a report this winter prior to the April Commission meeting.

In order to finalize regulations in April 2010 pertaining to baiting in the southeastern special regulations area, which is necessary to accurately update the *2010-2011 Hunting and Trapping Digest* before it goes to press in late April, the Commission must vote on amendments at this meeting and finalize changes in April. This can best be accomplished by deleting the sunset provision in 58 Pa. Code, §141.1, so that the use of bait as described may continue. A report and final recommendation will be provided to the Board of Commissioners at the April Commission meeting concerning this regulations change.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.1. Special regulations areas.

* * * * *

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

* * * * *

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

(i) Bait may be placed or distributed 2 weeks prior to the opening of the first deer season through the close of the last deer season in each wildlife management unit. Bait accumulation in any one location may not exceed 5 gallons total volume at a given time.

~~[(ii) This paragraph became effective December 26, 2006, and expires March 31, 2010, unless the Commission authorizes its continued legal effectiveness prior to March 31, 2010.]~~

* * * * *

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

Action:

E. Amend 58 Pa. Code, §§141.48 and 143.206.

Commentary: Work is ongoing to update and implement the Commission's elk management plan. A somewhat confusing aspect of elk management policy for agency staff and the public has been references to terms such as elk range, elk management area, elk hunt zones and how we describe places in the Commonwealth where we do not want elk established on the landscape. Clarification is being incorporated into the management plan and supporting, complementary regulations are needed to implement the plan's goals and objectives including how hunters and hunting will be used in the management of elk both in and outside the recognized elk management area. 2010 elk seasons and bag limits changes are proposed in 58 Pa. Code §139.4. To fully implement in 2010 the proposed program changes requires additional amendments in 58 Pa. Code §§141.48 and 143.206 as detailed below.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.48. Elk management area and elk hunt zones.

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

(b) ~~—The elk hunt zones will be established by the Director prior to the opening of elk season.]~~

Elk management area. The elk management area is comprised of that portion of Wildlife Management Unit 2G in McKean, Potter, Tioga, Elk, Cameron, Clinton, Lycoming, Clearfield and Centre counties, bounded on the north by Rt. 6, on the east by Rt. 287, on the south by Rt. 220 and I-80 and on the west by Rt. 219.

(b) *Elk hunt zones.* The elk management area is comprised of one or more elk hunt zones as established by the Director on an annual basis prior to the opening of elk season. The divisional line between two or more elk hunt zones shall be the center of the highway, natural watercourse, other natural boundary or marked boundary.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter K. ELK LICENSES

§143.206. Validity of license.

~~[An elk license is valid for taking elk only in the elk hunt zones designated on the elk license and is valid for an antlerless, antlered or either sex elk as designated on the elk license.]~~

(a) *Elk hunt zone(s).* Except as provided in subsection (c), an elk license is valid for taking elk only in the elk hunt zone(s) designated on the elk license.

(b) *Elk gender.* Except as provided in subsection (c), an elk license is valid for taking only an antlerless, antlered or either sex elk as designated on the elk license.

(c) *Exception.* Any unfilled antlered or antlerless elk license for any designated elk hunt zone(s) is additionally valid for taking either an antlered or antlerless elk anywhere within this Commonwealth outside of the elk management area during any designated extended elk season following the regular elk season.

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

Action:

F. Amend 58 Pa. Code, §141.62.

Commentary: Beaver nuisance complaints within WMU 1B normally range between 50-100 complaints each year. Currently, 1B has the greatest number of beaver damage complaints in the entire state. Last year, 23% of all Pennsylvania beaver complaints occurred in WMU 1B and the beaver harvest was greater in this WMU than in any other during the past 20 years.

Beaver populations in this WMU have grown to the point where they are no longer in balance with their habitat. Non-preferred foods are being utilized and all suitable beaver range is occupied. A long-term increase in the beaver harvest is needed within this WMU. Currently, there is a limit of 2 body-gripping traps per trapper within WMU 1B. Increasing the number of body-gripping traps allowed for each trapper would greatly improve beaver trapping efficiency and success, thus measurably increasing harvest. The daily bag limit of 20 beavers and season bag limit of 40 in this WMU are rarely reached by trappers in this unit.

The increased use of body-gripping traps as outlined can be accomplished through the regulations proposal for 58 Pa. Code, §141.62 that follows.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§141.62. Beaver trapping.

* * * * *

(b) *Unlawful acts.* It is lawful to:

* * * * *

(4) In an area where beavers are known to inhabit, set, tend or operate more than a combined total of 20 traps or snares no more than 10 of which may be traps. No more than two of the traps may be body gripping traps except in Wildlife Management Units 1B, 3A, 3B, 3C and 3D where the two body gripping trap limit does not apply.

* * * * *

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

Action:

G. Amend 58 Pa. Code, §141.66.

Commentary: Based on comments from the cable restraint users survey conducted by the Commission as well as input from the Pennsylvania Trappers Association, it is clear that trappers are interested in using cable restraint devices earlier in the taking season. We believe that opening the season after Christmas will provide a small amount of additional opportunity without significantly impacting other user groups and their hunting opportunities. This change can be accomplished through the regulation amendment proposed below in 58 Pa. Code, §141.66.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§141.66. Cable restraints.

(a) Cable restraint devices may be used from [~~January 1~~] December 26 until the end of the established trapping season to harvest red fox, gray fox, and coyote. Nontarget furbearing species incidentally captured in [~~a~~] cable restraint devices during an open season for that species may be taken and utilized, provided the trapper possesses [~~an~~] all applicable licenses and permits.

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

Action:

H. Amend 58 Pa. Code, §147.701.

Commentary: Following careful review of recent seasons and in consideration of hunter and trapper input received, we are recommending beginning with the 2010-2011 hunting and furtaking seasons that season length be used to regulate bobcat taking in specified WMUs in the Commonwealth. All indices suggest that bobcat populations have increased significantly during previous years. In order to continue to assess interest, participation, effort and harvest during a bobcat taking season, we believe it prudent to retain a permitting regulation; however, we recommend unlimited permits for the 2010-2011 season and mandatory harvest reporting.

Additionally, a fisher season in select WMUs has been proposed to allow us to estimate harvest success and trapper interest and effort and provide additional biological samples for demographic and genetic analyses. Mandatory reporting along with fisher permits are needed to better assess participation, effort and harvest for this proposed new season.

Bobcat and fisher seasons and bag limits changes are proposed in 58 Pa. Code §139.4. To fully implement in 2010 the proposed program changes outlined above requires additional amendments in 58 Pa. Code §147.701 as detailed below.

CHAPTER 147. SPECIAL PERMITS

Subchapter S. ~~[BOBCAT HUNTING-TRAPPING PERMIT]~~ FURBEARER HUNTING-TRAPPING PERMITS

§147.701. General.

~~[This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under §139.4 (relating to seasons and bag limits for the license year).~~

~~(1) — A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.~~

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

~~(3) — Applications shall be submitted in accordance with periods set by the Director.~~

~~(4) — Only one application per person may be submitted. — Anyone submitting more than one application for a permit will have all applications rejected.~~

~~(5) — Current applicants with the maximum number of preference points as specified by the Director will automatically receive a bobcat harvest permit. The selection of additional permit applications will be made by random drawing from all eligible applications submitted. Incomplete, illegible or duplicate applications will not be included in the drawing. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and will be open to the public.~~

~~(6) — A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits will be mailed by the first Friday in October. The total number of permits issued for the license year will be set by the Director no later than the first day of June.~~

~~(7) — Tagging requirements are as follows:~~

~~(i) — A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, wildlife management unit of harvest and method of harvest and attach the tag to the bobcat. The temporary carcass tag must remain attached to the animal until a permanent tag is provided. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth.~~

~~(ii) — A permitted person taking a bobcat shall report the harvest to the Commission within 48 hours of the taking by telephoning the number specified on the permit.~~

~~(iii) — A permanent tag for a bobcat taken under authority of a special permit shall be in the persons' possession and locked immediately upon receipt of the tag.~~

~~(iv) — The tag shall remain attached to the bobcat until it is mounted, tanned, made into a commercial fur or prepared for consumption.~~

~~(8) — An applicant issued a bobcat hunting trapping permit is not permitted to apply for another bobcat hunting trapping permit the next license year. Applications from current applicants who have applied in the 2003-2004 license year and proceeding years will be included in the drawing until the applicant is successfully drawn and issued a permit.]~~

This section provides for permits to be issued for the hunting and trapping of bobcat and the trapping of fisher during the seasons established and in areas designated under §139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.

(2) Permits will be made available without regard to quota limitations and will be issued through the Commission's PALS. The fee for the permit is \$5.

(3) Applications shall be submitted in accordance with periods set by the Director.

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat or fisher shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a permanent tag is provided.

(ii) A permitted person taking a bobcat or fisher shall report the harvest to the Commission within 48 hours of the taking by a means specified by the Director.

(iii) A permanent tag for a bobcat or fisher taken under this permit shall be provided by the Commission and locked immediately upon receipt of the tag. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth. The tag shall remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(iv) A permitted person taking a bobcat or fisher shall surrender the carcass of this animal within 30 days if requested by the Commission.

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

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

A. Adoption of proposed amendments to Chapter 137, §137.1.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 6, 2009 meeting, proposed the following change:

Amend §137.1 (relating to importation, possession, sale and release of certain wildlife) to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from possession and importation prohibitions of this section.

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

Action:

EXHIBIT "A"

CHAPTER 137. WILDLIFE

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

* * * * *

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

* * * * *

(4) Menagerie permittees who also possess a USDA Class C Exhibitor permit and who operate a menagerie facility as their primary means of making a livelihood, are exempt from the possession prohibition of this section, and may import lawfully acquired wildlife pursuant to an importation permit.

* * * * *

B. Adoption of proposed amendments to Chapter 141, §141.22.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 6, 2009 meeting, proposed the following changes:

Amend §141.22 (relating to small game) to restructure the regulatory provisions relating to small game hunting to promote consistency and clarity in the regulations and also permit the full inclusion of crossbows during the various small game seasons to expand opportunity and increase participation in small game hunting within this Commonwealth.

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

Action:

EXHIBIT "B"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§141.22. Small game.

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

(1) A manually operated rimfire rifle or handgun. The firearm must be .23 caliber or less, that projects single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire or muzzleloading shotgun. The firearm must be 10 gauge or less, that projects multiple-projectile shotgun ammunition #4 lead, #4 Bismuth/tin or #2 steel or less.

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that projects single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor must be lawfully possessed under a falconry permit. See §§147.101—147.112a (relating to falconry).

(b) *Prohibitions.* It is unlawful to:

(1) Use or possess single-projectile centerfire ammunition, single-projectile rimfire ammunition larger than .23 caliber or multiple-projectile shotgun ammunition larger than #4 lead, #4 Bismuth/tin or #2 steel, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device not provided for in the act or in this section.

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) *Woodchucks (Groundhogs).*

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

- (i) A manually operated centerfire or rimfire rifle or handgun.
- (ii) A manually operated, centerfire or muzzleloading shotgun.
- (iii) A muzzleloading rifle or handgun.
- (iv) A bow and arrow.
- (v) A crossbow and bolt.

(2) *Prohibitions.* While hunting woodchucks, it is unlawful to use or possess a device or ammunition not provided for in this section.

C. Adoption of proposed amendments to Chapter 147, §§147.902 and 147.904.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 6, 2009 meeting, proposed the following changes:

Amend §§147.902 and 147.904 (relating to definitions; and permit) to specifically authorize properly permitted individuals to engage in commercial coyote guiding activities on State game lands.

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

Action:

EXHIBIT "C"

CHAPTER 147. SPECIAL PERMITS

Subchapter Y. GUIDING PERMIT

§147.902. Definitions.

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

Commercial guiding activity—Any guiding activity provided by any person to another person for any fee, remuneration or other economic gain, including bartered goods or services.

* * * * *

Guiding activity—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize the assistance taking the form of any overt act directly connected with harvesting wildlife by discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

§147.904. Permit.

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in any commercial or noncommercial guiding activity for the following designated species of wildlife: elk and bobcat. A guiding permit is required for any person to engage in any commercial guiding activity for coyotes on State game lands.

* * * * *

PROPOSED RULE MAKING

D. Amend 58 Pa. Code, §141.4.

Commentary: Each year there is a shift in calendar days for each month. As a result of this occurrence, the time tables found in §141.4 must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. The Commission is proposing to amend §141.4 by replacing the current hunting hours table and migratory game bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2010-2011 hunting license year.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§141.4. Hunting hours.

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

* * * * *

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

**HUNTING HOURS TABLE
FOR JUNE 27, 2010 THROUGH JULY 2, 2011**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
June 27 – July 3	5:07	9:03	Jan. 2 – 8	6:52	5:17
July 4 – 10	5:11	9:01	Jan. 9 – 15	6:52	5:23
July 11 – 17	5:16	8:57	Jan. 16 – 22	6:50	5:33
July 18 – 24	5:22	8:52	Jan. 23 – 29	6:46	5:39
July 25 – 31	5:28	8:45	Jan. 30 – Feb. 5	6:41	5:47
Aug. 1 – 7	5:35	8:37	Feb. 6 – 12	6:34	5:56
Aug. 8 – 14	5:42	8:29	Feb. 13 – 19	6:26	6:04
Aug. 15 – 21	5:52	8:19	Feb. 20 – 26	6:17	6:08
Aug. 21 – 28	5:55	8:08	Feb. 27 – Mar. 5	6:07	6:20
Aug. 29 – Sept. 4	6:01	7:57	Mar. 6 – 12 *begins	6:58	7:28
Sept. 5 – 11	6:08	7:46	Mar. 13 – 19	6:46	7:35
Sept. 12 – 18	6:14	7:34	Mar. 20 – 26	6:34	7:42
Sept. 19 – 25	6:21	7:23	Mar. 27 – Apr. 2	6:23	7:50
Sept. 28 – Oct. 2	6:28	7:11	Apr. 3 – 9	6:12	7:57
Oct. 3 – 9	6:35	7:00	Apr. 10 – 16	6:01	8:04
Oct. 10 – 16	6:42	6:50	Apr. 17 – 23	5:50	8:09
Oct. 17 – 23	6:50	6:40	Apr. 24 – 30	5:40	8:18
Oct. 24 – 30	6:57	6:31	May 1 – 7	5:30	8:25
Oct. 31 – Nov. 6 *ends	6:05	5:23	May 8 – 14	5:25	8:32
Nov. 7 – 13	6:13	5:14	May 15 – 21	5:15	8:39
Nov. 14 – 20	6:21	5:09	May 22 – 28	5:10	8:45
Nov. 21 – 27	6:29	5:07	May 29 – June 4	5:05	8:51
Nov. 28 – Dec. 4	6:36	5:06	June 5 – 11	5:03	8:56
Dec. 5 – 11	6:42	5:06	June 12 – 18	5:02	9:00
Dec. 12 – 18	6:47	5:07	June 19 – 25	5:03	9:03
Dec. 19 – 25	6:49	5:09	June 26 – July 2	5:06	9:03
Dec. 26 – Jan. 1	6:52	5:12	*Daylight Saving Time		

MIGRATORY GAME BIRD HUNTING HOURS TABLE

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
Aug. 29 – Sept. 4	6:01	7:27	Dec. 26 – Jan. 1	6:52	4:42
Sept. 5 – 11	6:08	7:16	Jan. 2 – 8	6:52	4:47
Sept. 12 – 18	6:14	7:04	Jan. 9 – 15	6:52	4:53
Sept. 19 – 25	6:21	6:53	Jan. 16 – 22	6:50	5:03
Sept. 26 – Oct. 2	6:28	6:41	Jan. 23 – 29	6:46	5:09
Oct. 3 – 9	6:35	6:30	Jan. 30 – Feb. 5	6:41	5:17
Oct. 10 – 16	6:42	6:20	Feb. 6 – 12	6:34	5:26
Oct. 17 – 23	6:50	6:10	Feb. 13 – 19	6:26	5:34
Oct. 24 – 30	6:57	6:01	Feb. 20 – 26	6:17	5:38
Oct. 31 – Nov. 6*ends	6:05	4:53	Feb. 27 – Mar. 5	6:07	5:50
Nov. 7 – 13	6:13	4:44	Mar. 6 – 12*begins	6:58	6:58
Nov. 14 – 20	6:21	4:39	Mar. 13 – 19	6:46	7:05
Nov. 21 – 27	6:29	4:37	Mar. 20 – 26	6:34	7:12
Nov. 28 – Dec. 4	6:36	4:36	Mar. 27 – Apr. 2	6:23	7:20
Dec. 5 – 11	6:42	4:36	Apr. 3 – 9	6:12	7:27
Dec. 12 – 18	6:47	4:37	Apr. 10 – 16	6:01	7:34
Dec. 19 – 25	6:49	4:39	*Daylight Saving Time		

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

Action:

ADMINISTRATIVE HEARINGS

E. Administrative hearings concerning the revocation of hunting and furtaking privileges.

Commentary: Administrative Hearings are held to review the Hunting and Furtaking Revocations for those persons who file a petition requesting a review, in accordance with Administrative Agency Law, 2 Pa. C.S.A. §501 et seq.

The Commission was furnished a copy of the Findings of Fact, the Conclusions of Law, and the Recommendations of the Hearing Officer concerning the Administrative Hearing held at the request of each individual. The Findings of Fact set forth the circumstances surrounding this matter.

Recommendation: The Executive Director recommends that the Commission approve the Findings of Fact, Conclusions of Law, and Recommendations of the Hearing Officer, Ashley Nichols, as is more fully set forth in the supplement pages supplied by the Bureau of Wildlife Protection.

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code, §135.1, and by adding Subchapter M to Chapter 135.

Commentary: As authorized in 34 Pa. C.S. §701(a), the Commission may acquire property by purchase, gift, lease, eminent domain, or otherwise, including, but not limited to auction purchases. The Commission is further authorized to purchase tax delinquent lands, waters, oil, gas and minerals as provided by law, including but not limited to tax sales. Tax sales or auctions often are announced between regular Commission meetings and are to be held sooner than is practicable to hold a special meeting or notational vote. An amendment to Chapter 135 by adding Subchapter M, would allow the Executive Director to bid on real estate, oil, gas or mineral rights at auction, or tax sales.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§135.1. Scope.

This chapter regulates and controls the use and administration of lands, waters and buildings under Commission, ownership, lease or jurisdiction.

Subchapter M. PURCHASE OF PROPERTIES AT AUCTION AND TAX SALES

Sec.
135.240. Delegation of Authority.

§135.240. Delegation of authority.

(a) The Commission shall delegate authority to the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction.

(b) The exercise of this authority delegated to the Director is limited to:

(1) The Director shall notify the Board of Commissioners of the pending auction sale date and verify that due to unforeseen time constraints the Director deems there to be an immediate need to react to such sale in the best interest of the Commission and sportsmen.

(2) The purchase price at auction may not exceed \$500,000 without further additional approval from the majority of the Board of Commissioners.

(3) Successful bids shall be made known to the general public at the next regularly scheduled meeting of the Board of Commissioners.

(c) No further action will be necessary on the part of the Board of Commissioners in order to hold settlement, pay the remainder of the purchase price or consummate the transaction.

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

Action:

REAL ESTATE

B. Donation

Contract No. 3560, State Game Land No. 292, Luzerne County

Commentary: Albert K. and Amelia K. Fazzi have offered a donation of 5 +/- acres of land in Laurel Run Borough, Luzerne County, adjoining State Game Land No. 292 (Exhibit RED 1). The property is wooded and is a portion of an 8.05-acre tract owned by Mr. and Mrs. Fazzi. The Fazzi's shall retain a portion of the tract which includes a house, several outbuildings and a yard.

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

Action:

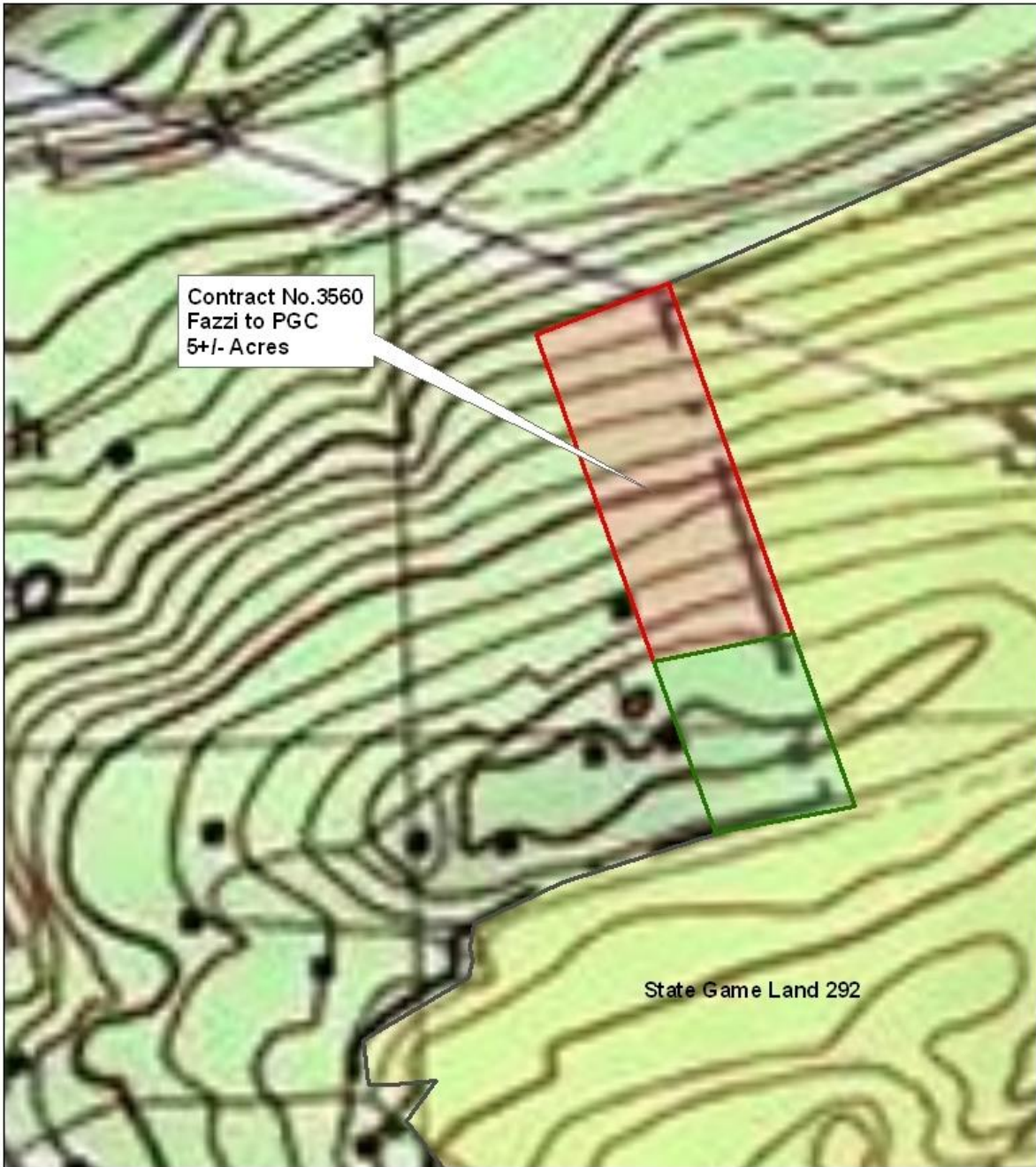


EXHIBIT RED 1
State Game Land 292
Fazzi Land Donation
With PGC
+/- 5.5 Acres

Laurel Run Borough, Luzerne County
Northeast Region

C. Land Exchanges

Contract No. 3561, State Game Land No. 284, Mercer County

Commentary: John M. and Beverly A. Rossi have proposed a land exchange of 1.216 acres of State Game Land No. 284 in Springfield Township, Mercer County. (Exhibit RED 2) The 1.216 acres are part of an abandoned railroad grade extending out from the main portion of State Game Land No. 289 which has historically been used for access into Rossi's property. In exchange for the 1.216 acres, Mr. and Mrs. Rossi have agreed to transfer two tracts containing .62 acres and .416 acres located in Springfield Township, Mercer County, adjoining State Game Land No. 284. The Game Commission shall retain an administrative Right of Way across the 1.216 acres being conveyed to the Rossi's. In consideration of the Game Commission conveying .18 acres more to the Rossi's than the acreage the Game Commission is receiving, Mr. and Mrs. Rossi have agreed to place \$1,000 into an interest-bearing escrow account that is to be used solely for replacement of land and habitat. This land exchange will protect the right of access into the Rossi's property, consolidate disjointed acreage and straighten boundary lines between both landowners.

Contract No. 3562, State Game Land No. 232, Washington County

Commentary: Pete E. Zappi is the current owner of property adjoining Game Land No. 232 in Blaine and Donegal Townships, Washington County and has agreed to a land exchange involving portions of State Game Land No. 232. (Exhibit RED 3) Mr. Zappi will convey three tracts of land to the Game Commission totaling 9.981 acres which will eliminate an indenture into State Game Land No. 232, protect riparian habitat and improve public access from Township Road 376. The two parcels being conveyed to Mr. Zappi total 5.158 acres. This land exchange will eliminate an encroachment on Game Land No. 232 and straighten boundary lines between both landowners.

Recommendation: The Executive Director and staff recommend that the land exchanges listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the exchange of these tracts.

Action:



EXHIBIT RED 2
State Game Land 284
Rossi Land Exchange
With PGC
1.036 +/- Acres to PGC
1.216 +/- Acres to Rossi

Springfield Twp., Mercer County
 Northwest Region

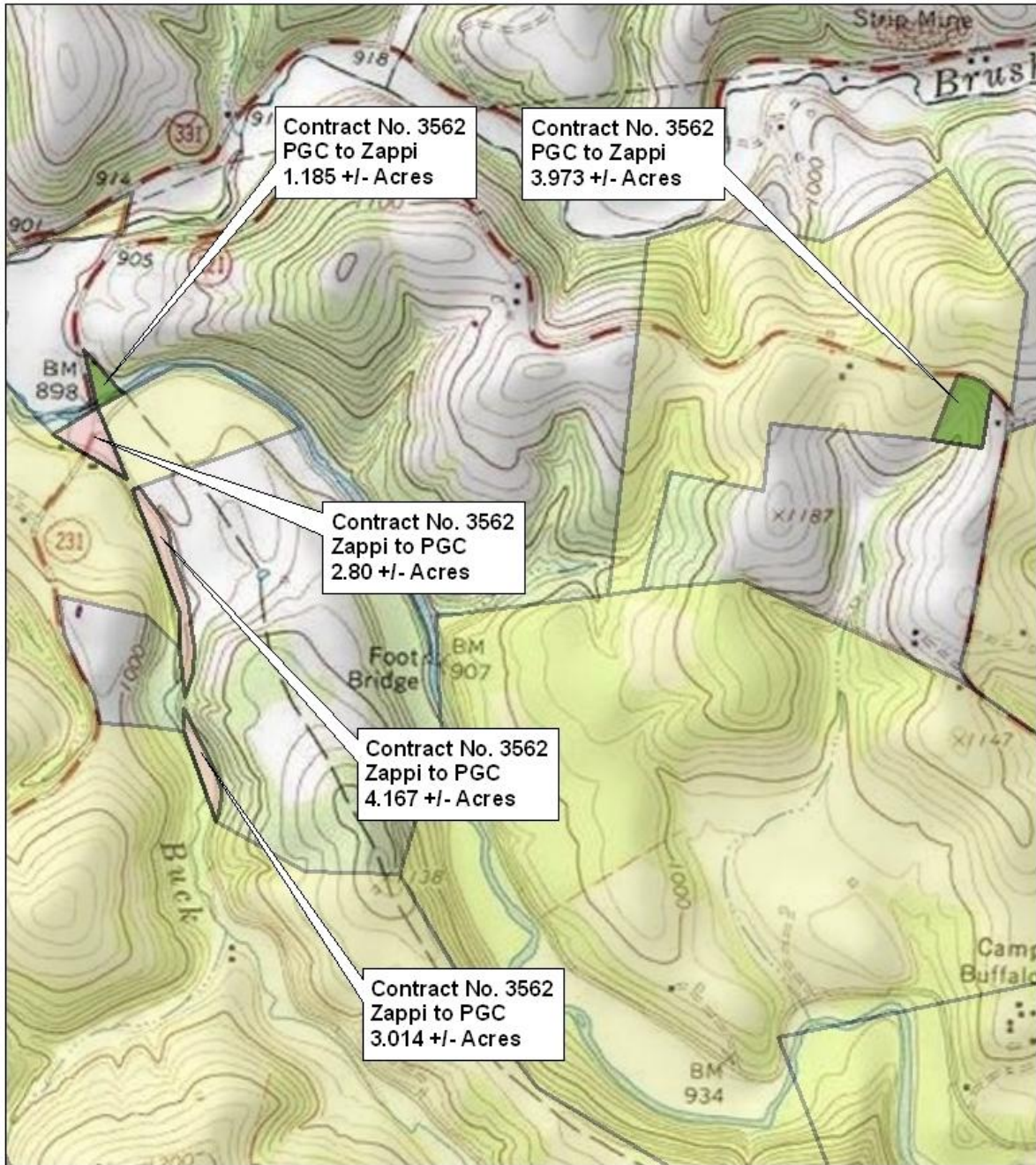


EXHIBIT RED 3
State Game Land 232
Zappi Land Exchange
With PGC

Three parcels conveyed to PA Game Commission
 totaling 9.981 +/- Acres
 Two parcels conveyed to Zappi, totaling
 5.158 +/- Acres
 Blaine and Donegal Twps., Washington County
 Southwest Region

OIL/GAS & MINERALS

D. Oil & Gas Lease/Land Exchange, State Game Land No. 179, Greene County

Commentary: CNX Gas Company LLC of Canonsburg, Pennsylvania requests the Commission offer its oil and gas ownership under a portion of State Game Land No. 179 for lease. The proposed lease tract 179A-10 containing approximately 2,175.5 +/- more or less acres is located in Alleppo, Jackson and Gilmore Townships, Greene County, and is more clearly shown on the attached Exhibit "OGM 1."

CNX Gas currently owns oil and gas rights on portions of State Game Land No. 179 and also controls a strong oil/gas lease position on private lands adjacent to State Game Land No. 179 and when developed will effectively withdraw portions of the Commission's oil/gas reserve. The staff has negotiated with CNX Gas in an effort to safeguard the prudent development of the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No. 179.

In exchange for an oil/gas lease, CNX Gas will cause to convey to the Commission a 2,297 +/- acre tract of land known as the Jacksonville Property in Young Township, Indiana County as shown on Exhibit "OGM 2." Upon transfer of this tract of land, the Commission will establish a new state game lands complex, State Game Land No. 332. The land has been assessed a value of \$1,666,500.

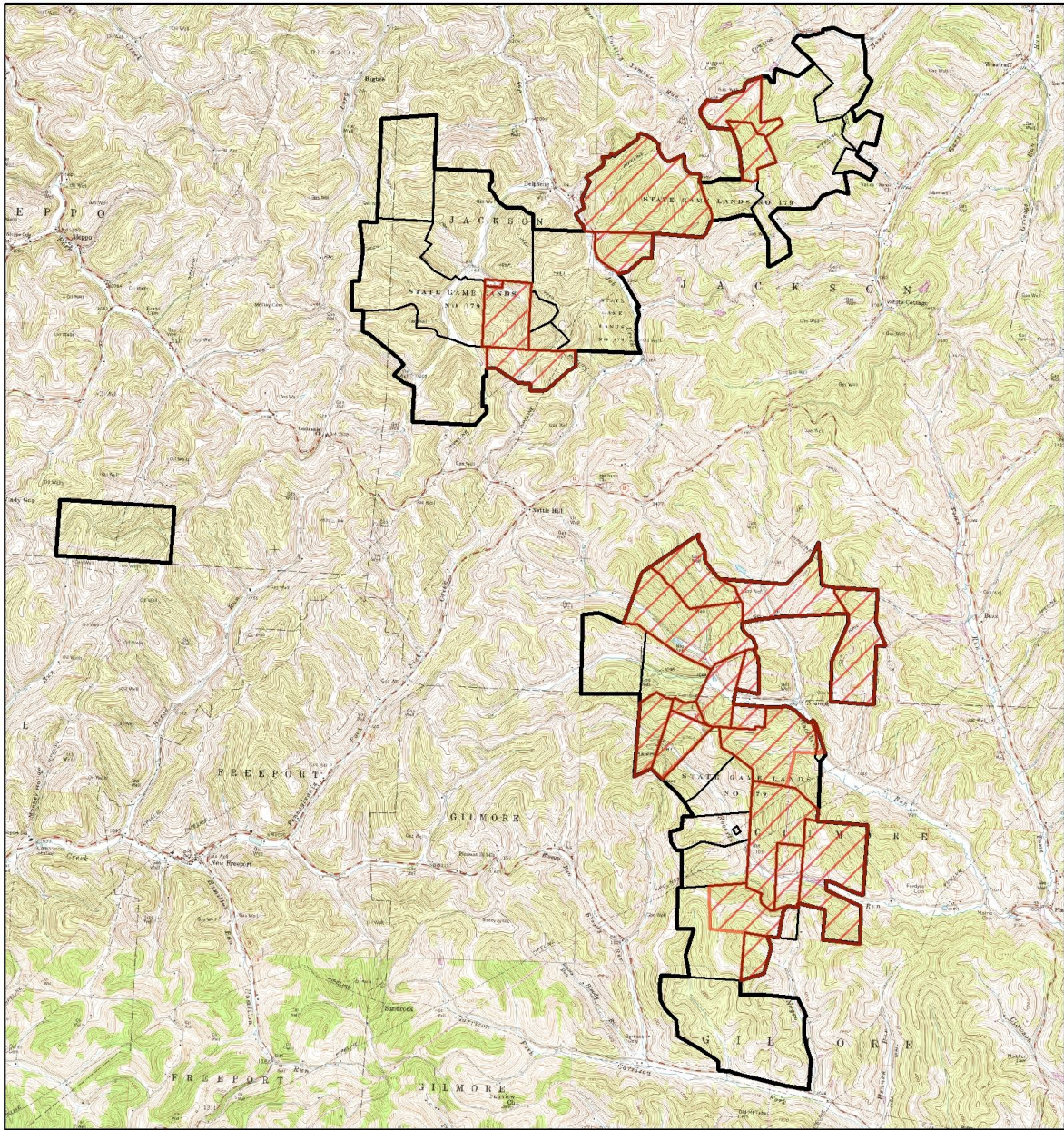
The Commission has agreed to a seven year lease with a 3 year drill or drop clause. CNX Gas has also agreed to pay rental for undeveloped acreage in years four through seven. The Commission and CNX Gas have agreed to a tiered royalty ranging from 16 % to 21 % based on the well head price per MCF of gas produced and sold from each well. CNX Gas will also pay the Commission a well location or spud fee of \$5,000 for each shallow well and \$10,000 for each well targeting the Marcellus or deeper formations.

The proposed lease agreement also provides CNX gas with the right to utilize the surface of State Game Land No. 179 for pipelines to transport Commission owned gas reserves. Further, CNX Gas will provide 350,000 cubic feet of free gas annually for the Commission's use with a payback clause for nonuse. CNX Gas will adhere to the reclamation and revegetation requirements as specified by the Commission's Land Management Group Supervisor.

Oil/gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard oil/gas lease agreement and \$25,000 performance bond. The lease will include the Commission's standard wildlife and protection measures.

Recommendation: The Executive Director and staff recommend the proposed lease be approved and the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

Action:





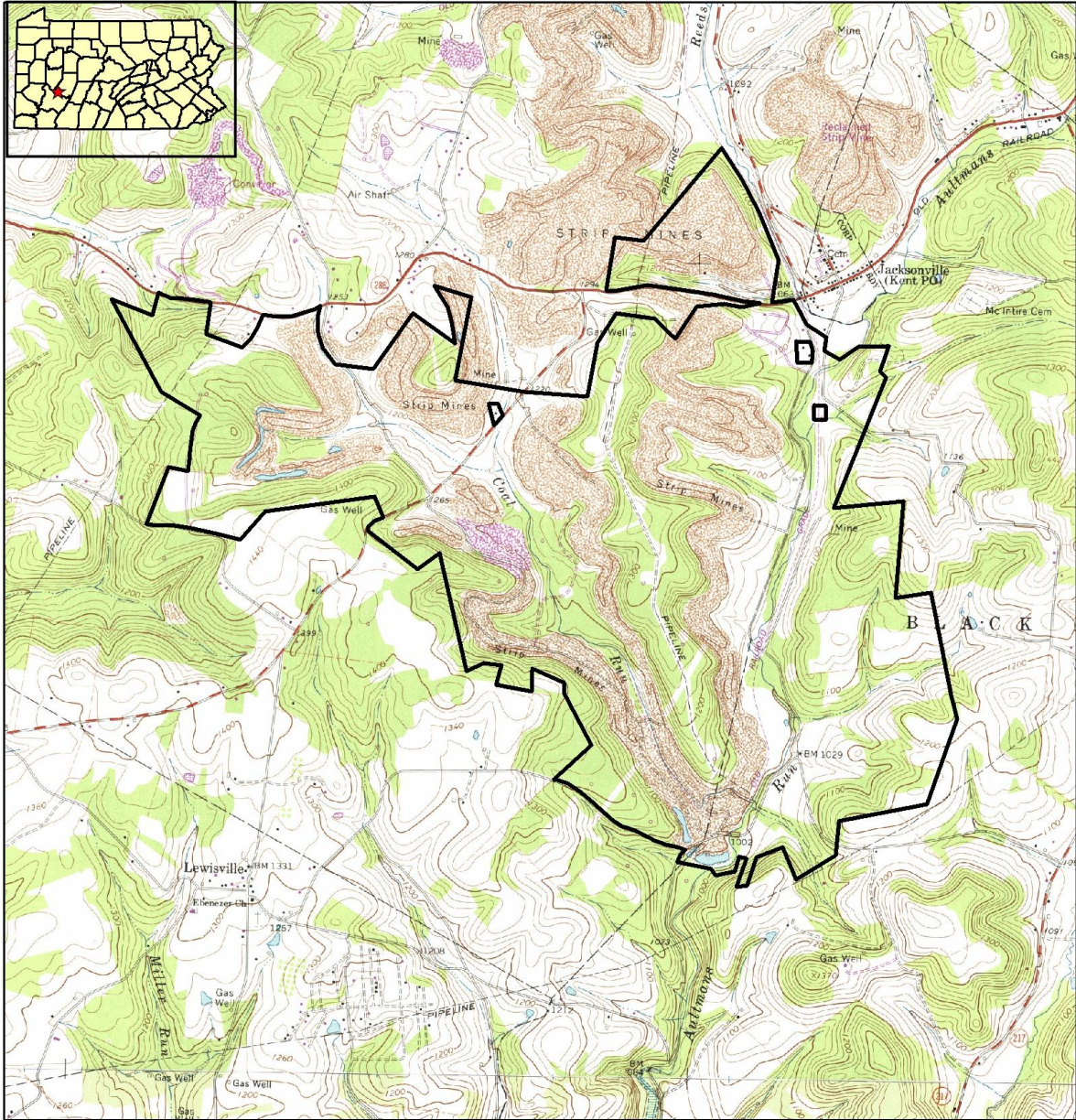
-  PGC Oil/Gas to be Leased
-  SGL 179 BOUNDARY



EXHIBIT OGM 1
 PENNSYLVANIA GAME COMMISSION
SGL 179
LEASE TRACT 179A-10
OIL/GAS LEASE-LAND EXCHANGE
2,175.5 ACRES
 GILMORE, ALLEPO, JACKSON TOWNSHIPS
 GREENE COUNTY
 SOUTHWEST REGION



 SGL 332



1 inch = 2,500 feet

EXHIBIT OGM 2
 PENNSYLVANIA GAME COMMISSION
 SGL 332
 JACKSONVILLE PROPERTY
 CNX GAS To PGC
 LEASE TRACT 179A-10
 OIL/GAS LEASE-LAND EXCHANGE
 2,297.23 +/- Acres to PGC
 YOUNG TOWNSHIP
 INDIANA COUNTY
 SOUTHWEST REGION

E. Surface Mining Coal Lease Offering Land Exchange, State Game Land No. 79, Cambria County

Commentary:

Laurel Sand & Stone, Inc., of Ligonier, PA has requested a lease to surface mine and remove all of the available and economically recoverable coal within a 165-acre tract of land being part of State Game Land No. 79, Jackson Township, Cambria County as shown on Exhibit "OGM 3."

Laurel Sand and Stone Inc. owns the coal under the proposed surface mine area and the Game Commission controls the surface rights. The proposed six year lease will remove an estimated 460,200 tons of coal from a portion of State Game Land No. 79 and will utilize approximately 143 acres for actual mining an additional 22 acres for erosion and sedimentation controls, mine reclamation, and operational support.

In exchange for the surface mining lease, Laurel Sand & Stone, Inc. will pay the Commission a royalty rate of 6% FOB pit price for each ton of coal mined and removed from the leased premises or \$2.00 per ton whichever the greater. The lease will so include a provision to remove sandstone from the site for which Laurel Sand & Stone will pay the Commission a royalty rate of \$0.18 per ton or 6% FOB pit price, whichever the greater, for each and every ton of sandstone mined and removed from the premises. Laurel Sand & Stone has also agreed to pay an initial advanced surface damage royalty payment of \$110,200 to be deposited into an interest bearing escrow account and to be used for the future purchase of lands acceptable to the Commission or direct deposit into the Game Fund, such payment shall be due upon the final execution of the lease and the issuance of a mining permit from the Department of Environmental Protection. Laurel Sand & Stone has agreed to convey to the Commission a 64.8 acre tract of land valued at \$1,000/acre to the Commission as also shown on Exhibit "OGM 3." This tract of land will provide public access to this portion of the game lands. The total value of the land and advanced royalty payment totals \$175,000.

Laurel Sand & Stone will also make annual advance royalty payments of \$75,000 to be deposited into an interest bearing escrow account to be used for the future purchase of lands acceptable to the Commission or direct deposit into the Game Fund. All remaining coal royalty revenues generated from the proposed operation will be deposited directly into the Game Fund. The accumulated coal royalty value for the proposed mining acreage has been estimated to be \$1,132,200.

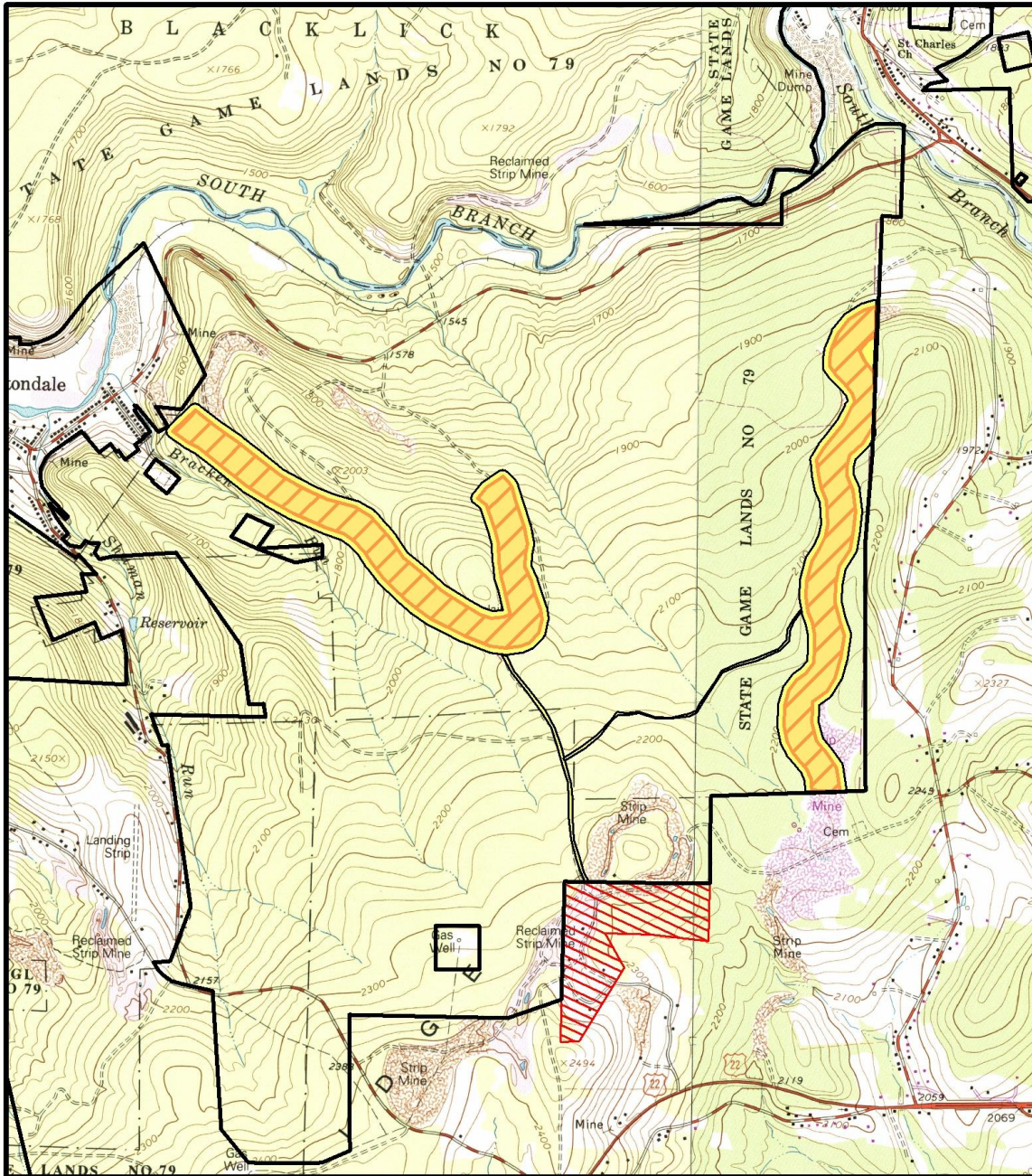
Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's standard surface mine lease agreement. The 6 year lease will also include a \$25,000 performance bond. All merchantable timber within the proposed lease area will be assessed by the Southwest Regional Office's forestry staff at a double stumpage value. As part of the mine reclamation plan, Laurel Sand & Stone will reclaim approximately 8,500 linear feet of abandoned highwall. A wildlife habitat





reclamation and revegetation enhancement plan for all disturbed areas of the lease tract will be developed in coordination with the local Land Management Group Supervisor and incorporated into the lease provisions.

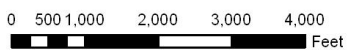
The Staff has reviewed this proposal and has determined that the proposed wildlife habitat enhancement projects, in conjunction with the advanced coal royalty schedule and timber value, to be equal to or greater than the accumulated coal lease value.

Recommendation: The Executive Director and Staff recommend that this Coal Mining Lease with Laurel Sand & Stone be approved and that the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as outlined above.

Action:



-  SGL 79 Boundary
-  Dolan Tract +/- 64.8 Acres to PGC
-  MINING AREA 143 Acres
-  SUPPORT AREA 22 Acres



1 inch = 2,000 feet

EXHIBIT OGM 3

Pennsylvania Game Commission

BITUMINOUS COAL SURFACE
MINING LEASE / LAND EXCHANGE
LEASE TRACT 079A -10

Laurel Sand & Stone, Inc.

State Game Land No. 079
Jackson Twp. Cambria County

BUREAU OF ADMINISTRATION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code, §143.45.

Commentary: Commission staff recently met with the County Treasurer's Association to discuss outcomes and concerns related to the first year of antlerless deer license issuance through PALS. The Association suggested that a change be made to the regulations to help them process applications more efficiently. The Association asked that statewide over the counter sales begin earlier so hunters will not have to apply by mail. This amendment will accomplish the change that the Association has requested

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§143.45. Completing and submitting applications.

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

* * * * *

Recommendation: The Executive Director and staff recommend that the Commission approve this change to 58 Pa. Code §143.45.

Action:

Other New Business

Proposed Commission Meeting Dates:

April 19 and 20, 2010

June 28 and 29, 2010

September 27 and 28, 2010

January 23, 24 and 25, 2011

Election of Officers

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

Adjournment