

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

AGENDA

HARRISBURG, PENNSYLVANIA
January 27, 2009

A handwritten signature in dark ink, appearing to read "Carl G. Roe". The signature is written in a cursive style with a large, stylized initial "C".

Carl G. Roe
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, January 27, 2009, at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Roxane S. Palone, President
Gregory J. Isabella, Vice President
James J. Delaney, Jr., Secretary
Russell E. Schleiden
Thomas E. Boop
David W. Schreffler
Ronald A. Weaner

Approval of Minutes of Meeting held October 24, 2008

BUREAU OF ADMINISTRATION

ADOPTED RULE MAKING

- A. Adoption of proposed amendments to Chapter 143, Subchapters A-E, J and K and Chapter 147, Subchapters R and S.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 29, 2008 meeting, proposed the following changes.

Amend Chapter 143, Subchapters A-E, J and K (relating to licenses), and Chapter 147, Subchapters R and S (relating to deer control and bobcat hunting-trapping permit) to accommodate the implementation of the Commission's new Point-of-Service (POS) licensing system within the Commonwealth.

It is important to note that this rulemaking was tabled subsequent to its proposal due to the recurrent unavailability of an operational Pennsylvania Automated Licensing Sales System during this time frame. In light of the progress made to the system during the past year, the Commission anticipates a full hard roll out of the system on June 15, 2009. As a consequence, the Commission has reactivated this proposal to make the necessary regulatory changes to effectuate the use of the system.

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

Action:

EXHIBIT "A"

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter A. GENERAL

§143.1. Definitions.

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

* * * * *

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

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

§143.11. Internet license sales.

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

Subchapter B. APPOINTMENT OF AGENTS

§143.26. Time for rebate.

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

Subchapter C. ANTLERLESS DEER LICENSES

§143.41. Purpose and scope.

* * * * *

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

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

* * * * *

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

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

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

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

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

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

* * * * *

§143.42. Definitions.

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

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

* * * * *

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

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

* * * * *

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

* * * * *

§143.43. Preamble.

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

* * * * *

§143.44. Application.

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

§143.45. Completing and submitting applications.

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

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

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

(d) * * *

(e) * * *

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

(g) * * *

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

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

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

* * * * *

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

§143.49. Issuing licenses.

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

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

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

§143.50. Procedure for nonresidents of this Commonwealth.

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

§143.51. Application and issuance of unsold tags.

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

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

* * * * *

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

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

§143.52. Procedure for unlimited antlerless licenses.

* * * * *

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

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

§143.53. Reapplication.

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

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

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

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

Subchapter D. BEAR LICENSES

§143.68. Carry the license.

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

Subchapter E. (Reserved)

§§143.81-143.87 (Reserved).

Subchapter J. MIGRATORY GAME BIRD LICENSE

§143.181. Purpose and scope.

This subchapter establishes rules for application and issuance of Migratory Game Bird License and HIP surveys.

§143.182. Definitions.

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

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

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

§143.183. Application.

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

§143.184. Issuance of license.

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

§143.186. Processing HIP surveys.

HIP survey data shall be forwarded electronically to the United States Fish and Wildlife Service, Office of Migratory Bird Management, through the Commission's Point-of-Sale automated licensing system no later than 30 days after license issuance.

§143.187. Unlawful acts.

It is unlawful to:

* * * * *

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

(3) * * *

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§147.672. Definitions.

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

* * * * *

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

* * * * *

§147.673. Eligibility and application for DMAP.

* * * * *

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

§147.674. Issuance of DMAP harvest permits.

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

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

* * * * *

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

§147.675. Validity of permit.

* * * * *

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

* * * * *

§147.676. Unlawful acts.

It is unlawful to:

* * * * *

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

* * * * *

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code, §139.4.

Commentary:

To effectively manage the wildlife resources of this Commonwealth and also provide hunting and trapping opportunities in the Commonwealth during the upcoming license year, the Commission is proposing to amend 58 Pa. Code §139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2009-2010 license year. Although the 2009-2010 seasons and daily season and possession limits are similar to those set in 2008-2009, the 2009-2010 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of the Commonwealth.

A change is proposed for small game seasons that prohibits the hunting and harvesting of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit. Again this year we acknowledge the interest of some parties to close quail season statewide. Given the diminished status of wild quail populations, this recommendation is understandable; however, we do not plan to recommend changes in bobwhite season length or hunt areas until we have a bobwhite quail management plan completed. In the interim bobwhite hunting closures will continue in the last vestiges of the historic quail range.

This proposal also calls for a decrease in the length of the wild turkey fall season in WMU 2D to 2 weeks and decreases the fall season in WMUs 5C and 5D to 4 days. Summer sighting indices and spring harvest densities in WMU 2D have consistently been below the average values from 1995-2003 and the spring harvest density remains below the value prior to the season extension. The surrounding WMUs (except for WMU 2B) all have 2-week seasons, too. Wild turkey spring harvest densities in WMU 5C continue to show a declining trend even after decreasing the season by 1 day in 2005. Although the dataset is limited for WMU 5D, the spring harvest density has decreased approximately 78% since the fall season has been open. Turkey populations are particularly vulnerable to overharvest in these WMUs due to highly fragmented forested habitats.

These proposed regulations also recommend extended bear hunting concurrent with a portion of the deer season in WMUs 5B and 5C while eliminating the extended bear hunting opportunity in WMU 3C. WMUs 5B and 5C are for the most part outside the current primary bear range; they have high human-bear conflict potential and low availability of contiguous forested habitat. Further expansion of bear populations in these units is not desired, hence the recommendation to allow additional bear harvest opportunity. WMU 3C has been open to an extended 6 day season since 2005 and was partially open beginning in 2004. A declining bear population trend has been identified in WMU 3C during the last 2 years and bear captures and tagging have declined to a level that makes this extended season counterproductive for population management.

Finally, for bobcat, this proposal recommends adding WMUs 4A and 4E to the bobcat hunt/trap area. Increased numbers of incidental bobcat captures and bobcat sightings in these areas support this proposal.

Recommendation: The Executive Director and staff recommend the Commission approve the proposed 2009-2010 hunting seasons and bag limits amendment to §139.4 as described in the attached table.

Action:

ANNEX "A"

(SEASONS AND BAG LIMITS TABLE)

**2009-2010 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels – (Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 16	6	12
Squirrels – (Combined species)	Oct. 17 and Dec. 14 and Dec. 26	Nov. 28 Dec. 23 Feb. 6, 2010	6	12
Ruffed Grouse	Oct. 17 and Dec. 14 and Dec. 26	Nov. 28 Dec. 23 Jan. 23, 2010	2	4
Rabbits, Cottontail	Oct. 24 and Dec. 14 and Dec. 26	Nov. 28 Dec. 23 Feb. 6, 2010	4	8
Ring-necked Pheasant – There is no open season for the taking of pheasants in the following WPRAs: Pike Run, Somerset, Greenwood Valley & Turbotville. (See §141.28 for descriptions of WPRAs)				
Ring-necked Pheasant - Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 17	2	4

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Ring-necked Pheasant - Male or female combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 17	2	4
Ring-necked Pheasant - Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A, & 5B	Oct. 24	Nov. 28	2	4
Ring-necked Pheasant – 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.				
Ring-necked Pheasant - Male or female combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D	Oct. 24 and Dec. 15 and Dec. 26	Nov. 28 and Dec. 23 and Feb. 6, 2010	2	4
Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Bobwhite Quail - The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 24	Nov. 28	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2010	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.		Unlimited	

Species	First Day	Last Day	Daily Limit	Season Limit
Turkey - Male or Female			1	1
WMUs 1A, 1B & 2A (Shotgun, Bow & Arrow only)	Oct. 31	Nov. 14		
WMU 2B (Shotgun, Bow & Arrow only)	Oct. 31	Nov. 21		
WMUs 2C, 2D, 2E, 2F, 4A & 4B	Oct. 31	Nov. 14		
WMUs 2G, 3A, 3B, 3C, 3D, 4C, 4D & 4E	Oct. 31	Nov. 21		
WMUs 5A & 5B	Closed to fall turkey hunting			
WMUs 5C & 5D (Shotgun, Bow & Arrow only)	Oct. 31	Nov. 4		
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	May 1, 2010	May 31, 2010	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 24, 2010	April 24, 2010	1	1

MIGRATORY GAME BIRDS

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

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

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 3	April 4, 2010		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season			Unlimited

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
FALCONRY				
Squirrels – (Combined species)	Sept. 1	Mar. 31, 2010	6	12
Quail	Sept. 1	Mar. 31, 2010	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2010	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2010	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2010	1	2
Ring-necked Pheasant - Male and Female - (Combined)	Sept. 1	Mar. 31, 2010	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
Deer, Archery (Antlered & Antlerless) ² (Statewide)	Oct. 3 and Dec. 26	Nov. 14 Jan. 9, 2010	One antlered and an antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Species	First Day	Last Day	Season Limit
Deer, Archery (Antlerless) WMUs 2B, 5C & 5D	Sep. 19 and Nov. 16 and Dec. 14	Oct. 2 Nov. 28 Dec. 23	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered & Antlerless) ² WMUs 1A, 1B, 2A, 2B, 2C, 2E, 2F, 3A, 3B, 3D, 4A, 4C, 4D, 4E, 5A, 5B, 5C, 5D	Nov. 30	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ^{2&3} WMUs 2D, 2G, 3C, 4B	Nov. 30	Dec. 4	One antlered deer.
Deer, Regular firearms (Antlered & Antlerless) ^{2&3} WMUs 2D, 2G, 3C, 4B	Dec. 5	Dec. 12	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) 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. 22	Oct. 24	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 17	Oct. 24	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² (Statewide)	Dec. 26	Jan. 9, 2010	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular Firearms (Antlerless) WMUs 2B, 5C & 5D	Dec. 14 and Dec. 26	Dec. 23 Jan. 23, 2010	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

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. 18	Nov. 19	1	1
Bear, any age (Statewide) ⁵	Nov. 23	Nov. 25	1	1
Bear, any age ⁵ Portions 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. 30	Dec. 5	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 Swissdale), 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 4C, 4D, 4E, 5B & 5C	Dec. 2	Dec. 5	1	1
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ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, (Antlered & Antlerless) ⁶ With each required license	Nov. 2	Nov. 7	1	1

FUR TAKING - TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats (Statewide)	Nov. 21	Jan. 10, 2010		Unlimited
Beaver (Statewide)	Dec. 26	Mar. 31, 2008		
WMUs 2E, 2F & 2G (Combined)			20	20
WMUs 1A, 1B, 3A, 3B, 3C & 3D (Combined)			20	40

FUR TAKING – TRAPPING (Continued)

Species	First Day	Last Day	Daily Limit	Season Limit
WMUs 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels - (Statewide)	Oct. 25	Feb. 21, 2010		Unlimited
Coyotes & Foxes - (Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 21, 2010		Unlimited
Bobcat ⁷ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Oct. 25	Feb. 21, 2010	1	1

FUR TAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes - (Statewide)				Unlimited
Coyotes - (During any archery deer season)				
Coyotes - (During the regular firearms deer season and any bear season)				
Coyotes - (During the spring gobbler turkey season)				
Opossums, Skunks, Weasels ⁸ (Statewide)				
Raccoons and Foxes - (Statewide) ⁸	Oct. 24	Feb. 20, 2010		Unlimited
Bobcat ⁷ WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Oct. 24	Feb. 20, 2010	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.

⁷ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁸ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

B. Amend 58 Pa. Code §141.28.

Commentary:

The Ring-necked Pheasant Management Plan calls for restoring self-sustaining and huntable ring-necked pheasant populations in suitable habitats by establishing Wild Pheasant Recovery Areas (WPRAs). Wild-trapped pheasants will be released in WPRAs in an effort to establish populations of at least 10 hens per mi² in the spring, while WPRAs remain closed to game farm pheasant stocking and pheasant hunting, and dog training is restricted during the population establishment period. The moratorium on game farm pheasant releases is aimed at minimizing the possibility of reducing genetic diversity and improving survivorship of wild pheasants. Pheasant hunting curtailment is important to eliminating the incidental taking of hen pheasants thus limiting population viability. Dog training restrictions are essential to maximizing survivorship and direct taking of hens, especially during the spring nesting and summer brood rearing periods. WPRAs and the protections outlined can be accomplished through the regulations proposed in 58 Pa. Code § 141.28.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§141.28. Wild pheasant recovery areas.

(a) Definition. For the purpose of this section, the phrase "wild pheasant recovery area" shall include and be limited to the following geographic locations.

(1) Pike Run WPRA. The portion of Washington County, WMU 2A, bounded on the east by the Monongahela River, on the north by I-70, on the west by PA Rt. 917 to Swagler Rd. to Spring Valley Rd. to PA Rt. 2015 to Lone Pine Rd. to the intersection with Tenmile Creek in West Zollarsville, and bounded on the south by Tenmile Creek.

(2) Somerset WPRA. That portion of Somerset County, WMU 2C, bounded on the western side starting at the intersection of Coleman Station Rd. and to Stutzmantown Rd. proceeding south on Coleman Station Rd. to Brotherton Rd. continuing south to Shultz Rd./Round Hill Rd. then onto Wills Church Rd. then to Archery Rd. Boundary follows Berlin Plank Rd. (US Rt. 219) into the town of Berlin where it joins the Mason Dixon Highway (US Rt. 219) proceeding south to Pine Hill Rd. then onto Goodtown Rd. to Walker School Rd. to Sawmill Rd. Boundary crosses PA Rt. 160 to intersection with PA Rt. 31. Following Roxbury Rd. north to Shanksville Rd. connecting to the northern boundary of Stutzmantown Rd. again to the intersection of Coleman Station Rd.

(3) Central Susquehanna WPRA. Portions of Management Unit 4E in Northumberland, Montour, Columbia and Lycoming counties from the West Branch of the Susquehanna River to the south and east of the intersection of PA Rts. 54 and 405 south to the intersection with PA Rt. 642 and the West Branch of the Susquehanna River in Milton. The southern boundary is defined by PA Rt. 642 east from Milton to Maudsley, then PA Rt. 642 begins the east side of the WPRA boundary north to Jerseytown and then continues to the northern boundary following Whitehall Rd. (PA Rt. 44) towards White Hall. The northern boundary consists of smaller state and township roads proceeding from the West Branch of the Susquehanna River south and east along PA Rt. 405 to PA Rt. 54 east in Northumberland County. Then proceeding north on Crawford Rd. (Rt. 507), continuing northeast on Hughes Rd. (Rt. 655), crossing under I-180, ending at Susquehanna Trail (PA Rt. 1007). Continuing south on Susquehanna Trail (PA Rt. 1007) to Schmidt Rd. (Rt. 564). Proceeding east and southeast on Schmidt Rd. (Rt. 564). Continuing northeast on Balliet Rd. (Rt. 664) and Miller Rd. (Rt. 653) to Hockley Hill Rd. (PA Rt. 1011). Proceeding south on Hockley Hill Rd. (PA Rt. 1011) and east and south on Pugmore Lane to Showers Rd. (PA Rt. 1010). Continuing east on Showers Rd. (PA Rt. 1010), crossing into Montour County, and proceeding south on Gearhart Hollow Rd. (Rt. 441), east on Hickory Rd. (PA Rt. 1008), northeast on Mingle Rd. (Rt. 433), east on Hickory Rd. (PA Rt. 1008), north on Muncy Exchange Rd. (PA Rt. 1003), northeast on Country Line Rd., crossing into Lycoming County, east and north on Ridge Rd., southeast on G Wagner Rd., crossing into Columbia County, south on Katy's Church Rd., to the border of State Game Lands 226. South along the State Game Lands 226 boundary and then east and southeast along the State Game Lands 226 boundary, then south on Ants Hill Rd. Proceeding east on Shultz Rd., south on Swartz Rd., west on Schoolhouse Rd. to Whitehall Rd. (PA Rt. 44) northwest of Jerseytown and southeast of Whitehall.

(b) Prohibitions. It is unlawful to:

(1) Release artificially propagated pheasants any time within any area designated as a wild pheasant recovery area.

(2) Train dogs in any manner from the end of small game season through July 31 within any area designated as a wild pheasant recovery area.

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

Action:

C. Amend 58 Pa. Code §141.66.

Commentary:

In January 2005, the Commission first defined and authorized the limited use of cable restraint devices to harvest red fox, gray fox, and coyote. Since the inception of its lawful use by Pennsylvania trappers, the Commission has identified a low but recognizable incidence of non-target furbearing species (including raccoons, opossum, skunk and bobcat) being captured in legal sets of these devices. Due to the limited authorization on the species that can be lawfully harvested through the use of cable restraint devices, the Commission has historically treated the capture of all other non-target furbearing species as mistake catches despite the fact that there are typically open seasons on these species at the time of capture. In an effort to avoid this result, the Commission is proposing to amend §141.66 (relating to cable restraints) to permit properly licensed trappers to take and utilize non-target furbearing species captured in a cable restraint device during an open season for that species. This amendment will also allow an incidentally captured bobcat to be harvested if the trapper possesses a valid bobcat harvest permit. This modification does not in any manner change the legal definition of a legal cable restraint or the manner or location where these devices may be set.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§141.66. Cable restraints.

(a) Cable restraint devices may be used from January 1 until the end of the established trapping season to harvest red fox, gray fox, and coyote. Non-target 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 all applicable licenses and permits.

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 §§141.41, 141.43-143.45 and 141.47.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 24, 2008 meeting, proposed the following changes.

Amend §§141.41, 141.43-143.45 and 141.47 (relating to big game) to restructure the regulatory provisions relating to big game hunting and to allow the use of crossbows during the various big game seasons.

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

Action:

EXHIBIT "A"

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.41. General.

It is unlawful to:

(1) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(2) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of kill.

(3) Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission at Harrisburg or by any other method designated by the Director.

(4) Receive a DMAP permit without reporting in the manner prescribed on the permit.

§141.43. Deer.

(a) Archery deer season.

(1) Permitted devices. It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow shall have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(2) Prohibitions. While hunting deer during the archery deer season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season pursuant to the authorizations of section 2525 of the act (relating to possession of a firearm for protection of self or others).

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

(ii) Use a device not provided for in the act or in this subsection.

(b) Flintlock muzzleloading deer season.

(1) Permitted devices. It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm.

(i) A flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

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

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required by section 2322 (a)(4) of the act (relating to prohibited devices and methods).

(iv) Use a device not provided for in the act or in this subsection.

(c) Muzzleloading deer season.

(1) Permitted devices. It is lawful to hunt deer during the muzzleloading deer season with a muzzleloading firearm.

(i) A muzzleloading firearm. The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

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

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322 (a)(4) of the act (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this subsection.

(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 firearm.

(ii) A bow and arrow as permitted under subsection (a)(1)(i).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(iv) A muzzleloading firearm as permitted under subsections (b)(1) or (c)(1).

(2) Prohibitions. While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322 (a)(4) of the act (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this subsection.

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

(f) .22 caliber or less rimfire required for furbearers. When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

§141.44. Bear.

(a) Archery bear season.

(1) Permitted devices. It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(2) Prohibitions. While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of a firearm for protection of self or others).

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) 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 firearm.

(ii) A bow and arrow as permitted under subsection (a)(1)(i).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(iv) A muzzleloading firearm. The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) Prohibitions. While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322 (a)(4) of the act (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

§141.45. Turkey.

(a) Fall turkey season.

(1) Permitted devices. It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) Except as otherwise prohibited in paragraph (2)(i), a manually operated centerfire, rimfire or muzzleloading firearm using single-projectile ammunition.

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 4 Bismuth/tin or # 2 steel.

(iii) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(iv) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(2) Prohibitions. While hunting turkey during the fall turkey season, it is unlawful to:

(i) Use a manually operated centerfire, rimfire or muzzleloading firearm using single projectile ammunition in Wildlife Management Units 1A, 1B, 2A, 2B, 5B, 5C and 5D.

- (ii) Use drives or any method other than hand or mouth calling.
- (iii) Use or possess an electronic caller or a live turkey as a decoy.
- (iv) Use a device not provided for in the act or in this subsection.

(b) Spring turkey season.

(1) Permitted devices. It is lawful to hunt turkey during the spring turkey season with any of the following devices:

- (i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 4 Bismuth/tin or # 2 steel.
- (ii) A bow and arrow as permitted under subsection (a)(1)(iii).
- (iii) A crossbow and bolt as permitted under subsection (a)(1)(iv).

(2) Prohibitions. While hunting turkey during the spring turkey season, it is unlawful to:

- (i) Use a centerfire, rimfire or muzzleloading firearm using single projectile ammunition.
- (ii) Use or possess single projectile ammunition, except arrows or bolts.
- (iii) Use drives or any method other than hand or mouth calling.
- (iv) Use or possess an electronic caller or a live turkey as a decoy.
- (v) Use a device not provided for in the act or in this subsection.

§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, centerfire shotgun. The firearm must be a 12 gauge or larger firearm.

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch with at least two fixed cutting edges located on the same plane throughout the cutting surface.

(b) Prohibitions. While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322 (a)(4) of the act (relating to prohibited devices and methods).

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

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Act or conspire to act as a guide for any person without first securing a permit from the Commission and attending an orientation program sponsored by the Commission.

(5) Act or conspire to act as a client for any guide who has not secured a permit from the Commission and attended an orientation program sponsored by the Commission.

(6) Drive or herd elk.

(7) Hunt within 150 yards from the center line of Route 555, from the intersection of Routes 255 and 555, to the intersection of Huston Hill Road and Route 555.

(8) Hunt within the Hick's Run no hunt zone, this being the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within .3 mile of Route 555.

B. Adoption of proposed amendments to §147.783.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 24, 2008 meeting, proposed the following changes.

Amend §147.783 (relating to permit) to authorize the limited use of electronic calls for all hunting and taking activities conducted pursuant to a snow goose conservation hunt permit.

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 147. SPECIAL PERMITS

Subchapter W. SNOW GOOSE CONSERVATION HUNT PERMIT

§147.783. Permit.

* * * * *

(c) Except as otherwise provided in this subchapter, all State and Federal requirements and limitations relating to the hunting and taking of snow geese during regular open seasons apply to any activities conducted pursuant to the authorizations of a snow goose conservation hunt permit. The following specific exceptions shall apply:

(1) Hunting hours. All hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit shall be conducted in accordance with the adjusted hunting hours authorized for the snow goose conservation season provided in §141.4 (relating to hunting hours).

(2) Electronic calling. Notwithstanding the general prohibition against the use of electronic calls found in section 2308 of the act (relating to unlawful devices and methods), the limited use of electronic calls shall be authorized for all hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit.

* * * * *

PROPOSED RULE MAKING

C. Amend 58 Pa. Code, §131.8.

Commentary: Section 925(i) of the Game and Wildlife Code specifically states that "In addition to the fines and costs incurred by the Commission for the species involved in the violation shall be assessed by the magisterial district judges in such amount as is fixed by regulation of the Commission." Despite the fact that the Commission has set forth replacement cost values for bear, elk and threatened or endangered species, it has never done so for any other species. Without clear authority or guidance on assessing replacement costs for these other species, the courts rarely assess replacement costs for the same resulting in unanswered losses to the Commonwealth. In an effort to avoid these losses, the Commission is proposing to amend §131.8 (relating to replacement costs for wildlife killed) to provide a more comprehensive list of applicable costs for all of the various wildlife species found within this Commonwealth.

CHAPTER 131. PRELIMINARY PROVISIONS

§131.8. Replacement costs for wildlife killed.

~~[In addition to the penalties provided for the violation of any of the provisions of the act or this title, every person who unlawfully kills or possesses wildlife shall be assessed the following replacement costs:~~

~~(1) — Each elk, bear or threatened or endangered bird or mammal not less than \$800 nor more than \$5,000.~~

~~(2) — Each elk with at least six points on one antler, not less than \$5,000 nor more than \$10,000.]~~

Pursuant to section 925(i) of the act (relating to fines and penalties for violations), in addition to any fines and costs imposed for violations of the act and this title, any person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(a) General class:

(1) Each threatened or endangered bird or mammal, \$5,000.

(2) Each elk, \$1,500.

(3) Each bear, \$1,500.

(4) Each deer, \$800.

(5) Each bobcat, \$500.

(6) Each otter, \$500.

(7) Each turkey, \$300.

(8) Each beaver, \$300.

(9) Any other wildlife, \$200.

(b) Trophy class:

(1) Each elk with a Boone and Crockett score of 200 points or more,
\$5,000.

(3) Each deer with a Boone and Crockett score of 115 point or more,
\$5,000.

(2) Each black bear with a field dressed weight over three hundred and
fifty pounds or more, \$5,000.

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

Action:

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 2009-2010 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 28, 2009 THROUGH JULY 3, 2010**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
June 28 – July 4	5:07	9:03	Jan. 3 – 9	6:53	5:22
July 5 – 11	5:12	9:02	Jan. 10 – 16	6:52	5:25
July 12 – 18	5:17	8:56	Jan. 17 – 23	6:50	5:32
July 19 – 25	5:23	8:51	Jan. 24 – 30	6:46	5:40
July 26 – Aug. 1	5:29	8:44	Jan. 31 – Feb. 6	6:40	5:49
Aug. 2 – 8	5:36	8:36	Feb. 7 – 13	6:30	5:57
Aug. 9 – 15	5:42	8:27	Feb. 14 – 20	6:25	6:05
Aug. 16 – 22	5:51	8:17	Feb. 21 – 27	6:15	6:14
Aug. 23 – 29	5:56	8:06	Feb. 28 – Mar. 6	6:05	6:19
Aug. 30 – Sept. 5	6:02	7:55	Mar. 7 – 13 *begins	6:55	7:29
Sept. 6 – 12	6:09	7:44	Mar. 14 – 20	6:44	7:36
Sept. 13 – 19	6:16	7:32	Mar. 21 – 27	6:32	7:44
Sept. 20 – 26	6:22	7:21	Mar. 28 – Apr. 3	6:21	7:51
Sept. 27 – Oct. 3	6:29	7:09	Apr. 4 – 10	6:10	7:58
Oct. 4 – 10	6:34	6:58	Apr. 11 – 17	5:59	8:05
Oct. 11 – 17	6:43	6:48	Apr. 18 – 24	5:48	8:12
Oct. 18 – 24	6:51	6:38	Apr. 25 – May 1	5:40	8:21
Oct. 25 – 31	6:59	6:29	May 2 – 8	5:30	8:26
Nov. 1 – 7 *ends	6:07	5:21	May 9 – 15	5:25	8:33
Nov. 8 – 14	6:15	5:15	May 16 – 22	5:15	8:40
Nov. 15 – 21	6:23	5:10	May 23 – 29	5:10	8:46
Nov. 22 – 28	6:30	5:07	May 30 – June 5	5:05	8:52
Nov. 29 – Dec. 5	6:37	5:05	June 6 – 12	5:02	8:57
Dec. 6 – 12	6:43	5:05	June 13 – 19	5:02	9:00
Dec. 13 – 19	6:48	5:06	June 20 – 26	5:03	9:03
Dec. 20 – 26	6:49	5:08	June 27 – July 3	5:07	9:03
Dec. 27 – Jan. 2	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. 30 – Sept. 5	6:02	7:25	Dec. 27 – Jan. 2	6:52	4:42
Sept. 6 – 12	6:09	7:14	Jan. 3 – 9	6:53	4:48
Sept. 13 – 19	6:16	7:02	Jan. 10 – 16	6:52	4:55
Sept. 20 – 26	6:22	6:49	Jan. 17 – 23	6:50	5:02
Sept. 27 – Oct. 3	6:29	6:39	Jan. 24 – 30	6:46	5:10
Oct. 4 – 10	6:34	6:28	Jan. 31 – Feb. 6	6:40	5:19
Oct. 11 – 17	6:43	6:18	Feb. 7 – 13	6:30	5:27
Oct. 18 – 24	6:51	6:08	Feb. 14 – 20	6:25	5:35
Oct. 25 – 31	7:00	5:59	Feb. 21 – 27	6:15	5:44
Nov. 1 – 7*ends	6:07	4:49	Feb. 28 – Mar. 6	6:05	5:49
Nov. 8 – 14	6:15	4:45	Mar. 7 – 13*begins	6:55	6:59
Nov. 15 – 21	6:23	4:40	Mar. 14 – 20	6:44	7:06
Nov. 22 – 28	6:30	4:37	Mar. 21 – 27	6:32	7:14
Nov. 29 – Dec. 5	6:37	4:35	Mar. 28 – Apr. 3	6:21	7:21
Dec. 6 – 12	6:43	4:35	Apr. 4 – 10	6:10	7:28
Dec. 13 – 19	6:48	4:36	Apr. 11 – 17	5:59	7:35
Dec. 20 – 26	6:49	4:38	*Daylight Saving Time		

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

Action:

E. Amend 58 Pa. Code, Chapter 143, Subchapter M, §§143.241-143.247.

Commentary:

Since the successful implementation of the Mentored Youth Hunting Program (MYHP) in the fall of 2006, the Commission has been striving to find ways to improve this innovative new program. In October this past fall the Commission first improved the program with the addition of coyotes to the list of species that may be lawfully pursued by mentored youth. The Commission is now proposing to further improve the MYHP by implementing a permitting process to gain authorization to participate in the program. The use of a permitting process will provide a two-fold benefit by providing the Commission with an accurate identification and count of participants in the program as well as provide participants with official big game tags appropriate for the species that may be taken by mentored youth.

When the MYHP was in its initial development, the steering committee recommended that a permit or junior license be required. Unfortunately, the Commission did not have access to a financially feasible administrative process to issue the permit in this manner at that time. Now, with the advent of the Pennsylvania Automated License System (PALS), there is an economic and efficient mechanism to facilitate issuance of the permits and their respective big game tags. While functionality of the MYHP in the field will remain largely the same, however, participants will now be required to apply for and receive a permit through the PALS system at any of its issuing agent locations across the Commonwealth prior to participating in the program. Permit application will require participants to supply the required identification information and pay a nominal fee of \$1, plus any applicable transactional and issuing agent fees.

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter M. [~~MENTORED YOUTH HUNTING PROGRAM LICENSE EXEMPTION~~]

(Reserved)

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

~~[(a) The purpose of this subchapter is to define and implement the Mentored Youth Hunting Program.~~

~~[(b) The Mentored Youth Hunting Program is intended to provide mentors who are dedicated to promoting and sharing this Commonwealth's hunting heritage with interested youths, the opportunity to provide these younger unlicensed youths with one-on-one, hands-on experience and in field training on the mechanical, ethical, safety, responsibility and enjoyment aspects of the hunting experience.]~~

§143.242. [Definitions.] (Reserved)

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

~~Lawful hunting device—Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.~~

~~Mentor—A licensed person, 21 years of age or older who is serving as a guide to a mentored youth while engaged in hunting or related activities.~~

~~Mentored youth—An unlicensed person, under 12 years of age who is accompanied by a mentor while engaged in hunting or related activities.~~

~~Stationary—The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.]~~

§143.243. [General.] (Reserved)

~~(a)—A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored youth hunting activities.~~

~~(b)—A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey. A mentored youth's hunting eligibility is further limited to:~~

~~(i)—Spring gobbler season only for turkey.~~

~~(ii)—Antlered deer only during any applicable deer seasons. However, mentored youth hunters shall be eligible for the same antler restrictions that apply to junior license holders as provided in §131.2 (relating to definitions).~~

~~(c)—A mentored youth's hunting eligibility is further constrained by all applicable hunting seasons, daily limits, field possession limits and season limits provided in §139.4 (relating to seasons and bag limits for the license year).~~

~~(d)—A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (b).~~

~~(e)—A mentored youth shall tag and report all big game harvested in the manner provided for in section 2323(b) of the act (relating to killings by persons without license).]~~

§143.244. ~~[Safety:] (Reserved)~~

~~[While engaged in mentored youth hunting activities:~~

~~(1) — A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device.~~

~~(2) — A mentor may not accompany more than one youth, including junior hunters, at any given time.~~

~~(3) — A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time.~~

~~(4) — A mentor and mentored youth shall both comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.]~~

§143.245. ~~[Liability:] (Reserved)~~

~~[A mentor is responsible and accountable for all actions of the mentored youth occurring while engaged in mentored youth hunting activities. A mentor who causes or allows a mentored youth to engage in an unlawful act shall be punishable as the principal offender as provided in section 924 of the act (relating to liability for actions of others) or with any regulations promulgated by the Commission.]~~

§143.246. ~~[Unlawful acts:] (Reserved)~~

~~[It is unlawful while engaged in mentored youth hunting activities for:~~

~~(1) — A mentor not to possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).~~

~~(2) — A mentor to permit a mentored youth to possess any lawful hunting device except while in a stationary position and within arms reach of the mentor.~~

~~(3) — A mentor to permit a mentored youth to take or attempt to take any species of game or wildlife not otherwise authorized by this subchapter.~~

~~(4) — A mentor to accompany more than one youth, including junior hunters, at any given time.~~

~~(5) — A mentor or mentored youth to collectively possess more than one lawful hunting device at any given time.~~

~~(6) — A mentor or mentored youth to fail to comply with section 2524 of the act (relating to protective material required) or any regulations promulgated by the Commission relating to protective material.~~

~~(7) — A mentor or mentored youth to violate any other provision of this subchapter.]~~

§143.247. [Penalties:] (Reserved)

~~[A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act.]~~

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED YOUTH HUNTING PROGRAM PERMIT

Sec.

147.801. Purpose and scope.

147.802. Definitions.

147.803. Application.

147.804. General.

147.805. Safety.

147.806. Liability.

147.807. Violations.

§147.801. Purpose and scope.

(a) The purpose of this subchapter is to define and implement the Mentored Youth Hunting Program and provide for the issuance of hunting permits to eligible youths.

(b) The Mentored Youth Hunting Program is intended to provide mentors who are dedicated to promoting and sharing this Commonwealth's hunting heritage with interested youths, the opportunity to provide these younger unlicensed youths with one-on-one, hands-on experience and in-field training on the mechanical, ethical, safety, responsibility and enjoyment aspects of the hunting experience.

§147.802. Definitions.

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

Lawful hunting device – Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

Mentor – A licensed person, 21 years of age or older who is serving as a guide to a mentored youth while engaged in hunting or related activities.

Mentored youth – An unlicensed person, under 12 years of age who is accompanied by a mentor while engaged in hunting or related activities.

Stationary – The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

§147.803. Application.

(a) Applications for mentored youth hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application shall include the name, address, telephone number, date of birth and social security number of the applicant.

(b) Applications may be submitted on behalf of an eligible mentored youth upon presentation of a written request executed by a parent or legally constituted guardian.

(c) The fee for a mentored youth hunting permit will be \$1, plus any applicable transactional and issuing agent fees.

§147.804. General.

(a) A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored youth hunting activities.

(b) A mentored youth shall possess a valid mentored youth hunting permit prior to engaging in any mentored youth hunting activities.

(c) A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey. A mentored youth's hunting eligibility is further limited to:

(i) Spring gobbler season only for turkey.

(ii) Antlered deer only during any applicable deer seasons. However, mentored youth hunters shall be eligible for the same antler restrictions that apply to junior license holders as provided in §131.2 (relating to definitions).

(d) A mentored youth's hunting eligibility is further constrained by all applicable hunting seasons, daily limits, field possession limits and season limits provided in §139.4 (relating to seasons and bag limits for the license year).

(e) A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (b).

(f) A mentored youth shall tag and report all big game harvested in the manner provided for in section 2323 of the act (relating to tagging and reporting big game kills).

§147.805. Safety.

While engaged in mentored youth hunting activities:

(1) A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device.

(2) A mentor may not accompany more than one youth, including junior hunters, at any given time.

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time.

(4) A mentor and mentored youth shall both comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

§147.806. Liability.

A mentor is responsible and accountable for all actions of the mentored youth occurring while engaged in mentored youth hunting activities. A mentor who causes or allows a mentored youth to engage in an unlawful act shall be punishable as the principal offender as provided in section 924 of the act (relating to liability for actions of others).

§147.807. Violations.

It is unlawful for a mentor or mentored youth to fail to comply with any of the requirements, standards or limitations of this subchapter. A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act. The Director may additionally deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

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

Action:

- F. Hunting License Revocations - Convictions - Proposed recommendations to revoke the hunting and furtaking privileges of the individuals convicted of violating the Game and Wildlife Code.

Commentary: The Commission, under authority of the Game and Wildlife Code, may revoke any hunting license and furtaker's license and deny any person the right to secure a license or to hunt and furtake anywhere in the Commonwealth, with or without a license, if said licensee or person has been convicted, or signed an acknowledgment of violating any provision of the Game and Wildlife Code. The Commission may revoke such licenses for a period of not to exceed three (3) years for the first offense; for a second or subsequent offense, for such period of time as the Commission shall determine.

1. Persons denied the right to hunt or furtake in the Commonwealth, through this action, are notified by Certified Mail that the revocation will commence July 1, 2009, and continue for such period of time as set forth following the individual's name. The symbol "RA" means the revocation was added to an existing revocation.
2. In accordance with the Administrative Agency Law of April 28, 1978, P.L. 202, No. 53 5, 2 PA CSA 502 et seq., the person placed on revocation has the opportunity for an Administrative Hearing concerning the hunting license revocation. If an Administrative Hearing is requested, a petition for review must be filed at the Commission Headquarters within thirty (30) days from the date of notice. Unless deemed in the best interest of the Commission by the Director or a designee, hearings shall be conducted at the central office. Hearings will be conducted in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code 31.1 et seq. The hearing itself will be conducted in accordance with Chapter 35 of the Rules and Chapter 145 of the Pa. Code.

Recommendation: The Executive Director and the Wildlife Protection Director recommend that the Commission revoke the hunting and furtaking license privileges of the persons named by the BUREAU OF WILDLIFE PROTECTION. Such revocation shall become effective July 1, 2009, and shall continue for such period of time and under the conditions set forth following each individual's name.

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. 3545, State Game Land No. 260, Luzerne County

Commentary: Grace Ruckle has offered several building lots totaling 1.4 +/- acre in Salem Township, Luzerne County adjoining State Game Land No. 260 (Exhibit RED 1). The property is wooded and will protect the integrity of the adjoining State Game Lands from encroachment by development.

Recommendation: The Executive Director and staff recommends that 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:

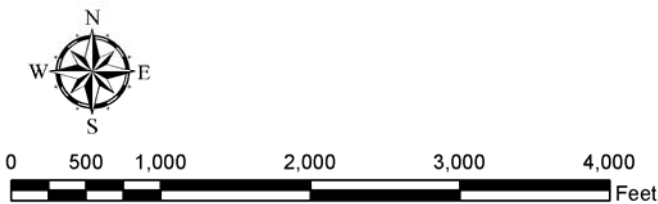
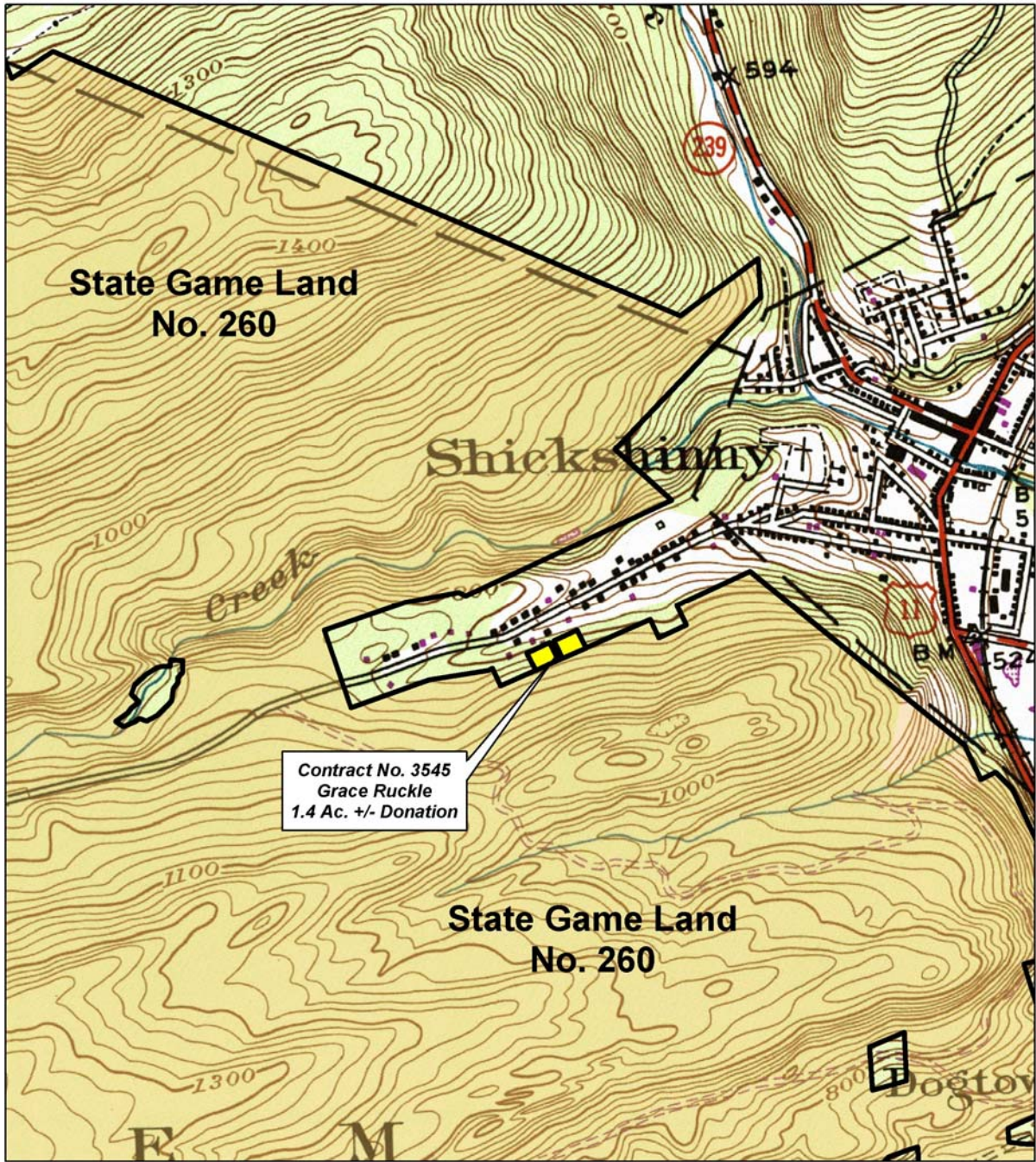


EXHIBIT RED 1
State Game Land No. 260
Grace Ruckle
1.4 Acre +/- Donation
to PGC
 Salem Township, Luzerne County
 Northeast Region

B. Land Exchange

Contract No. 3546, State Game Land No. 44, Elk County

Commentary: New Shawmut Timber Company previously conveyed 4,968 +/- acres in Horton Township, Elk County to the Commission. At the time of conveyance, New Shawmut Timber reserved timber for 10 years. New Shawmut Timber Company also previously conveyed 1,555.6 +/- acres more or less in Horton and Fox Townships, Elk County to the Commission. At the time of this conveyance, New Shawmut Timber retained ownership of an additional 376 +/- acres adjoining the 1,555.6 acres, which the Commission is interested in acquiring. New Shawmut Timber Company has agreed to convey the additional 376 acres (Exhibit RED 2) to the Commission in return for an extension to their existing timber reservation for an additional ten years, 20 years total, on the 4,968-acre property.

The 376 acres are similar in habitat to the land previously acquired, consisting mainly of reverting reclaimed surface mines vegetated with grasses, Black Locust and conifers suitable for small game habitat. The tract provides additional public access to existing State Game Land No. 44.

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

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

Action:

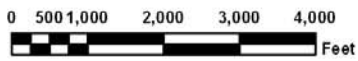
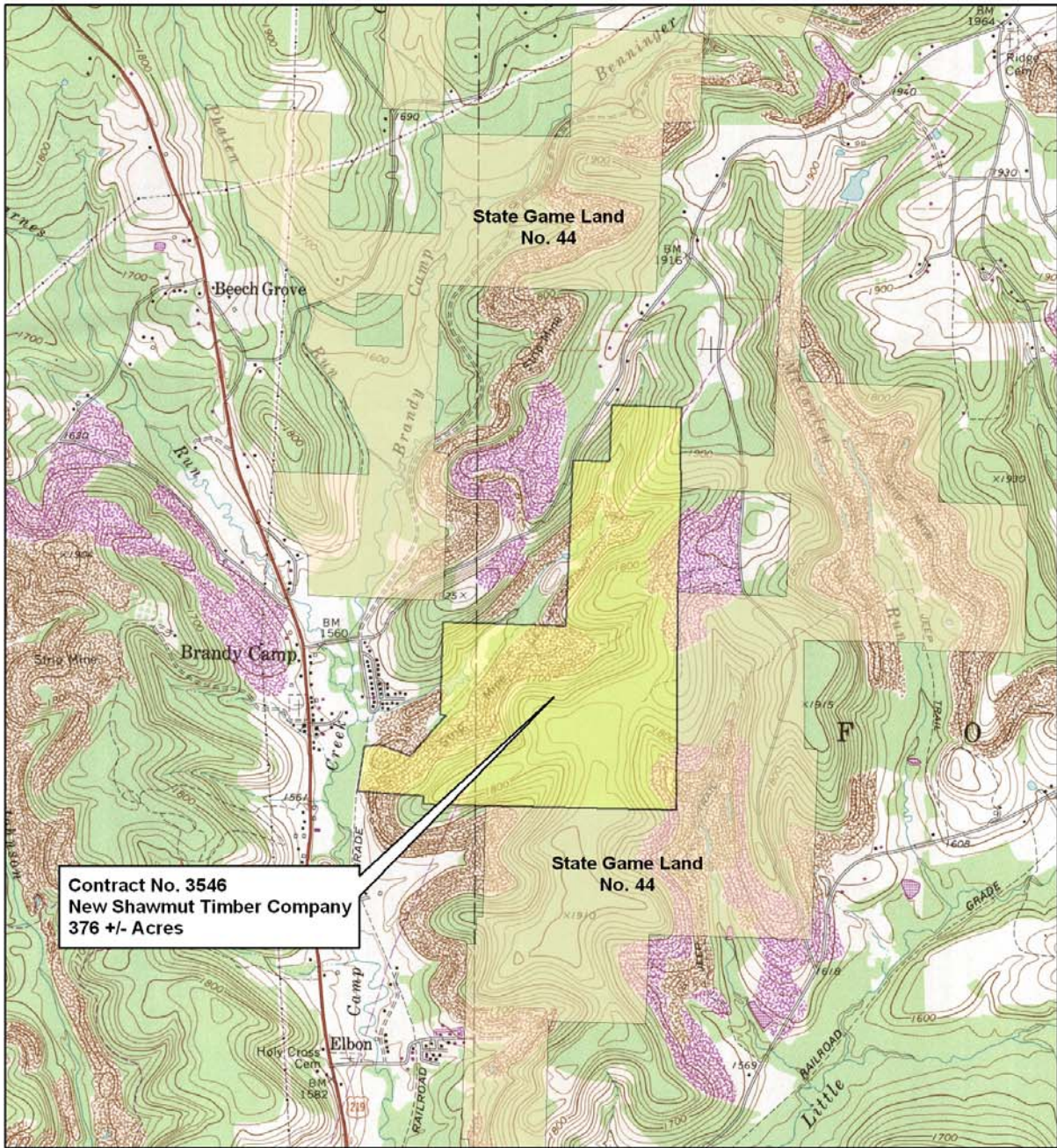


EXHIBIT RED 2
State Game Land No. 44
New Shawmut Timber Company to PGC
376 +/- Acres
Horton & Fox Townships
Elk County
Northcentral Region

C. Report of Notational Votes

The following items were voted on notationally and were unanimously approved.

Contract No. 3543, State Game Land No. 168, Monroe County

Commentary:

The Pennsylvania Game Commission is a participating Trustee in a Natural Resources Damage Assessment case filed with regard to the Palmerton Zinc site in Northampton and Monroe Counties. The current owner of the Palmerton site, CBS, has agreed to a proposed settlement with the participating parties. As part of that settlement, the Commission would receive, as compensation and mitigation for the damage, a +/- 1,100-acre property known as "King's Manor" in Ross and Eldred Townships, Monroe County, near to State Game Land No. 168 (Exhibit A). This property is mostly forested with mixed hardwoods including poplar, oaks, birch and maple. Approximately 5,853 feet of the Aquashicola Creek runs through the property and both streambanks are accessible. Numerous other unnamed tributaries drain into this creek. This is an Important Bird Area and in connection with the Wildlife Action Plan will protect the Blue Mountain migratory corridor. Acquisition will also protect the view shed for the Appalachian Trail. In addition, 51.5 acres of reverting field and openings throughout the property can be used to improve wildlife habitat conditions with minimal cost.

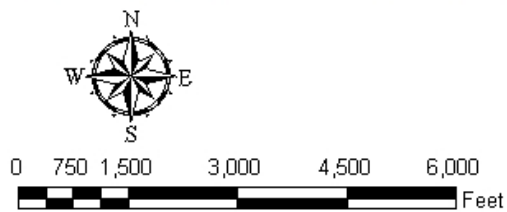
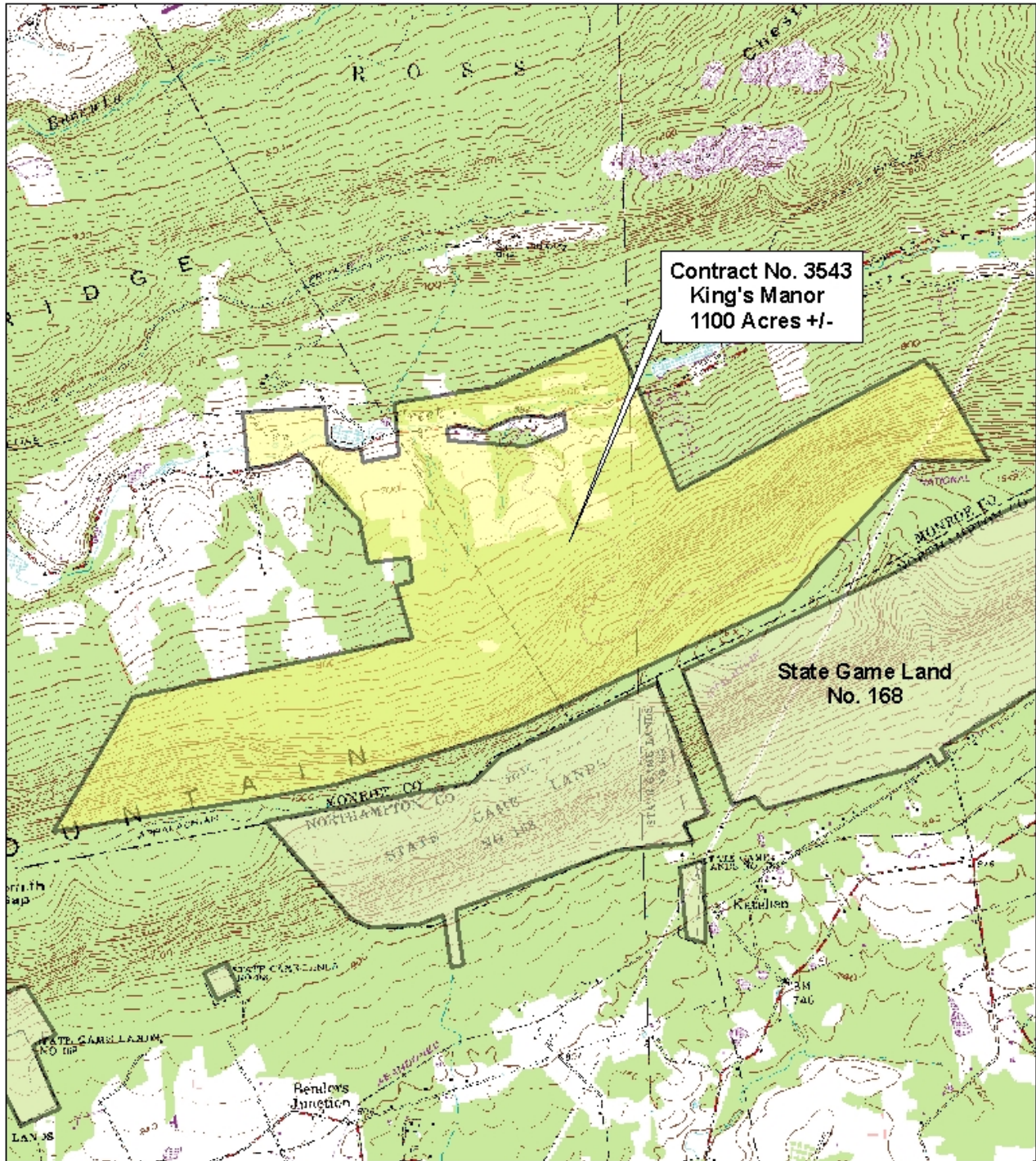


EXHIBIT A
State Game Land No. 168
King's Manor
1100 Acres +/-
to PGC
 Eldred & Ross Townships Monroe County
 Southeast Region

Contract No. 3544, State Game Land No. 317, Union County

Commentary: Gerald L. Shoop of Milton, Pennsylvania, is offering 397 acres +/-, in Hartley Township and Hartleton Borough, Union County near to State Game Land No. 317 (Exhibit B). This property is expected to meet all the federal requirements for replacement agricultural land for Compartment 5, State Game Land No. 176, exchanged to Penn State University.

Approximately 370 acres of the property is in agricultural fields with 315 acres currently enrolled in the Conservation Reserve Enhancement Program (CREP). These acres have been removed from active agricultural production and planted in grasses and legumes along with vegetated filter strips to reduce erosion. Prior to enrollment into the CREP these fields had a crop history of producing corn, soybeans and hay. The property has 50 acres currently being intensively managed for agricultural row crops. The remaining acres are either in reverting fields or small woodlots consisting of mixed hardwoods and conifers. Several streams traverse the property, including Spruce Run in the northwest corner of the property and intermittent and perennial streams in the southeast portion that flow into Laurel Run. Soil type characteristics include shaly and silt loams with interspersed glacial-till soil materials.

Mr. Shoop desires to consummate this transaction this calendar year for tax purposes. Therefore, the Bureau of Wildlife Habitat Management is requesting authority to proceed with the acquisition using funds from the State Game Land No. 176 land exchange with Penn State prior to December 31, 2008. The purchase price is \$1,976,300.00.

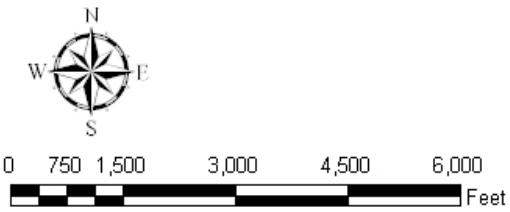
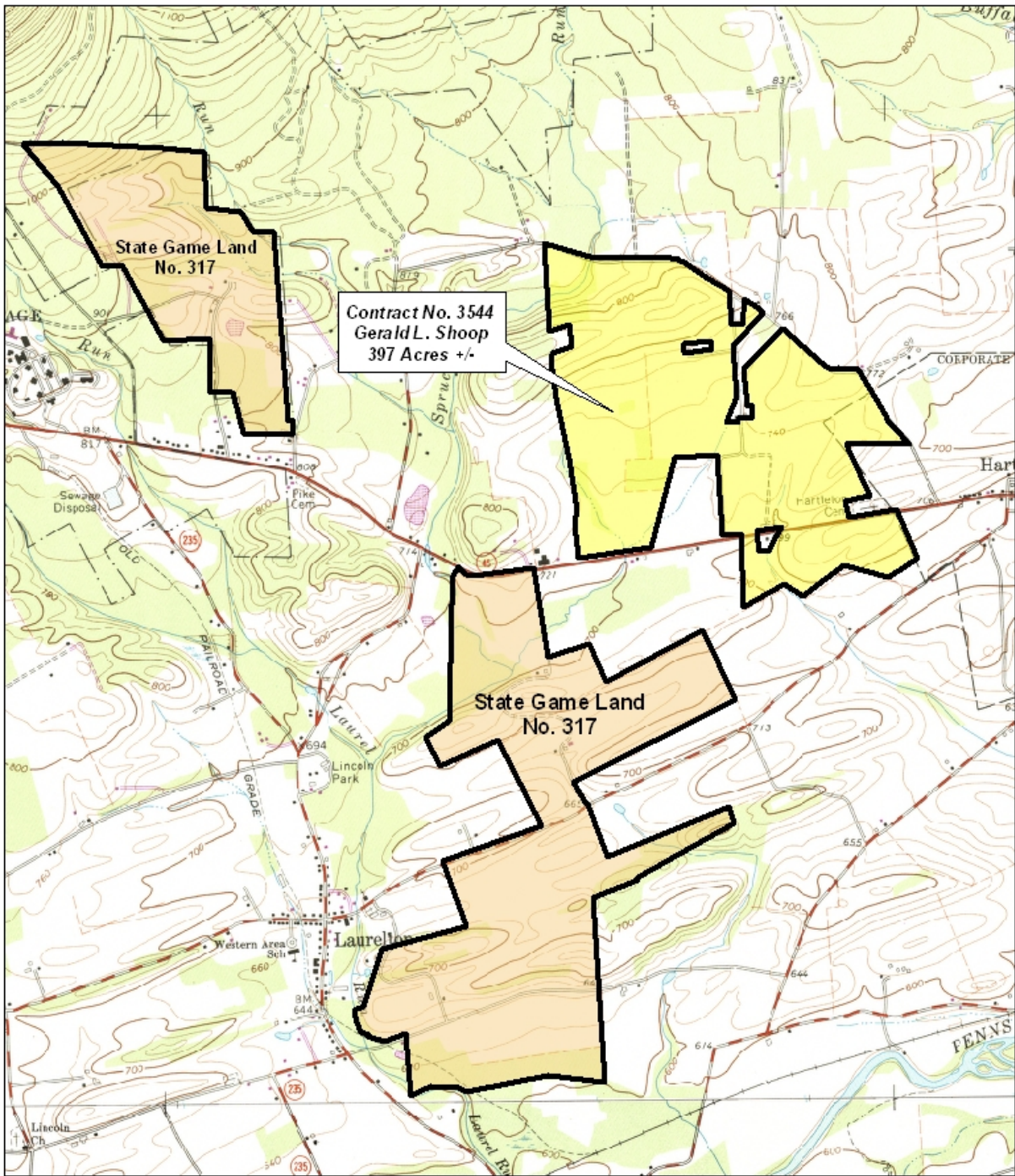


EXHIBIT B
State Game Land No. 317
Gerald L. Shoop
397 Acres +/-
to PGC
 Hartley Twp. & Hartleton Boro, Union County
 Northcentral Region

OIL/GAS & MINERALS

A. Deep Mining Coal Lease

Commission Owned Coal Reserves, Westmoreland County

Commentary:

Kingston Coal Company of Wexford, Pennsylvania, has requested a lease to deepmine and remove all of the economically available Freeport coal seam (estimated to be 7,020,000 tons in place) from an approximate 1500 acre coal reserve. This coal reserve was a gift from Loyalhanna Coal & Coke Co. deeded to the Commission in December, 1969. The “coal reserve” area contains no surface land under Commission ownership and is located near the city of Latrobe (Exhibit OGM-1).

Currently, Kingston Coal Company has acquired the majority of the privately owned coal reserves contiguous to this area. It is the staff’s conclusion that this lease arrangement, negotiated with Kingston, represents the best opportunity for the Commission to maximize recovery of its coal reserve.

The potential accumulated coal royalty value of the proposed mining acreage has been estimated at approximately \$3,510,000. This projected royalty value is based on a 6% F.O.B. selling price for each ton of coal sold at current market conditions over a 25 year recovery period.

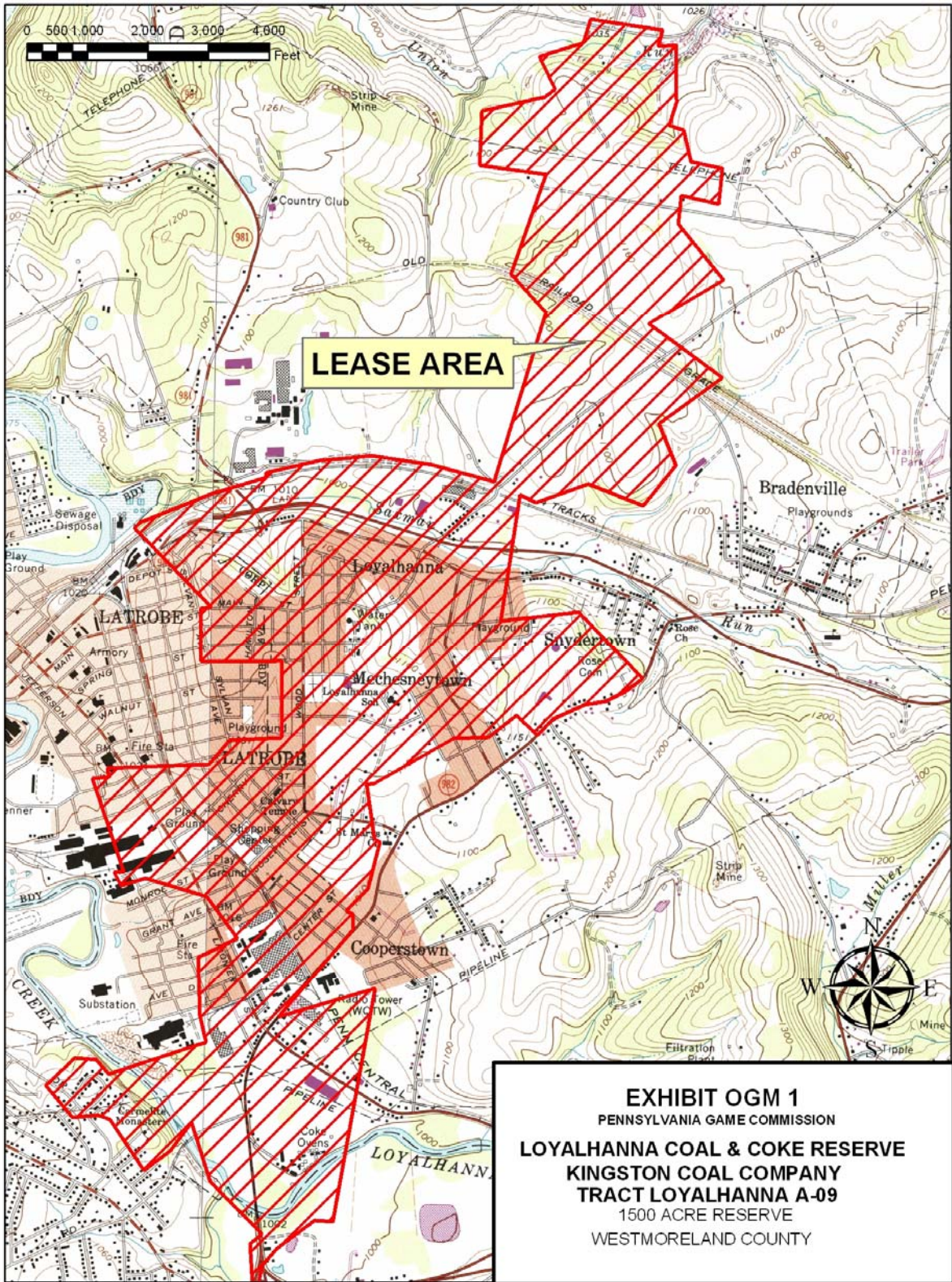
In exchange for the deepmining lease, Kingston Coal will pay the Commission an annual delay rental of \$1,500 until such time as coal is removed from the premises, and thereafter a \$25,000 annual advance royalty. Once the advanced royalty is exhausted, Kingston Coal Co. will make monthly payments based on the actual tons mined from the lease area at a 6% F.O.B. portal selling price or minimum of \$2 per ton, whichever the greater. All monies will be deposited into the Game Fund.

Mining will be regulated by the Commonwealth’s Coal and underground mining regulations and the Commission’s standard deepmine lease agreement. The lease will be for a term of 25 years, providing that coal removal is initiated within 8 years from the execution date of the lease.

The proposed lease will obligate Kingston to provide the Commission with accurate and updated mining maps, coal sale receipts, weigh slips and all pertinent documentation required to establish an accurate accounting of coal removed. The Commission also has the right to examine, audit and inspect Kingston’s records and accounts to verify the accuracy of the statements furnished to the Commission.

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

Action:



B. Oil and Gas Lease Offering

State Game Land No. 250, Bradford County

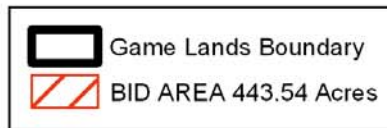
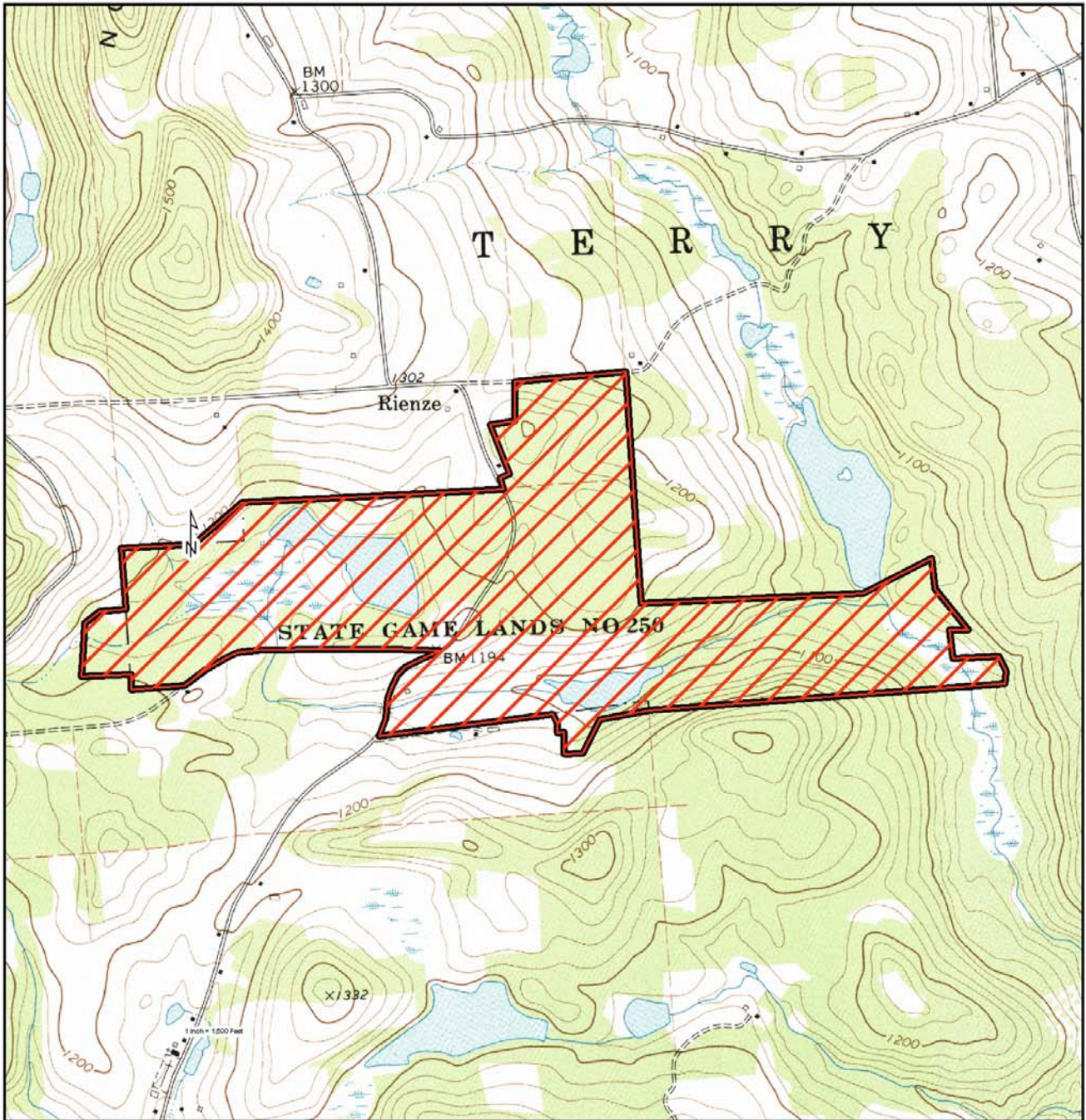
Commentary: The Commission offered its oil and gas ownership under State Game Land No. 289 for lease. Tract 250A-09, containing 443.54 acres, was exposed for competitive royalty bid in January 2009, with a one-time bonus/rental payment of \$1,250/acre. Additionally, the 5-year paid up lease offer provides the Commission a one-time well location fee of \$20,000 for each deep well pad location, a \$15,000 well location fee for any horizontal shale well pad location and a \$5,000 well pad location fee for each shallow well drilled within the leased premises, and an annual free gas clause of 300,000 cubic feet. All monies will be deposited into the Game Fund. The lease area, exposed for competitive royalty bid, is shown on the attached map (Exhibit OGM-2).

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 environmental protection measures, and further limits the subsequent well development to a total of 2 well drilling pad locations, unless additional written approval is obtained from the Commission.

The results of the royalty bid, expressed in a percentage rate of the market value of each Mcf of gas, and the highest bidder will be made available to the Commission and the public for review at the regularly scheduled January 2009 meeting.

Recommendation: The Executive Director and staff recommends that an oil and gas development lease be awarded to the highest bidder, in accordance with Commission policy and lease award procedure.

Action:



1 inch = 1,500 feet

Exhibit OGM 2
 Pennsylvania Game Commission
 STATE GAME LAND No. 250
OIL & GAS LEASE MAP
TRACT 250A-09

TERRY TWP.
 BRADFORD COUNTY

C. Oil and Gas Lease Offering, State Game Land No. 289, Bradford County

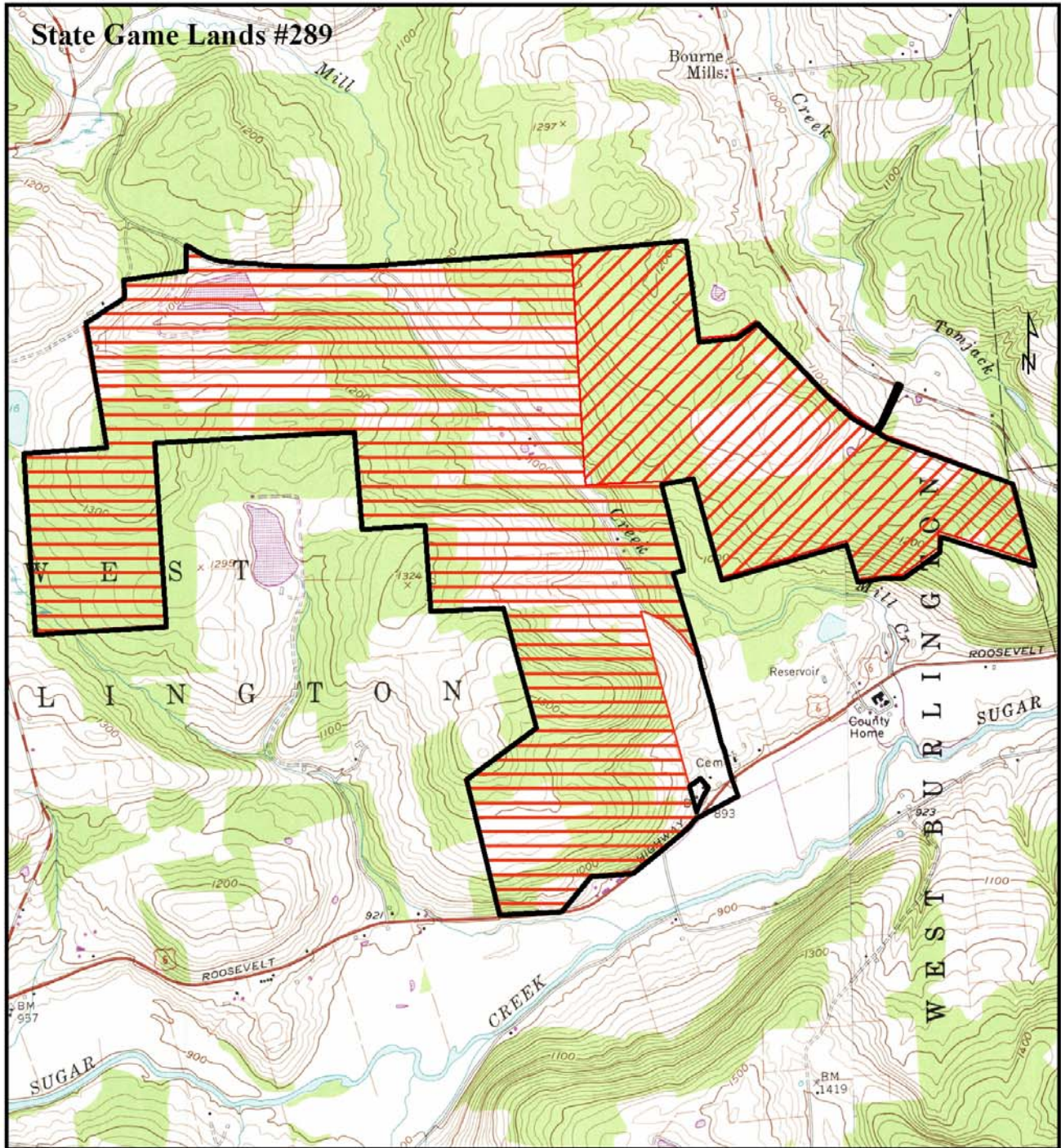
Commentary: The Commission offered its oil and gas ownership under State Game Land No. 289 for lease. Tract 289A-09, containing 1529.19 acres, was exposed for competitive royalty bid in January 2009, with a fixed bonus payment of \$1,000/acre. Additionally, the lease offer provides the Commission an annual rental fee of \$50 per acre for undeveloped acreage, a one-time well location fee of \$20,000 for each deep well pad location, a \$15,000 well location fee for any horizontal shale well pad location, a \$5,000 well pad location fee for each shallow well drilled within the leased premises, and an annual free gas clause of 300,000 cubic feet. All monies will be deposited into the Game Fund. The lease area, exposed for competitive royalty bid, is shown on the attached map (Exhibit OGM-3).

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 environmental protection measures, and further limits the subsequent well development to a total of 10 well drilling pad locations, unless additional written approval is obtained from the Commission.

The results of the royalty bid, expressed in a percentage rate of the market value of each Mcf of gas, and the highest bidder will be made available to the Commission and the public for review at the regularly scheduled January 2009 meeting.

Recommendations: The Executive Director and staff recommends that an oil and gas development lease be awarded to the highest bidder, in accordance with Commission policy and lease award procedure.

Action:



	Game Lands Boundary
	Lease Tract 289A-09
Tract 289A-09 BID AREA	
	75% OGM 420.39 ACRES
	100% OGM 1108.8 ACRES

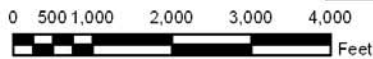


Exhibit OGM 3
 Pennsylvania Game Commission
 STATE GAME LAND No. 289
OIL & GAS LEASE MAP
TRACT 289A-09

WEST BURLINGTON TWP.
 BRADFORD COUNTY

D. Surface Mining Coal Lease Offering, State Game Land No. 75, Lycoming County

Commentary: Fisher Mining Company, Inc. of Montoursville, Pennsylvania, has requested a lease to surface mine and remove all of the available and economically recoverable coal within a 254-acre tract of land being part of State Game Land No. 75.

The proposed mining lease operation will remove an estimated 1,525,100 tons of coal from a portion of State Game Land No. 75 (Exhibit OGM-4). The proposed lease will utilize approximately 185 acres for actual mining, and an additional 69 acres for erosion and sedimentation controls, wildlife habitat compensation and operational support.

All merchantable timber within the proposed lease area was valued by the Northcentral Regional Office's forestry staff at \$165,602. This timber has already been harvested and paid for at single stumpage value by a separate contractor through the Commission's standard timber bid process. Fisher Mining Company, Inc. will be assessed an additional single stumpage value, or \$165,602, for the habitat value of that merchantable timber due to the proposed surface use of the State Game Lands.

In exchange for the surface mining lease, Fisher Mining Company, Inc. will pay the Commission an advanced surface damage royalty payment of \$3.5 million to be deposited into an interest bearing escrow account for future purchase of lands acceptable to the Commission or to be directly deposited 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. The advanced royalty payment is based on 12% of the current F.O.B. pit price/ton of coal or \$4.56/ton, whichever the greater. The advanced royalty payment will be subject to additional review by the Commission, and if applicable, Fisher Mining Company, Inc. will make future royalty payments to the Commission based on the average F.O.B. pit price realized from the mining area after approximately 5-years of future coal sales. 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 \$6,954,545.

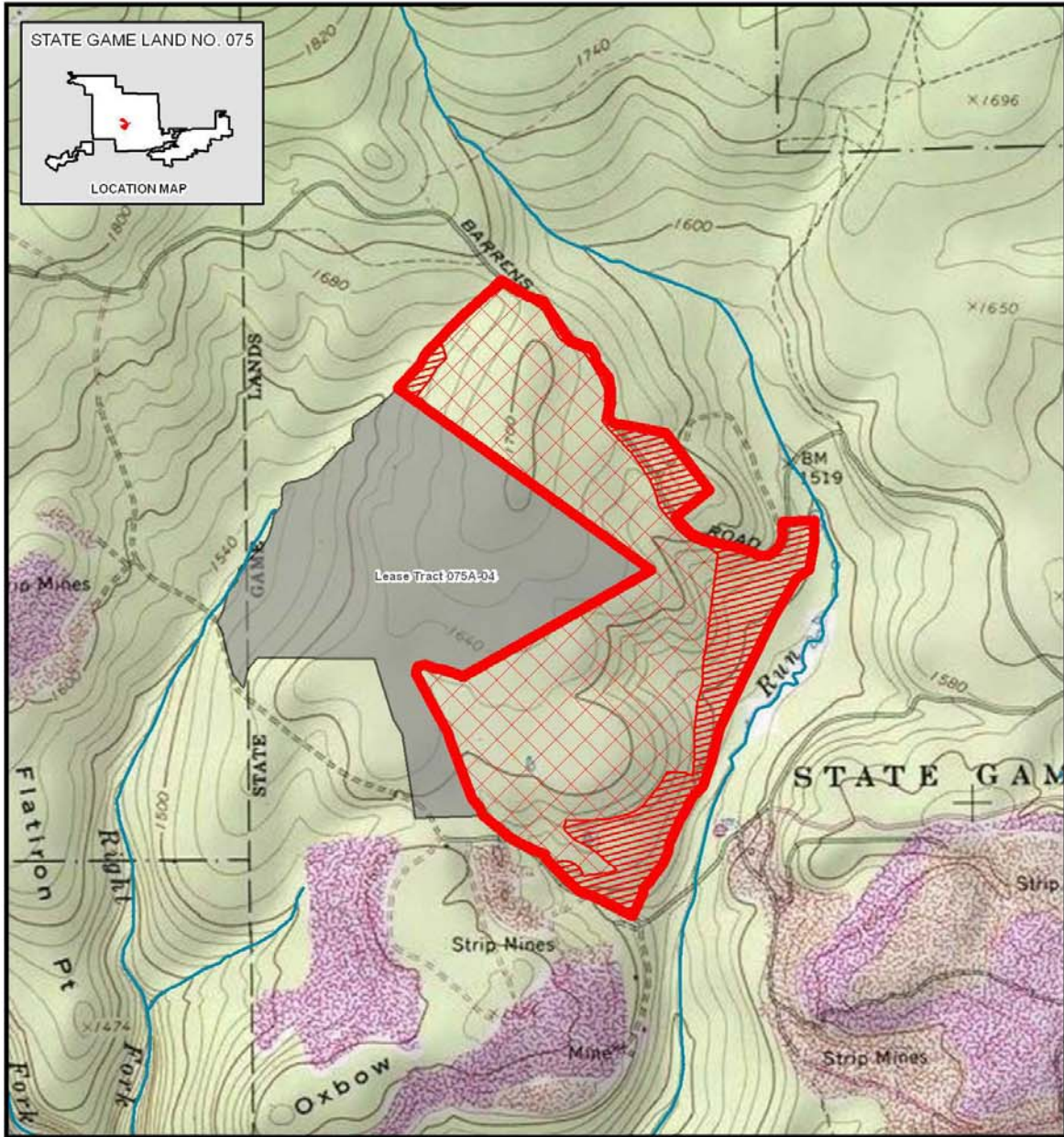
Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's standard surface mine lease agreement. The 10 year lease will include a \$25,000 performance bond from Fisher Mining Company, Inc. As part of the mine reclamation plan, Fisher Mining Company, Inc. will also be required to create a minimum of 3.0 acres of wetlands, reclaim a minimum of 12 acres of abandoned surface mine area, and construct an alkaline addition water quality enhancement system in the headwaters of Otter Run. A wildlife habitat reclamation and revegetation 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.

Recommendations: The Executive Director and staff recommend that this Coal Mining Lease with Fisher Mining Company, Inc. be approved and that the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as outlined above.

Action:



-  Lease Tract 075A-09 (254 acres)
-  Mining Area (185 acres)
-  Support Area (69 acres)

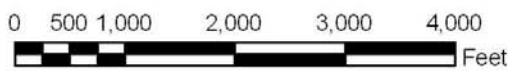


EXHIBIT OGM-4
PENNSYLVANIA GAME COMMISSION

**STATE GAME LAND NO. 075
SURFACE MINING COAL LEASE
FISHER MINING COMPANY, INC.
LEASE TRACT 075A-09**

PINE TOWNSHIP
LYCOMING COUNTY
NORTHCENTRAL REGION

E. Oil and Gas Lease/Land Exchange

State Game Lands No. 60, 108 and 158, Clearfield, Cambria and Blair Counties

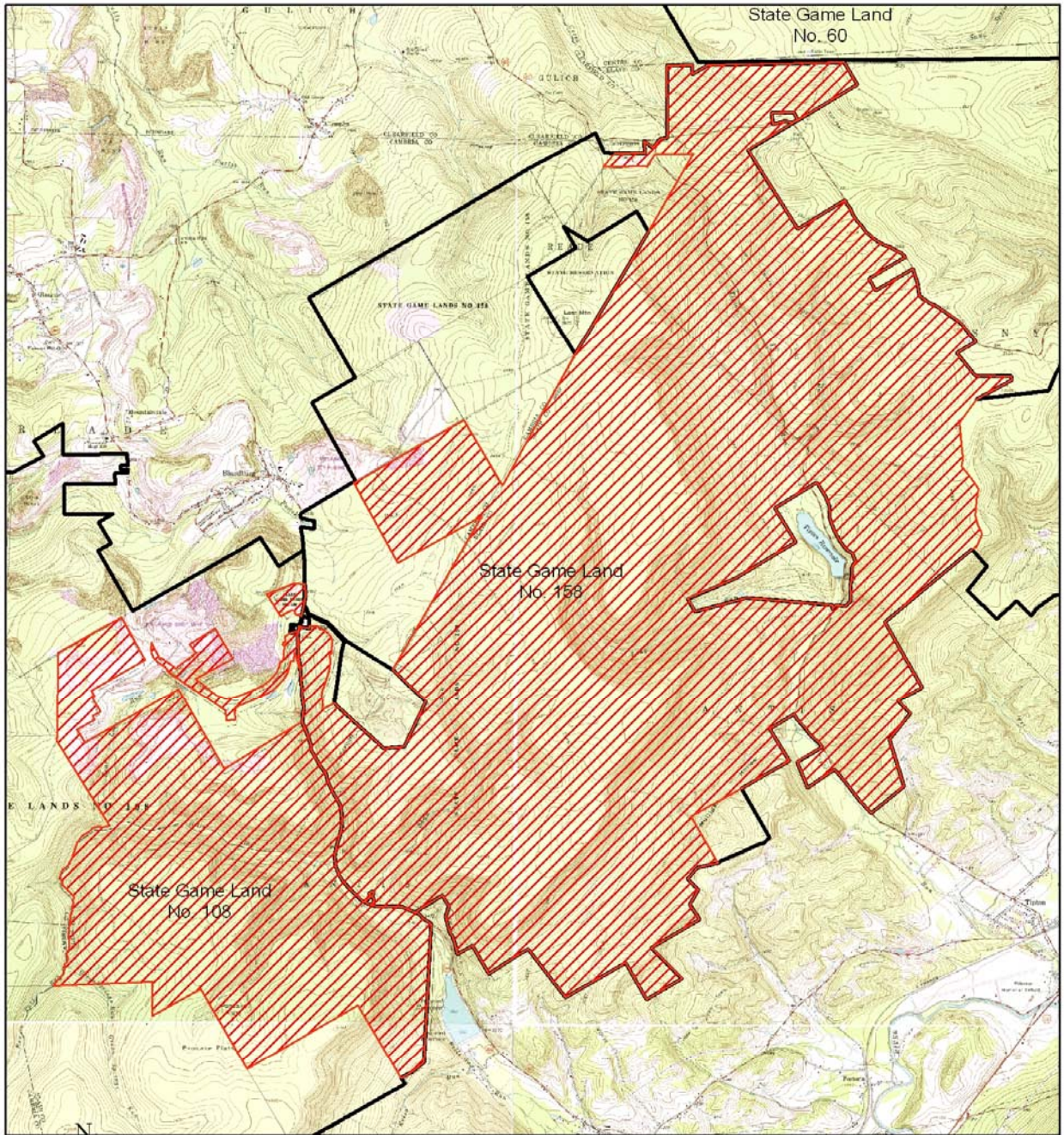
Commentary: The Commission acquired 16,669.05 acres, more or less, in Clearfield, Cambria and Blair Counties from Park Corporation and General Waterworks Corporation by deeds dated December 7, 1985. As part of the transaction, General Waterworks Corporation reserved oil and gas until December 31, 2014. By various conveyances, mergers, and consolidations, the interest owned by General Waterworks is now owned by United Water. United Water desires to offer its oil and gas ownership under a portion of State Game Lands No. 60, 108 and 158 for lease, but desires to offer a term 5 years longer than their reservation which ends December 31, 2014. If United Water is successful in entering into a lease agreement with a prospective lessee, they will structure their lease to allow for a 10 year lease term and for the Commission to receive 50% of all lease proceeds. To compensate the Commission for the surface use of the 16,669.05 acres of State Game Lands, \$3,500,000 of the projected revenue will be made available toward acquisition of a tract or tracts of land to be approved by the Commission at a future meeting or to be directly deposited into the Game Fund.

The lease to be granted by United Water will provide a minimum one-time bonus/rental payment of \$1,250 per acre as full consideration for the 10 year primary term, and a 16% minimum royalty. Additionally, the lease offer provides the Commission well site location fees of \$20,000 for each deep well sites drilled, \$20,000 for each horizontal well pad site, and a \$5,000 fee for each shallow vertical well drilled within the leased premises. The area to be exchanged to United Water and exposed for lease is shown on the attached map (Exhibit OGM-5).

Oil/Gas development will be regulated by the Commonwealth's Oil and Gas Regulations and will include the Commission's standard wildlife and environmental protection measures, and further limits the subsequent well development to a total of 100 shallow wells and 50 deep well pad sites, unless additional written approval is obtained from the Commission.

Recommendation: The Executive Director and staff recommend that the exchange outlined above be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the exchange to United Water.

Action:



 **Lease Area**



1 in = 1 miles

EXHIBIT OGM 5

State Game Land No. 60, 108, 158

**Oil Gas Lease / Land Exchange
UNITED WATER
16,669.05 Acres +/-**

Antis, Snyder, Logan Twps; Blair County
Reade twp.; Cambria County
Southwest Region

F. Oil and Gas Lease

State Game Land No. 78, Clearfield County

Commentary: Little Pine Resources of Clearfield, Pennsylvania, requests the Commission to offer its oil and gas ownership under State Game Land No. 78 for lease. The proposed lease tract 078A-09 containing 720.7 acres is located in Graham Township, Clearfield County, and is more clearly shown on the attached map (Exhibit OGM-6).

Little Pine Resources currently controls a strong oil/gas lease position on private lands adjacent to State Game Land No. 78, and when developed, will effectively withdraw portions of the Commission's oil/gas reserve. The staff has negotiated with Little Pine Resources 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. 78.

In exchange for a non surface use oil/gas lease, Little Pine Resources will pay the Commission a bonus of \$500 per acre (\$360,350) within 45 days of executing the lease agreement; such payment to be deposited into the Game Fund. Little Pine Resources also has agreed to unitize wells located within 4,000 feet of the Commission's boundary and will pay the Commission a 16.5% royalty of the wellhead price per Mcf of gas produced and sold from each unitized well. The Commission's royalty shall be prorated based on the fractional portion of the drainage area of each well within the Commission's reserve.

The proposed lease agreement also provides an option for Little Pine Resources to conduct exploration and development operations on the Game Land surface. If a gas well development occurs on State Game Land surface, Little Pine Resources will pay an additional \$500 per acre bonus (\$360,350), and well location/surface damage fees of \$20,000 per well pad site. All monies will be deposited into the Game Fund. Further, Little Pine Resources will provide 300,000 cubic feet of free gas annually for the Commission's use. Little Pine Resources will adhere to the reclamation and revegetation requirements as specified by the Commission's Land Management Group Supervisor.

As additional bonus, Little Pine Resources will also convey a ten acres parcel of land to the Commission as depicted on the attached map (Exhibit OGM-6). This parcel will provide public access to a portion of the State Game Land in which the Commission currently has no legal access.

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 and further limits well development to a total of 2 well pads on the lease area.

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

Action:

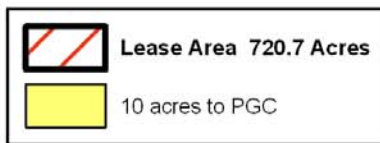
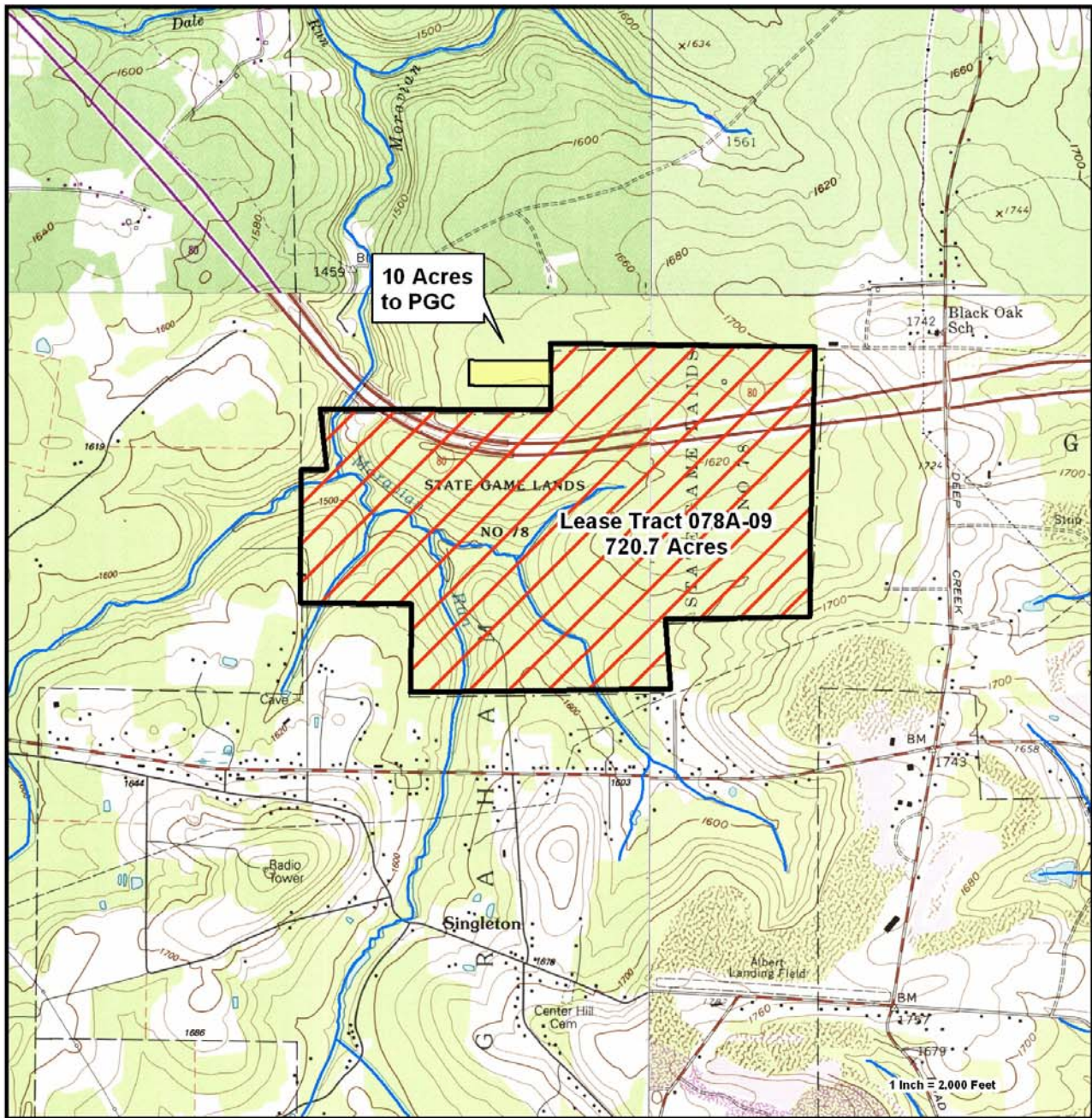


EXHIBIT OGM 6
 Pennsylvania Game Commission
 State Game Land No. 78
Oil Gas Lease / Land Exchange
LITTLE PINE RESOURCES
TRACT 078A-09

Graham Twp., Clearfield County
Northcentral Region

Other New Business

Proposed 2009 Commission Meeting Dates:

April 20 and 21, 2009
June 22 and 23, 2009
October 5 and 6, 2009
January 24, 25 and 26, 2010

Election of Officers for Ensuing Year

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

Adjournment