

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
January 29, 2022**

Bryan Burhans
Bryan Burhans
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Saturday, January 29, 2022, at 2001 Elmerton Avenue, Harrisburg, PA 17110 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Stanley I. Knick, Jr., President
Michael F. Mitrick, Vice President
Kristen Schnepf-Giger, Secretary
Allen J. DiMarco
Scott H. Foradora
Dennis R. Fredericks
Haley J. Sankey

Approval of Minutes of Commission Meetings held July 25, 2021, and September 11, 2021.

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Add 58 Pa. Code § 141.30.

Commentary:

The Commission is proposing to add § 141.30 (relating to bobwhite quail recovery area) to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Twp., Franklin Co. To maximize the likelihood of successful reintroduction, it is important to avoid any harvest mortality on the reintroduced population, as well as potential negative genetic effects from interbreeding with captive-reared bobwhites. Implementation of a bobwhite quail recovery area will provide important protections and facilitate dispersal and expansion of the reintroduced bobwhite quail population. The boundary of the recovery area was developed using major roads surrounding the Letterkenny Army Depot that are easily identified with a minimum distance of 7.4 km beyond the Depot boundary. Based on average spring dispersal of quail, the 7.4 km distance should provide an adequate buffer to protect almost all dispersing quail from harvest and minimize the possibility of interbreeding with captive-raised quail originating from beyond the restoration area boundary. The wild bobwhite quail recovery area surrounding the Letterkenny Army Depot will cover 177.65 square miles.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.30. Bobwhite quail recovery area.

(a) Definition. For the purpose of this section, the phrase “bobwhite quail recovery area” includes and is limited to portions of WMUs 4B and 5A in Franklin County, bounded and described as follows. Beginning in the southwestern extent of the bobwhite quail recovery area at the intersection of Route 30 (Lincoln Highway) and PA-75 (Path Valley Rd.), proceed east on Route 30 for approximately 15.3 miles to the intersection of Interstate 81. The boundary follows Interstate 81 north for 8.5 miles to exit 24 and continues left on PA-696 (Old Scotland Rd). Follow Old Scotland Rd. north for 2 miles then continue along PA-696 which becomes South Fayette St. Follow South Fayette St. for 0.5 miles to West King St. Follow left on West King St., then right onto Spring St., bear right onto Roxbury Rd. Follow Roxbury Rd. for 9 miles to PA-641 (meets at Newburg Rd., which becomes Forge Hill Rd., Timmons Rd., then Spring Run Rd.). The boundary follows PA-641 northwest for 7.5 miles then taking a left turn on Stone Bridge Rd. At the end of Stone Bridge Rd. take a left onto PA-75 (Path Valley Rd.) and follow PA-75 for 17 miles to the intersection of Route 30 and the point of origin.

(b) Prohibitions. It is unlawful to:

(1) Release artificially propagated quail any time within any area designated as a bobwhite quail recovery area.

(2) Hunt quail within any area designated as a bobwhite quail recovery area.

Action:

DRAFT

B. Amend 58 Pa. Code § 139.4.

Commentary:

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2022-2023 license year. The 2022-2023 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

A significant expansion of opportunity for put-and-take hunting of captive-reared bobwhite quail in most of Pennsylvania is proposed via an earlier season opening date, later season closing date, and removal of the daily bag limit. However, in the area of Franklin County, surrounding the Letterkenny Army Depot Bobwhite Quail Recovery Area, a quail hunting closure is recommended to protect wild bobwhites that are expected to be reintroduced in 2023.

For elk, the proposed archery season is a week later than in 2021-22 to increase overlap with the elk rut, to provide additional time between the license drawing and the beginning of the season, and to time the season when average temperatures are lower.

Several furbearers are proposed for addition to the list of species that are legal for falconry harvest.

ANNEX "A"

§ 139.4. Seasons and bag limits for the license year.

2022-2023 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 Second Day
<i>Squirrel</i> – (Combined species) ¹ Eligible Junior Hunters only , with or without the required junior license	Sept. 10	Sept. 24	6	18
<i>Squirrel</i> – (Combined species) ²	Sept. 10 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Dec. 12 and Dec. 26	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25 Dec. 24 Feb. 28, 2023	6	18
<i>Ruffed Grouse</i> ²	Oct. 15 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Dec. 12	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25 Dec. 24	2	6
<i>Rabbit, Cottontail</i> – ¹ Eligible Junior Hunters only , with or without the required junior license	Oct. 1	Oct. 15	4	12
<i>Rabbit, Cottontail</i> ²	Oct. 15 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Dec. 12 and Dec. 26	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25 Dec. 24 Feb. 28, 2023	4	12

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
Ring-necked Pheasant – There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.				
Central Susquehanna Wild Pheasant Recovery Area – <i>Male only</i> ¹	As authorized by the Executive Order			
Ring-necked Pheasant – Male or Female ¹ Eligible Junior Hunters only, with or without the required junior license	Oct. 8	Oct. 15	2	6
Ring-necked Pheasant – Male or Female ²	Oct. 22 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Dec. 12 and Dec. 26	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25 Dec. 24 Feb. 28, 2023	2	6
Bobwhite Quail – There is no open season for the taking of bobwhite quail in the Letterkenny Army Depot Bobwhite Quail Recovery Area designated in § 141.30.				
Bobwhite Quail ²	Aug. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Dec. 12 and Dec. 26	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25 Dec. 24 June 3, 2023	Unlimited	
Hare (Snowshoe Rabbits) or Varying Hare ¹	Dec. 26	Dec. 31	1	3

Species	First Day	Last Day	Daily Limit	Season Limit
Woodchuck (Groundhog) ²	July 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Dec. 12	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25 June 30, 2023		Unlimited
Crow ³ (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 9, 2023		Unlimited
Starling and English Sparrow ³	No closed season except during the regular firearms deer seasons.			Unlimited

MIGRATORY GAME BIRDS

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

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use statewide in hunting and taking of migratory waterfowl.
- (c) Hunting on Sunday not authorized. ¹

FALCONRY

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
Squirrel – (Combined species) ²	Sept. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Mar. 31, 2023	6	18

FALCONRY – (Continued)

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
<i>Quail</i> ²	Sept. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Mar. 31, 2023	Unlimited	
<i>Ruffed Grouse</i> ²	Sept. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Mar. 31, 2023	2	6
<i>Cottontail Rabbits</i> ²	Sept. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Mar. 31, 2023	4	12
<i>Snowshoe or Varying Hare</i> ²	Sept. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Mar. 31, 2023	1	3
<i>Ring-necked Pheasant - Male</i> ² <i>and Female</i> (Combined)	Sept. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Mar. 31, 2023	2	6

FALCONRY – (Continued)

Species	First Day	Last Day	Daily Limit	Field Possession Limit After Second Day
Mink, Muskrat, Fox, Opossum, Raccoon, Striped Skunk, and Weasel ²	Sept. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Mar. 31, 2023	Unlimited	

Migratory Game Bird ¹

Seasons and bag limits shall be in accordance with Federal regulations.

WILD TURKEY

Species	First Day	Last Day	Daily Limit	Season Limit
Turkey, Fall - Male or Female ¹			1	1
WMU 2B	Oct. 29 and Nov. 23	Nov. 18 Nov. 25		
WMU 1A, 1B, 4A, 4B, 4D, and 4E	Oct. 29	Nov. 5		
WMUs 2A, 2F, 2G, 2H, 3A, 3B, 3C, 3D, and 4C	Oct. 29	Nov. 12		
WMU 2C, 2D, and 2E	Oct. 29 and Nov. 23	Nov. 12 Nov. 25		
WMU 5B	Nov. 1	Nov. 3		
WMUs 5A, 5C, and 5D	Closed to fall turkey hunting			
Turkey, Spring ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 22, 2023	Apr. 22, 2023	1	1
Turkey, Spring ^{1, 4} Bearded Bird only	April 29, 2023 and May 15, 2023	May 13, 2023 May 31, 2023	1 May be hunted ½ hour before sunrise to 12 noon May be hunted ½ hour before sunrise to ½ hour after sunset	2

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
Deer, Archery (Antlered & Antlerless) ^{2, 5} With the required archery license WMUs 2B, 5C and 5D	Sept. 17 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Dec. 26	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25 Jan. 28, 2023	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered & Antlerless) ^{2, 5} With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 1 and Sun. ³ , Nov. 13 and Nov. 14 and Dec. 26	Nov. 12 Sun. ³ , Nov. 13 Nov. 18 Jan. 16, 2023	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) ¹ With the required muzzleloading license	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, ⁶ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or U.S. Coast Guard	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Regular Firearms (Antlered & Antlerless) ^{2, 5} Statewide	Nov. 26 and Sun. ³ , Nov. 27 and Nov. 28	Nov. 26 Sun. ³ , Nov. 27 Dec. 10	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ^{1, 5} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26	Jan. 16, 2023	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ^{1, 5} With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 28, 2023	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

WHITE-TAILED DEER – (Continued)

Species	First Day	Last Day	Season Limit
Deer, Extended Regular firearms (Antlerless) ¹ WMUs 2B, 5C, and 5D	Dec. 26	Jan. 28, 2023	An antlerless deer with each required antlerless license.
Deer, Antlerless ¹ (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	Season Limit
Bear, Archery ^{2,7} WMUs 2B, 5C, and 5D	Sept. 17 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 25	1
Bear, Archery ^{2,7} WMU 5B	Oct. 1 and Sun. ³ , Nov. 13 and Nov. 14	Nov. 12 Sun. ³ , Nov. 13 Nov. 18	1
Bear, Archery ^{1,7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 15	Nov. 5	1
Bear, Muzzleloader ^{1,7} (Statewide)	Oct. 15	Oct. 22	1
Bear, Special firearms ⁷ Only Junior and Senior License Holders ⁶ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the United States Coast Guard, with required antlerless license (Statewide)	Oct. 20	Oct. 22	1
Bear, Regular Firearms ^{2,7} (Statewide)	Nov. 19 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 19 Sun. ³ , Nov. 20 Nov. 22	1

BLACK BEAR – (Continued)

Species	First Day	Last Day	Season Limit
Bear, Extended firearms ^{1,7} WMUs 2B, 5B, 5C, and 5D	Nov. 26 and Sun. ³ , Nov. 27 and Nov. 28	Nov. 26 Sun. ³ , Nov. 27 Dec. 10	1
Bear, Extended firearms ^{1,7} WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 26 and Sun. ³ , Nov. 27 and Nov. 28	Nov. 26 Sun. ³ , Nov. 27 Dec. 3	1

ELK

Species	First Day	Last Day	Season Limit
Elk, Special Conservation Tag ^{1,8} and Special-License Tag ^{1,8} (Antlered and Antlerless)	Sept. 1	Nov. 5	1
Elk, Archery ^{1,8}	Sept. 17	Oct. 1	1
Elk, Regular ⁸ (Antlered and Antlerless)	Oct. 31	Nov. 5	1
Elk, Late ^{1,8}	Dec. 31	Jan. 7, 2023	1

FURTAKING – TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Mink and Muskrat	Nov. 19	Jan. 8, 2023	Unlimited	
Beaver	Dec. 17	Mar. 31, 2023		
WMUs 1A and 1B (Combined)			20	60
WMUs 2A, 2B and 3C (Combined)			20	40
WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 22	Feb. 19, 2023	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 19, 2023	Unlimited	

FURTAKING – TRAPPING – (Continued)

Species	First Day	Last Day	Daily Limit	Season Limit
Bobcat, with required bobcat permit WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 17	Jan. 8, 2023	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 17	Jan. 1, 2023	1	1
River Otter, with required otter permit WMUs 1A, 1B, 2F, 3C and 3D	Feb. 11, 2023	Feb. 18, 2023	1	1

FURTAKING - HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyote - (Outside of any big game season) ³	May be taken with a hunting license or a furtaker license.		Unlimited	
Coyote - (During any big game season)	May be taken while lawfully hunting big game or with a furtaker license.		Unlimited	
Opossum, Striped Skunk, Weasel ²	July 1 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Sun. ³ , Nov. 27 and Nov. 28	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 26 Sun. ³ , Nov. 27 June 30, 2023	Unlimited	
Raccoon ²	Oct. 22 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21 and Sun. ³ , Nov. 27 and Nov. 28	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Nov. 26 Sun. ³ , Nov. 27 Feb. 18, 2023	Unlimited	

FUR TAKING – HUNTING (continued)

Species	First Day	Last Day	Daily Limit	Season Limit
Fox ³	Oct. 22	Feb. 18, 2023	Unlimited	
Bobcat, with required bobcat permit ¹ WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 7, 2023	Feb. 1, 2023	1	1
Porcupine ²	Oct. 8 and Sun. ³ , Nov. 13 and Nov. 14 and Sun. ³ , Nov. 20 and Nov. 21	Nov. 12 Sun. ³ , Nov. 13 Nov. 19 Sun. ³ , Nov. 20 Jan. 28, 2023	3	10

No open seasons on other wild birds or wild mammals.

¹ No hunting on Sunday authorized. See 34 Pa.C.S. § 2303.

² Hunting on Sunday authorized on separately delineated Sunday date(s) only. See 34 Pa.C.S. § 2303.

³ Hunting on Sunday is authorized. See 34 Pa.C.S. § 2303.

⁴ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

⁵ Only one antlered deer (buck) may be taken during the hunting license year.

⁶ Includes resident and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁷ Only one bear may be taken during the hunting license year with the required bear license.

⁸ Only one elk may be taken during the hunting license year.

Action:

C. Amend 58 Pa. Code § 147.672.

Commentary:

The Commission is proposing to amend § 147.672 (relating to definitions) to remove the text limiting the application of the term ‘private land’ to lands where the hunting rights have been leased and where a fee has been charged for hunting. This amendment will effectively expand the meaning of the term, ‘private land’ to include lands otherwise previously ineligible for participation in the DMAP program. The Commission has determined that the quantity of land where the hunting rights have been leased and where a fee has been charged for hunting is approximately 5% as reported by hunters. By excluding DMAP on leased land, the only tool the Commission is giving these landowners or lessees to address deer population concerns and their land use goals are WMU-based allocations, which may not be enough. DMAP provides an additional means for landowners to manage deer to meet their land-use goals outside of the WMU-based antlerless allocations. Fundamentally, there is no difference between DMAP on leased land and DMAP on private land with no public access. Both can restrict hunting access and both need the proper tools to meet their goals. Historic restrictions of DMAP permits for certain lands to encourage public access did not lead to significantly more public access or prevention of leased lands. Leased lands still exist and are part of the PA landscape.

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.672. Definitions.

* * * * *

Hunting club--A corporation or legal cooperative which owns its enrolled acres in fee title, was established prior to January 1, 2000, and has provided its club charter and list of current members to the Commission.

Private land--Land not defined as public land ~~[where the hunting rights are not leased or there is no fee charged for hunting]~~.

Public land--Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

Action:

ADOPTED RULE MAKING

D. Amend 58 Pa. Code §§ 147.551-147.559, add § 147.551a and delete § 147.554.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its July 24, 2021, meeting amended §§ 147.551—147.559 (relating to agriculture), added § 147.551a (relating to definitions) and deleted § 147.554 (relating to subpermit) to update and improve the agriculture deer control permit program. These changes are not intended to take effect immediately, but rather will take effect on July 1, 2022 to allow for a smooth transition to the new program standards.

Action:

ANNEX “A”

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

AGRICULTURE

§ 147.551. General.

Sections 147.552--147.559 (relating to agriculture) establish rules for the submission of applications and the issuance of agriculture deer control harvest permits on lands enrolled in the agriculture deer control program.

§ 147.551a. Definitions.

The following words and phrases, when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Agriculture deer control permit--The permit issued to a qualified person, as defined in section 2121(c) of the act (relating to killing game or wildlife to protect property), that authorizes its holder to issue harvest permit coupons to aid in the removal of deer by shooting on lands under their ownership or control, or both.

Coupon--The coupon issued by the Commission for an approved agriculture deer control area entitling the holder to one agriculture deer control harvest permit for the area indicated on the coupon.

Harvest permit--The numbered agriculture deer control harvest permit issued through the Commission's Pennsylvania Automated Leasing System (PALS), authorizing the holder thereof to hunt antlerless deer in the area indicated on the coupon. Each harvest permit has its own antlerless deer ear tag attached to be used only for tagging an antlerless deer harvested in the designated area.

§ 147.552. Eligibility and application for agriculture deer control permit.

(a) Application for the agriculture deer control permit shall be made through the applicant's local game officer on a form provided by the Commission.

(b) An applicant shall submit a copy of a deed or lease showing the applicant to be the owner or have control, or both, of the hunting rights of the land to be covered by the permit.

(c) The applicant shall designate the location and boundaries of the area to be covered by the permit in a manner approved by the Commission.

(d) The Commission will allocate one agriculture deer control coupon for every 5 acres of land that the agriculture deer control permit holder has under cultivation, except the local game officer may recommend an increase in this allocation under warranted circumstances.

(e) There is no fee to apply for the agriculture deer control permit.

(f) An agriculture deer control permit holder may not issue more than four coupons to a person to take deer on the agriculture deer control permit holder's land enrolled in the agriculture deer control program.

§ 147.553. Agriculture deer control harvest permit.

(a) *Validity.* An agriculture deer control harvest permit is valid from August 1 to September 15 and February 1 to April 15 each license year, excluding Sundays, during legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G (relating to hunting hours).

(b) *Fee for permit.* Coupon holders shall submit a valid, completed coupon and pay the applicable transaction and issuing agent fees to receive a harvest permit.

(c) *Hunting license or exemption.* A harvest permit will only be issued to a person who possesses a valid Pennsylvania hunting license or qualifies for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) for the property covered by the agriculture deer control permit.

(d) *Protective material requirements.* A person issued a harvest permit shall comply with the protective material requirements of § 141.20(a) (relating to protective material required) at all times while engaged in activities authorized by the permit.

(e) *Possession of permit.* A person issued a harvest permit shall possess the permit at all times while engaged in activities authorized by the permit.

§ 147.554. (Reserved).

§ 147.555. Antlerless deer only.

Only antlerless deer may be taken under this subchapter unless otherwise authorized by the Director. For the purposes of enforcing this chapter, the term "antlerless deer" has the meaning as defined in § 131.2 (relating to definitions).

§ 147.556. Lawful devices and methods.

(a) *Devices.* A person issued a harvest permit is authorized to hunt and take deer with firearms, bows and crossbows as may be authorized for hunting deer during the regular firearms deer season as provided in the act and § 141.43 (relating to deer seasons).

(b) *Methods.* A person issued a harvest permit for an agriculture deer control area in the southeast special regulations areas is authorized to hunt or take deer through the use of or by taking advantage of bait in the manner set forth in § 141.1(d)(7) (relating to special regulations areas).

(c) *Further restrictions.* An agriculture deer control permit holder may further restrict the use of devices and methods authorized under this section on lands under the agriculture deer control permit holder's ownership or control, or both.

§ 147.557. Reporting requirements.

A person issued an agriculture deer control harvest permit shall report either a positive or negative harvest report, whichever is applicable, on a form provided by the Commission by April 30 each year.

§ 147.558. Tagging requirements.

A person who harvests a deer under the authorization of a harvest permit shall tag the deer in accordance with the requirements of section 2323(a)(1) of the act (relating to tagging and reporting big game kills).

§ 147.558a. Political subdivisions as applicants.

(a) *Eligibility.* Political subdivisions are authorized to apply for an agricultural deer control permit under this subchapter for the limited purpose of managing the agricultural deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision. Any lands, other than those publicly owned, which lie immediately adjacent to and are connected with otherwise individually eligible lands may be included in the conglomeration of properties with the written consent of the owner or lessee thereof.

(b) *Application.* Political subdivisions applying for an agricultural deer control permit are responsible for the collection and submission of the application records required under § 147.552 (relating to eligibility and application for agriculture deer control permit) for each of the properties included in the conglomeration.

§ 147.559. Violations.

(a) It is unlawful to:

(1) Use, possess or attempt to use or possess more than four agriculture deer control harvest permits for a specific agriculture deer control area in any permit year.

(2) Use or possess or attempt to use or possess agriculture deer control harvest permit that was issued to another person.

(3) Lend or transfer an agriculture deer control harvest permit to any other person regardless of the purpose.

(4) Issue more than four coupons to any person for a specific agriculture deer control area in any permit year.

(5) Fail to tag any deer taken with an agriculture deer control harvest permit in accordance with provisions of this part and the act relating to tagging big game.

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

(7) Charge or accept any fee or consideration for a coupon.

(8) Fail to comply with any other provisions of §§ 147.551-147.558a (relating to agriculture).

(b) The Director may revoke a permit for a violation of this subchapter upon written notice to the agriculture deer control permit holder.

INFORMATIONAL ITEM

- E. Release of Information for Cornell University's Center for Conservation Social Sciences CWD Survey.

Commentary:

Cornell University's Center for Conservation Social Sciences has requested the name and contact information of New York State residents who hunt deer in Pennsylvania to conduct a CWD-related survey. The survey will assess the degree to which hunters have adopted behaviors to minimize the risks of spreading chronic wasting disease as well as the factors that influence those behaviors. Cornell University's Center for Conservation Social Sciences will conduct a mail survey of these hunters. The survey instrument will consist largely of standardized questions. Specifically, the sample will include 3,000 New York residents, aged 18 years and older, who purchased a 2020-21 Pennsylvania General Hunting License. Data needed include: name, address, phone, date of birth, and gender (if available). After the mail survey is complete, 50 nonrespondents will be contacted by telephone to determine how they differ from respondents. Data analysis will include documenting the degree to which hunters practice CWD risk-minimization behaviors and assessment of the factors influencing those behaviors.

Action:

BY NOTATIONAL VOTE

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 141.4.

Commentary:

The Commission is proposing to amend § 141.4 (relating to hunting hours) to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year.

As a separate matter, members of the falconry hunting community have recently approached the Commission to expand the various falconry hunting seasons to include the two-week period comprising the regular firearms deer season. As a general rule, § 141.4 establishes legal hunting hours within the Commonwealth as from 1/2 hour before sunrise to 1/2 hour after sunset. However, this section also provides four exceptions to this general rule, including a closure under paragraph (1) of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons. Six exceptions to this hour closure for this overlap period are listed for game birds on regulated hunting grounds, migratory waterfowl, coyotes, feral swine, wild boar and bear.

The Commission has reviewed the expansion request submitted by the falconry hunting community and determined that it will not significantly impact other hunting activities occurring during the regular firearms deer seasons. The Commission is therefore also proposing to amend § 141.4 to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons. This expansion in hunting hours for falconry hunting by persons with the associated permit is accompanied by additional season expansions found within season and bag limits addressed earlier in this agenda.

It is important to highlight that the removal of this text will not only remove the impediment to falconry hunting during the overlap with the regular firearms deer seasons, but will also simplify and streamline this section as a whole. Furthermore, removing the text associated with the closure to open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons also eliminates the need to redundantly identify and list the six exceptions (seven if falconry is added) to the hour closure for the overlap period. The Commission has determined current season and bag limit regulations found in § 139.4 (relating to seasons and bag limits for the license year) sufficiently controls the allowance of the hunting of these species during the period of overlap with the regular firearms deer seasons thus eliminating the need for further reauthorization in § 141.4. The remainder of the proposed changes to § 141.1 are nonsubstantive housekeeping edits to improve the organization and clarity of the text.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

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

~~(1) [During the regular antlered and antlerless deer seasons, it is unlawful to take or attempt to take other wild birds or mammals except game birds on regulated hunting grounds, migratory waterfowl, coyotes, feral swine, wild boar and bear. Coyotes may be hunted from the first day to the last day inclusive of any big game season only by persons who possess a valid furtaker's license, or by persons lawfully engaged in hunting big game who have a valid tag. Feral swine and wild boar may be taken from the first day to the last day inclusive of any big game season only by persons lawfully engaged in hunting big game who have a valid tag.]~~

~~(2)~~ Furbearer seasons. Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be hunted any hour, day or night~~[, except during restricted periods in paragraph (1)].~~

~~[(3)]~~ (2) Spring turkey season. Turkey may be hunted 1/2 hour before sunrise to 12 noon from the opening day of the spring gobbler season through the third Saturday and for the remainder of the season from 1/2 hour before sunrise to 1/2 hour after sunset.

~~[(4)]~~ (3) Migratory bird seasons. Migratory birds may only be hunted 1/2 hour before sunrise until sunset, except during the snow goose conservation season and the September resident goose season, when geese may be hunted 1/2 hour before sunrise until 1/2 hour after sunset.

Appendix G. Hunting Hours

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

ANNEX “A”

HUNTING HOURS TABLE FOR JUNE 26, 2022 THROUGH JULY 1, 2023					
Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
June 26 - July 2	5:06	9:03	Jan. 1 - 7	6:52	5:16
July 3 – 9	5:10	9:01	Jan. 8 – 14	6:52	5:22
July 10 – 16	5:15	8:58	Jan. 15 – 21	6:51	5:30
July 17 – 23	5:21	8:53	Jan. 22 – 28	6:47	5:38
July 24 – 30	5:27	8:46	Jan.29 - Feb. 4	6:42	5:46
July 31 – Aug. 6	5:34	8:39	Feb. 5 – 11	6:35	5:54
Aug. 7 - 13	5:40	8:30	Feb. 12 – 18	6:27	6:03
Aug. 14 – 20	5:47	8:20	Feb. 19 – 25	6:18	6:11
Aug. 21 – 27	5:54	8:10	Feb. 26 - March 4	6:09	6:19
Aug. 28 -Sept. 3	6:00	7:59	March 5 – 11	5:58	6:27
Sept. 4 – 10	6:07	7:47	March 12 - 18* Begins	6:47	7:34
Sept. 11 – 17	6:14	7:36	March 19 - 25	6:36	7:41
Sept. 18 – 24	6:20	7:24	March 26 – Apr. 1	6:25	7:49
Sept. 25 – Oct. 1	6:27	7:13	April 2 - 8	6:13	7:56
Oct. 2 – 8	6:34	7:02	April 9 – 15	6:02	8:03
Oct. 9 – 15	6:41	6:51	April 16 – 22	5:52	8:10
Oct. 16 – 22	6:49	6:41	April 23 – 29	5:42	8:23
Oct. 23 – 29	6:56	6:32	April 30 – May 6	5:32	8:24
Oct. 30 – Nov. 5	7:04	6:24	May 7 – 13	5:24	8:31
Nov. 6 – 12** Ends	6:12	5:17	May 14 – 20	5:17	8:38
Nov. 13 – 19	6:20	5:11	May 21 – 27	5:11	8:44
Nov. 20 – 26	6:28	5:08	May 28 – June 3	5:06	8:50
Nov. 27 - Dec. 3	6:35	5:06	June 4 – 10	5:03	8:55
Dec. 4 – 10	6:41	5:05	June 11 – 17	5:01	8:59
Dec. 11 – 17	6:46	5:06	June 18 – 24	5:03	9:02
Dec. 18 – 24	6:50	5:07	June 25 – July 1	5:06	9:03
Dec. 25 – 31	6:52	5:11	Daylight Saving Time Begins* - Ends**		

**MIGRATORY GAME BIRD HUNTING HOURS TABLE
FOR JUNE 26, 2022 THROUGH JULY 1, 2023**

Dates	Begin A.M.	End P.M.	Dates	Begin A.M.	End P.M.
June 26 - July 2	5:06	8:33	Jan. 1 - 7	6:52	4:46
July 3 - 9	5:10	8:31	Jan. 8 - 14	6:52	4:52
July 10 - 16	5:15	8:28	Jan. 15 - 21	6:51	5:00
July 17 - 23	5:21	8:23	Jan. 22 - 28	6:47	5:08
July 24 - 30	5:27	8:16	Jan. 29 - Feb. 4	6:42	5:16
July 31 - Aug. 6	5:34	8:09	Feb. 5 - 11	6:35	5:24
Aug. 7 - 13	5:40	8:00	Feb. 12 - 18	6:27	5:33
Aug. 14 - 20	5:47	7:50	Feb. 19 - 25	6:18	5:41
Aug. 21 - 27	5:54	7:40	Feb. 26 - March 4	6:09	5:49
Aug. 28 - Sept. 3	6:00	7:29	March 5 - 11	5:58	5:57
Sept. 4 - 10	6:07	7:17	March 12 - 18* Begins	6:47	7:04
Sept. 11 - 17	6:14	7:06	March 19 - 25	6:36	7:11
Sept. 18 - 24	6:20	6:54	March 26 - Apr. 1	6:25	7:19
Sept. 25 - Oct. 1	6:27	6:43	April 2 - 8	6:13	7:26
Oct. 2 - 8	6:34	6:32	April 9 - 15	6:02	7:33
Oct. 9 - 15	6:41	6:21	April 16 - 22	5:52	7:40
Oct. 16 - 22	6:49	6:11	April 23 - 29	5:42	7:53
Oct. 23 - 29	6:56	6:02	April 30 - May 6	5:32	7:54
Oct. 30 - Nov. 5	7:04	5:54	May 7 - 13	5:24	8:01
Nov. 6 - 12 ** Ends	6:12	4:47	May 14 - 20	5:17	8:08
Nov. 13 - 19	6:20	4:38	May 21 - 27	5:11	8:14
Nov. 20 - 26	6:28	4:36	May 28 - June 3	5:06	8:20
Nov. 27 - Dec. 3	6:35	4:35	June 4 - 10	5:03	8:25
Dec. 4 - 10	6:41	4:36	June 11 - 17	5:01	8:29
Dec. 11 - 17	6:46	4:37	June 18 - 24	5:03	8:32
Dec. 18 - 24	6:50	4:37	June 25 - July 1	5:06	8:33
Dec. 25 - 31	6:52	4:41	Daylight Saving Time Begins* Ends**		

Action:

B. Amend 58 Pa. Code § 147.305.

Commentary:

Currently, a wildlife capture and transportation permit holder is required to have a wildlife rehabilitator as a sponsor when submitting his or her initial application. However, after the permit application is submitted and approved, the permit holder no longer needs to maintain an affiliation or sponsorship with any particular wildlife rehabilitator. In fact, a wildlife capture and transportation permit holder can pick up wildlife any place at any time and transport the wildlife to the closest properly permitted wildlife rehabilitator. The Commission has observed instances where some of these wildlife capture and transportation permit holders are using this permit to pick up injured wildlife and then holding it and acting as an actual rehabilitator without the required permit.

The Commission provides little oversight to wildlife capture and transportation permit holders once a permit is received. The Commission has no data on how active permit holders are, the volume of wildlife handled, the locations wildlife is transported to, the species of wildlife captured and transported, the location rehabilitated wildlife is transported to or any other disposition of wildlife. Section 2907 of the act (relating to reports) generally authorizes the Commission to require reports as may be needed for its operations. The Commission is proposing to amend § 147.305 (relating to wildlife capture and transportation permits) to require that a permit holder submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife. The Wildlife Rehabilitation and Education Council supports this proposal.

§ 147.305. Wildlife capture and transportation permits.

(a) Issuance of wildlife capture and transportation permits will be limited to the number authorized by the permit class of the sponsoring wildlife rehabilitator.

(b) Qualifications are as follows:

(1) The applicant shall be sponsored by a wildlife rehabilitation permittee.

(2) The applicant shall successfully pass a Council-approved wildlife capture and transport written examination with a minimum score of 80%.

(3) The applicant, upon completion of testing, shall obtain a certificate from the Council approved written examination. This certificate, along with a permit application shall be mailed to the district wildlife conservation officer to receive a permit.

(c) Permit conditions are as follows:

(1) A permittee may capture and transport injured or displaced wildlife when necessary.

(2) Wildlife shall be immediately transported to the sponsoring permittee or to the nearest properly permitted wildlife rehabilitator.

(3) Wildlife may not be captured or transported by a permittee outside of the area serviced by a sponsoring permittee except when advance permission from the wildlife rehabilitator has been obtained.

(d) Monthly reports. A permittee shall submit a monthly report to the district wildlife conservation officer documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

Action:

C. Amend 58 Pa. Code §§ 147.726 and 147.728.

Commentary:

Each year, the Commission receives thousands of calls from the public concerning the presence of white-tailed deer carcasses along roadways and on private property. The Commission will often assign and task its wardens to collect and properly dispose of these carcasses as their schedules and work duties may permit. Suffice it to say, that the task is often not accomplished in accordance with the expectations of the public from time to time. This is true despite the efforts of the Commission and PennDOT to contract collection and disposal efforts out to qualified vendors across the Commonwealth.

Current regulations prohibit a person, licensed or otherwise, from picking up white-tailed deer carcasses from roadways and private property, except as may be authorized by a consumption permit. These restrictions limit the public and Commission's ability to utilize existing resources to collect and properly dispose of these white-tailed deer carcasses. The Commission is proposing to amend §§ 147.726 and 147.728 (relating to operation; and unlawful acts) to authorize nuisance wildlife control operators to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

These changes will provide residents of the Commonwealth an additional resource to address their concerns with the removal of white-tailed deer found dead along roadways and on private property. Furthermore, nuisance wildlife control operators are already currently regulated through the Commission, therefore these changes are simply an expansion of the existing authority of nuisance wildlife control operators, not the creation of a new permitted class. Lastly, nuisance wildlife control operators are not obligated to engage in white-tailed deer collection and disposal, but rather can elect to expand their business services to include these activities at their discretion.

CHAPTER 147. SPECIAL PERMITS

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

§ 147.726. Operation.

* * * * *

(h) Carcasses shall be disposed of by incineration or in an approved landfill in a manner consistent with the solid waste laws of the Commonwealth. The taking of any white-tailed deer shall be reported within 24 hours and turned over to the district wildlife conservation officer, unless alternative arrangements are accepted by the district wildlife conservation officer.

(i) Nuisance wildlife control operators are authorized to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

§ 147.728. Unlawful acts.

It is unlawful to:

(1) ~~Control~~ Except as otherwise provided in § 147.726 (relating to operation), control any white-tailed deer, black bear, elk, wild turkey, beaver, fisher, otter or bobcat without prior approval of the District Wildlife Conservation Officer.

* * * * *

Action:

ADOPTED RULE MAKING

D. Amend 58 Pa. Code § 141.47.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its September 11, 2021, meeting amended § 141.47 (relating to elk seasons) to eliminate the outdated reference to the elk season orientation.

Action:

DRAFT

ANNEX “A”

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.47. Elk seasons.

(a) Archery elk season.

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

* * * * *

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

* * * * *

(iii) Fail to mark the kill site after lawful harvest in accordance with instructions provided by the Commission.

* * * * *

(b) Regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License.

(1) *Permitted devices.* It is lawful to hunt elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License with any of the following devices:

* * * * *

(2) *Prohibitions.* While hunting elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License, it is unlawful to:

* * * * *

(iii) Fail to mark the kill site after lawful harvest in accordance with instructions provided by the Commission.

* * * * *

BUREAU OF WILDLIFE HABITAT MANAGEMENT

PROPOSED RULE MAKING

A. Delete 58 Pa. Code § 135.182

Commentary:

The Commission is proposing to delete § 135.182 (relating to ranges, State Game Lands No. 176) to eliminate the outdated and unnecessary text of this provision. The Commission manages the use and operation of the shooting ranges located on State Game Land No. 176 (SGL 176), in part, under the two provisions of § 135.182. The Commission manages the use and operation of the remainder of its thirty-three (33) shooting ranges located on State game lands under the various provisions of § 135.181. The Commission has reviewed this split regulatory structure and determined that the days and hours of operation and range reservation periods unique to the shooting ranges at SGL 176 are no longer necessary.

The deletion of § 135.182 will revert the management of the use and operation of the shooting ranges at SGL 176 entirely to the provisions of § 135.181. This deletion will result in a number of changes that are largely beneficial to users of the SGL 176 shooting ranges. As it relates to paragraph (1), users will see an expansion in open shooting days to now include Mondays and Tuesdays, but will also see hours of operation on Sundays restricted to 12 noon to sunset, except those specifically designated as being open from 8 a.m. to sunset. While certainly a change to the regulatory text; the Commission does not believe that a change will be observed by users of the shooting ranges at SGL 176, as the Commission itself has not followed these unique days and hours of operation language for approximately eight (8) years. As it relates to paragraph (2), users will see the calendar window of opportunity for groups or organizations to reserve a range reduced from year-round to January 1 through October 1.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter J. Shooting Ranges

§135.182. [~~Ranges, State Game Lands No. 176~~] (Reserved).

~~[In addition to §§ 135.2 and 135.181 (relating to unlawful actions; and rifle and handgun ranges), the following exceptions apply to ranges located on State Game Lands No. 176, Half Moon Township, Centre County:~~

~~(1) — Ranges are open to the public Wednesday, Thursday, Friday, Saturday and Sunday, from 8 a.m., prevailing time, to sunset. In addition to the periods in this section for public use of the range, the Regional Director or a designee has discretion to grant special use of the range during any period. At other times, the range is closed to public use.~~

~~(2) A group or organization desiring to use the range shall make necessary arrangements with the Northcentral Regional Director or a designee at least 20 days in advance.]~~

Action:

DRAFT

B. Amend 58 Pa. Code § 135.41

Commentary:

The Commission has historically taken a hands-off approach to requiring registration or permits for watercraft used for recreational purposes on lands and waters designated as State game lands (SGLs). This is true whether the user was engaged in hunting, trapping, fishing or leisure boating. However, the past few years have anecdotally shown a marked increase in the number of users accessing SGL resources for recreational boating that possess no registration or permits issued by the Commonwealth. The Commission is not interested in reducing or curtailing recreational boating on or from SGLs. However, the Commission has determined it is appropriate these users obtain and display the same registration or permit required to use the watercraft on or from any other Commonwealth-owned property, including launches, ramps and waterbodies owned by the Fish and Boat Commission and Department of Conservation and Natural Resources. The Commission is proposing to amend § 135.41 (relating to State game lands) to prohibit a person from using or launching a motorboat or unpowered boat on or from any land or waters designated as State game lands that does not possess or display a valid watercraft registration, launch permit or mooring permit issued by the Pennsylvania Fish and Boat Commission or Department of Conservation and Natural Resources.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter J. Shooting Ranges

§ 135.41. State game lands.

(a) *Restrictions limited...*

* * * * *

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

(1) Contaminate, pollute or degrade...

* * * * *

(24) Engage in dog training activities...

(25) Use or launch any motorboat or unpowered boat on or from any land or waters designated as State game lands that does not possess and properly display a valid watercraft registration, launch permit or mooring permit issued by:

(i) The Pennsylvania Fish and Boat Commission or its agents under 30 Pa.C.S. § 5301 *et seq.* (relating to registration of motorboats required) or 58 Pa. Code § 53.27 (relating to use permits for unpowered boats); or

(ii) The Department of Conservation and Natural Resources or its agents under 17 Pa. Code § 21.109 (relating to boating).

Action:

DRAFT

REAL ESTATE

C. Donation

Contract No. L-3791, State Game Land No. 87, Clearfield County

Commentary: Diversified Production LLC (f/k/a Alliance Petroleum Corporation) is offering to donate 4.59+/- acres of land in Bell Township, Clearfield County, an interior on State Game Land No. 87 (Exhibit RED 1). Diversified Productions LLC is excepting and reserving the oil and natural gas. Access is from McGees Mill Road.

Action:

Contract No. L-3792, State Game Land No. 145, Lancaster and Lebanon Counties

Commentary:

Natural Lands is offering to donate 158 +/- acres of land in South Londonderry and West Cornwall Townships, Lebanon County and Rapho Township, Lancaster County adjoining State Game Land No. 145 (Exhibit RED 2). Natural Lands' acquisition of the property is contingent upon them receiving funding through partnership grants provided by the Pennsylvania Department of Conservation and Natural Resources (DCNR) and the United States Fish and Wildlife Service through the Highlands Conservation Act (HCA). Covenants, conditions, and restrictions associated with these funding sources will be required to accept the property. Access is from Pinch Road.

Because the HCA funds are payable to the Commonwealth only as a reimbursement, the Commonwealth has determined the most expeditious way to move forward is for the Commission to accept a subaward for the federal funds from DCNR, provide the HCA award amount to Natural Lands from the Commission's restricted revenue account set up through Treasury for "Other Cost Sharing Funds", and then directly accept the HCA federal reimbursement amount back into the restricted revenue account. This has the double benefit of being efficient, as well as ensuring federal dollars can be tracked directly to the acquisition project as intended by the HCA. The net effect to the restricted revenue account or the Game Fund is \$0.00. To accomplish this, the Board of Commissioners must approve the use of the restricted revenue account, payment from the account, and the subsequent acceptance of the federal HCA funds deposited into the account.

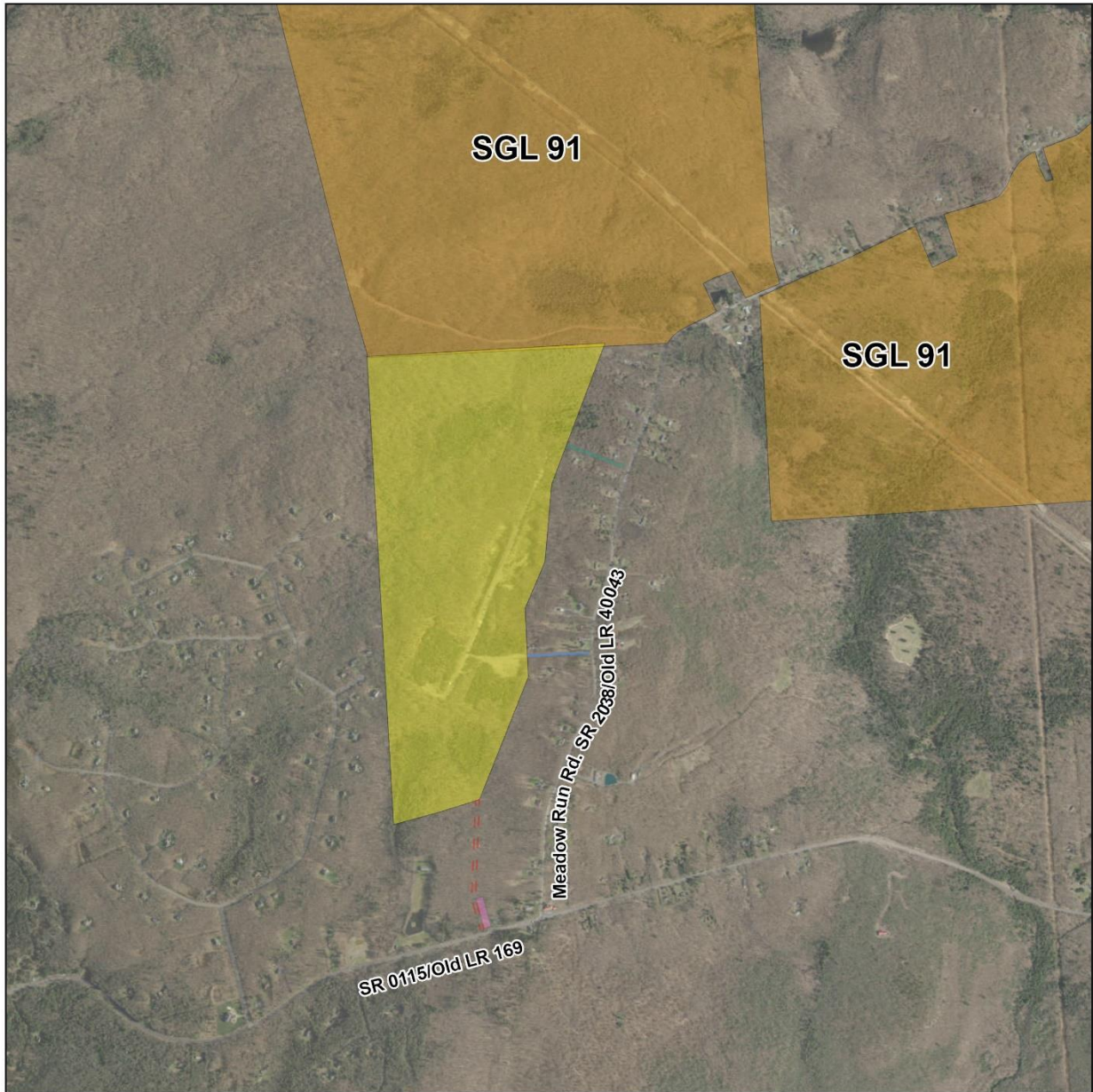
Action:

D. Acquisition

Contract No. L-3793, State Game Land No. 91, Luzerne County

Commentary: Natural Lands is offering 278 +/- acres of land in Bear Creek Township, Luzerne County, adjoining State Game Land No. 91 (Exhibit RED 3). The option price is \$42,000 lump sum to be paid from the Game Fund. Natural Lands' acquisition of the property is contingent upon them receiving funding through partnership grants provided by the Pennsylvania Department of Conservation and Natural Resources and the Open Space Institute. Covenants, conditions, and restrictions associated with these funding sources will be required to accept the property. Access is from Meadow Run Road (SR 2038) and from Bear Creek Boulevard (SR 115).

Action:



Legend

-  50' Wide Access
-  Parcel No. 1 - 1.0+/- Acres
-  Parcel No. 2 - 1.0+/- Acres
-  Parcel No. 3 - 1.0+/- Acres
-  Parcel No. 4 - 275.0+/- Acres



0 1,000 2,000 4,000 6,000
US Feet

Exhibit RED 3

State Game Land No. 91

L-3793
Natural Lands Tracts
(Recreation Realty, Inc.)
278+/- Acres

Bear Creek Township
Luzerne County
Northeast Region

E. Informational Items

Notational Vote

Contract L-3788, State Game Land No. 297, Washington County

Commentary: On September 29, 2021, the Board of Commissioners approved, by notational vote, a donation from Springflow Realty, LLC of 288 +/- acres of land in North Bethlehem and West Bethlehem Townships, Washington County adjoining State Game Land No. 297 (Exhibit RED 4). The donated land will be subject to a life estate reserved by Springflow Realty, LLC for the life of Richard C. Beinhauer and will not be added to the State Game Lands system until the life estate ends or is terminated. Springflow Realty, LLC will be responsible for any and all taxes, insurance premiums and mortgage payments during the period of Richard C. Beinhauer's life estate. Springflow Realty, LLC will also be responsible for maintaining the lodge located on the property in a condition as good as it is today, except for normal wear and tear, and agrees to make all necessary repairs. PGC agrees, after consultation with Springflow Realty, LLC to pay for any and all capital improvements and repairs (e.g. a new roof). By accepting this donation, PGC also agrees that it will maintain the lodge in its current condition indefinitely and that the lodge will always be named and referred to as "Springflow Lodge". Access is from Little Daniels Run Road, Urguhart Road, and Burson Road.

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

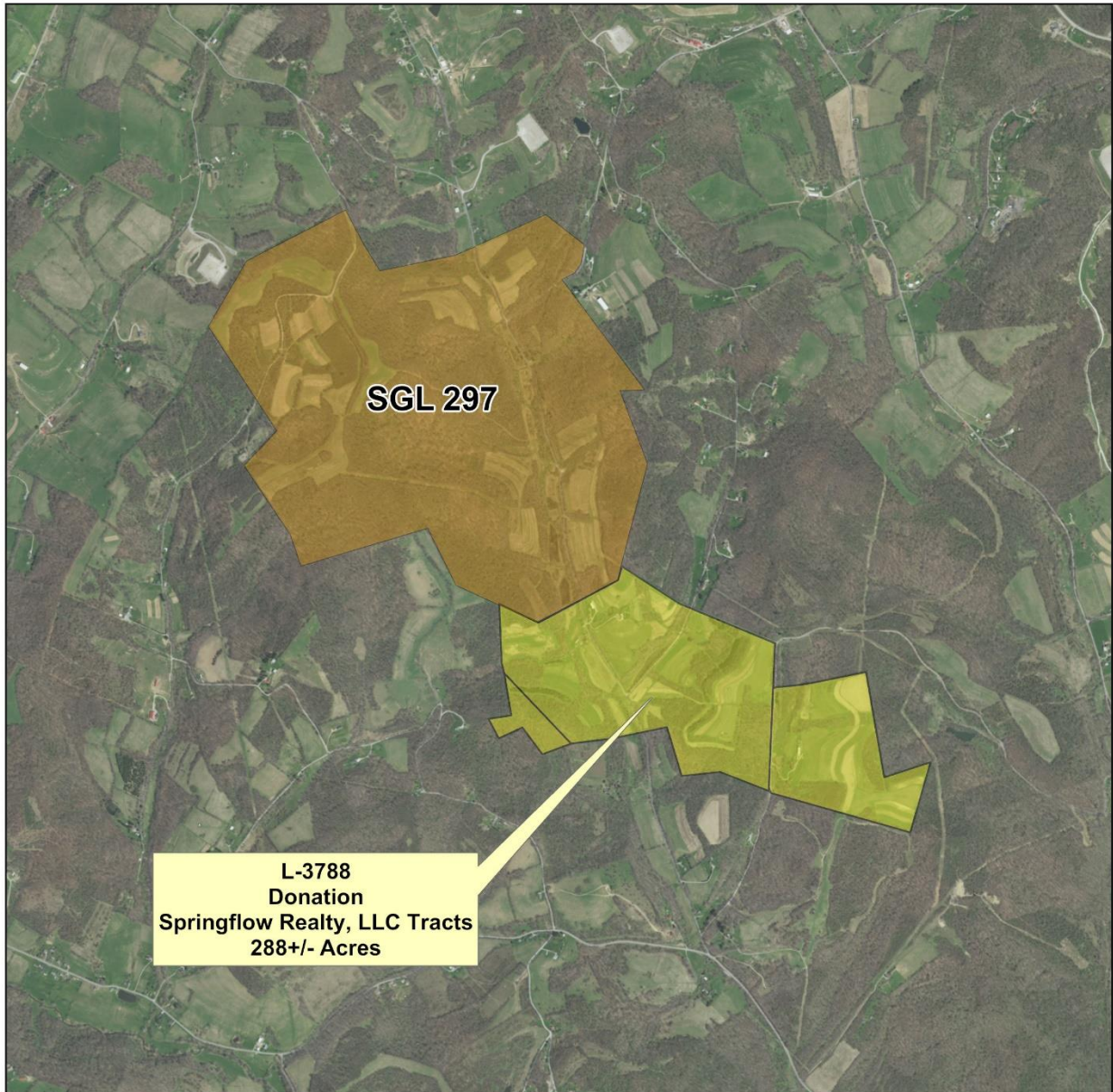


Exhibit RED 4
State Game Land No. 297

L-3788
Donation
Springflow Realty, LLC Tracts
288+/- Acres



0 1,000 2,000 4,000 6,000
US Feet

North Bethlehem & West Bethlehem Townships
Washington County
Southwest Region

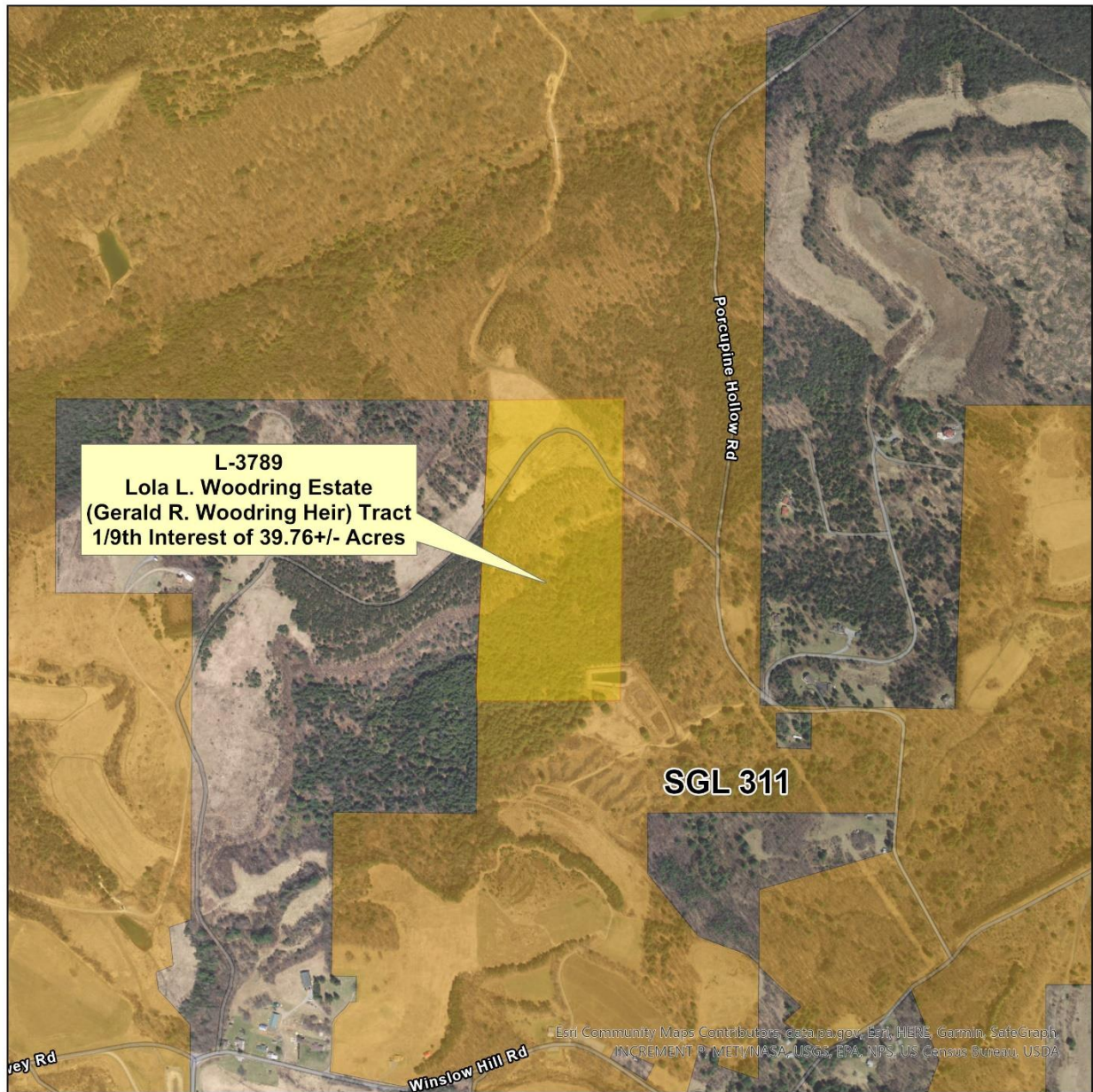
Purchase of Property at Auction

Subject to certain limitations, 58 Pa. Code § 135.241 (relating to delegation of authority) authorizes the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction. Successful bids must be made known to the general public at the next regularly scheduled meeting of the Board of Commissioners.

Contract L-3789, State Game Land No. 311, Elk County

Commentary: On September 2, 2021 Executive Director Bryan Burhans notified the Board of Commissioners of the pending public auction sale date of September 15, 2021 and the urgent need to react to the sale of a one-ninth ($1/9^{\text{th}}$) interest in the 39.76+/- acre Lola L. Woodring Estate Property located in Benezette Township, Elk County and adjoining State Game Land No. 311 (Exhibit RED 5). At the time of the auction, the Game Commission was the owner of a four-ninths ($4/9^{\text{ths}}$) interest in the property under Real Estate Contract L-3100-2. The Game Commission was the successful bidder at the auction held by the Elk Country Tax Claim Bureau with the winning bid of \$24,963.00 (including required fees). The funding for the auction price was donated by the Keystone Elk Country Alliance. The $1/9^{\text{th}}$ interest was conveyed to the Game Commission on November 1, 2021. The Game Commission now holds a five-ninths ($5/9^{\text{ths}}$) interest in the 39.76+/- acre Lola L. Woodring Estate Property.

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



0 375 750 1,500 2,250 3,000 US Feet

Exhibit RED 5
State Game Land No. 311
L-3789
Lola L. Woodring Estate
(Gerald R. Woodring Heir) Tract
1/9th Interest of 39.76+/- Acres
Benezette Township
Elk County
Northcentral Region

Notational Vote

Contract L-3790, Erie, Crawford, Venango, Forest, Warren, McKean and Elk Counties

Commentary: On December 8, 2021, the Board of Commissioners approved, by notational vote, a donation from Payday Holdings LLC of Frisco, TX of a portfolio of oil, gas, and mineral rights in Erie, Crawford, Venango, Forest, Warren, McKean, and Elk Counties (Exhibit RED 6). These OGM interests are not surveyed and have not had exhaustive title searches conducted. The nature, quality, and extent of the interests are currently unknown. However, they were purchased by Payday Holdings LLC, and are held in their name such that they can be donated.

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

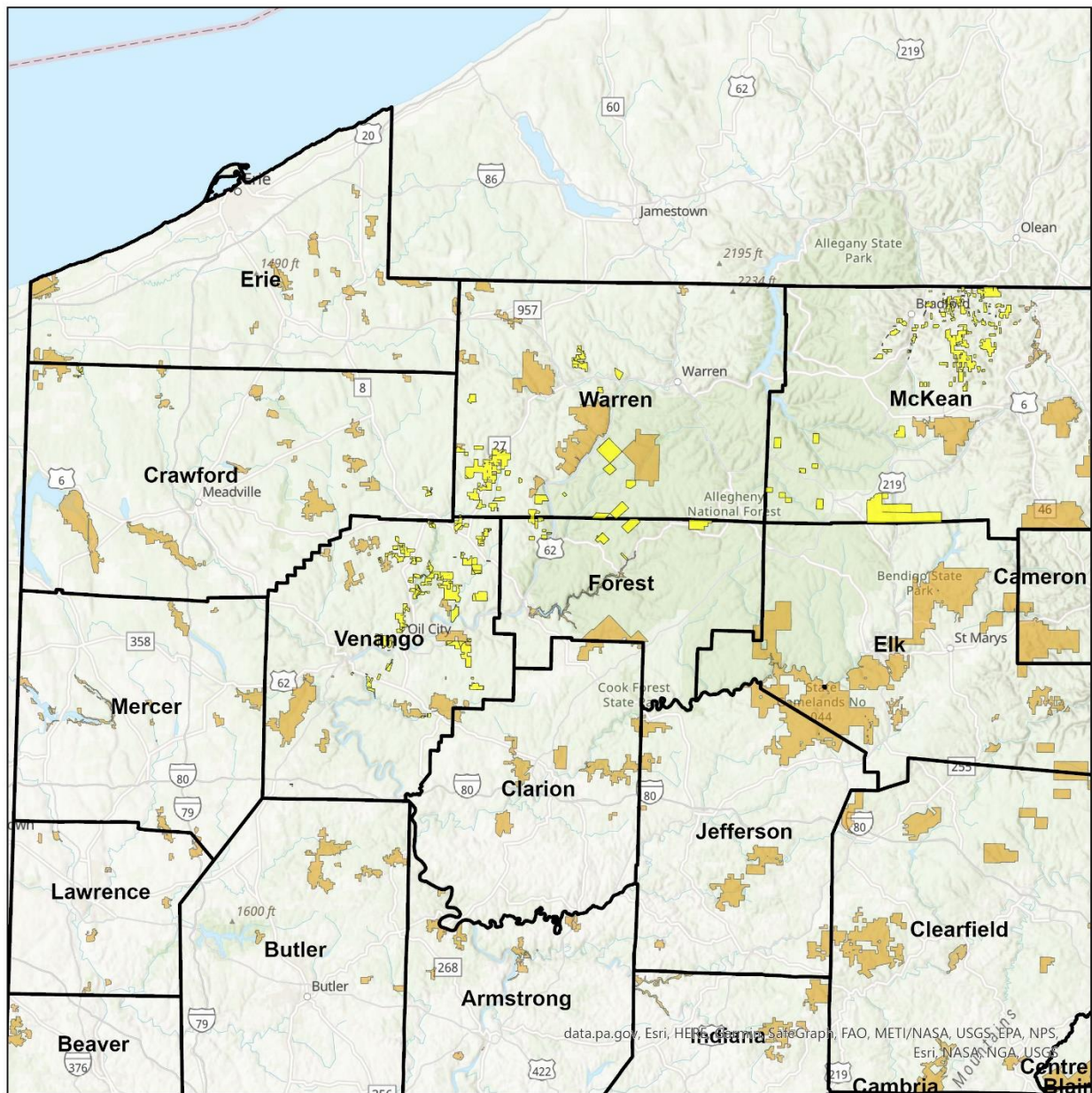


Exhibit RED 6

L-3790
Payday Holdings LLC
Mineral Parcels



PA Minerals
State Game Land

0 5 10 20 30 40 Miles

Erie, Crawford, Venango,
 Forest, Warren, McKean,
 and Elk Counties

F. Surface Coal Mining Agreement, State Game Land No. 75, Lycoming County

Commentary:

Fisher Mining Company (FMC) of Montoursville, PA requests approval to conduct surface coal mining operations and coal refuse disposal operations on a 115.9 +/- acre tract located on State Game Land No. 75, Pine Township, Lycoming County. FMC is rapidly approaching the end of their current mining area and is seeking approval to continue surface coal mining operation through Barrens Road and into a previously unmined (Exhibit OGM 1).

The Board previously reviewed and discussed two proposals comprising this project during the September 2013, the January 2017, and the January 2018 meetings. The Board approved an initial 66-acre project in 2013 for which an agreement was never reached, tabled a 40-acre expansion proposal in 2017, and in 2018 directed staff to work with FMC to resolve all outstanding issues relative to the project. At this time, all outstanding issues have been either resolved or will be resolved in a new agreement.

FMC proposes surface mining of an approximately 115.9 acre area with an estimated minable coal reserve of 663,795 tons. As part of the operation, FMC will mine out six underground deep mine entries and daylight approximately 27 acres of abandoned underground deep mines. These abandoned underground mines currently discharge slightly acidic water to Buckeye Run. FMC will add approximately 1,200 tons/acre of alkaline material to the pit floor and backfill during the mining process to ensure alkaline post mining water quality. FMC also proposes to shunt alkaline post mining drainage into the upper reaches of Buckeye Run to increase the alkalinity of the stream.

The proposed Agreement is for a 10-year term which will commence upon the issuance of a valid surface mining permit to FMC by the Department of Environmental Protection. All merchantable timber, to be cut and/or impacted by this mining operation, will be assessed by the Commission's Northcentral Regional forestry staff at a double stumpage rate and shall be paid to the PGC prior to cutting.

FMC will pay the Commission a royalty of 12% FOB pit price, for each ton of coal mined and sold from the 115.9 acre mining area. Royalty payments will be made by FMC on a monthly basis with all payments being deposited into the Game Fund.

A portion of Barrens Road will be closed to allow the mining to progress through the road. Traffic will be routed through existing roads to maintain continuity of traffic between English Center, the western boundary of SGL No. 75, and the DCNR state forest boundary near the village of Okome. Portions of the alternate route will need to be upgraded at the expense of FMC and maintained at the expense of the PGC.

FMC will also apply for bond release on portions of the Thomas mine permit and open the area up to the public. The exact boundary of the open area will be determined based on sight lines and safety distances from the active operation.

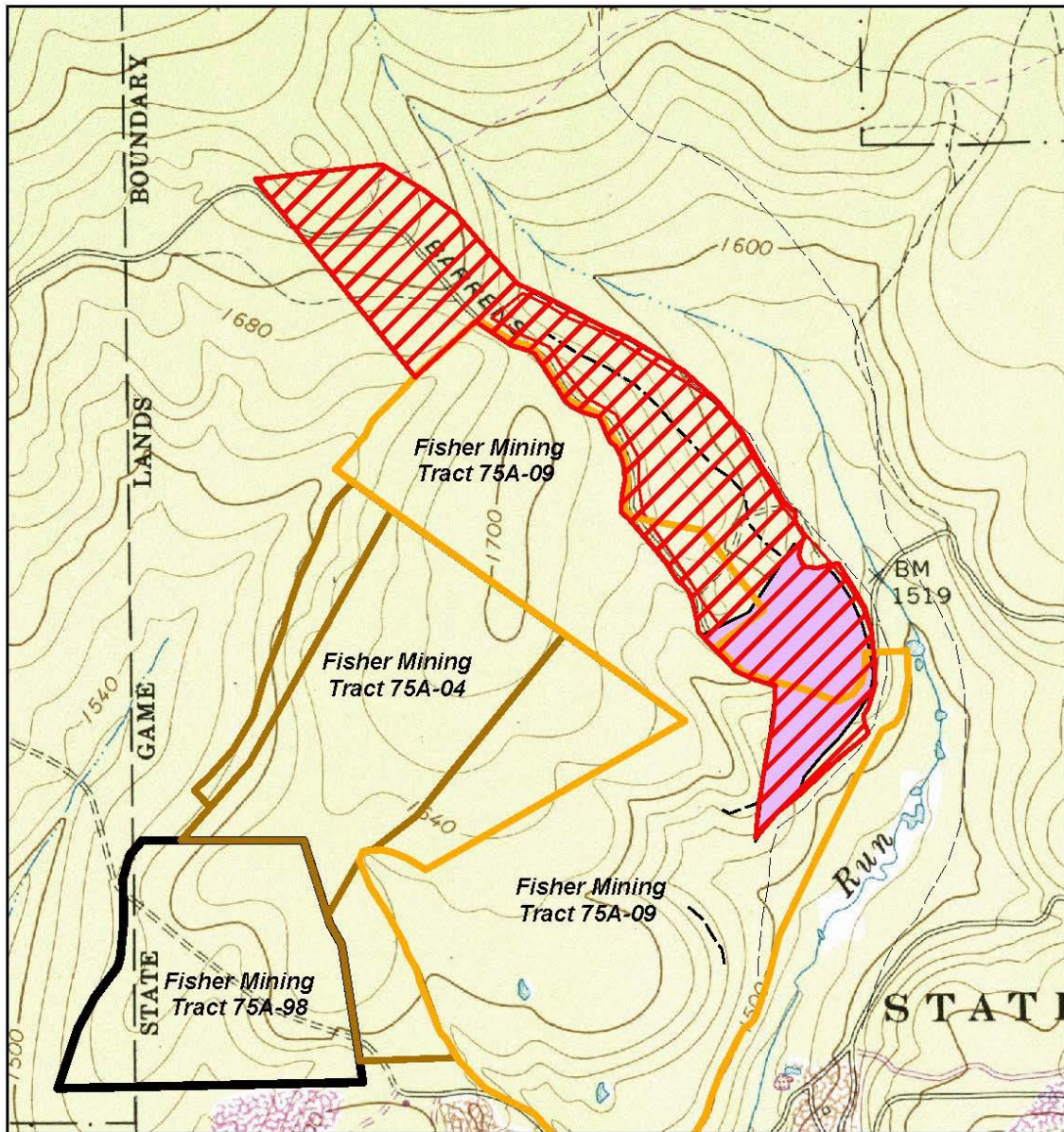
The reclamation plan will incorporate the Appalachian Reforestation Reclamation Initiative-Forest Reclamation Approach to achieve post mining land uses of wildlife habitat and forestland.

FMC agreed to replace the existing stream crossing on Buckeye Run at the haul road to allow for adequate aquatic organism passage. FMC will also complete a water quality or aquatic habitat improvement project on the Right Fork of Otter Run.

Further, FMC upon the receipt of both an executed agreement and a surface mining permit for the Thomas Northeast II mine from the Department of Environmental Protection, will convey seven parcels of contiguous land located in North Union Township, Schuylkill County, consisting of approximately 1,325 acres of land (OGM 2).

Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's Surface Mining Agreement.

Action:



Tract 75A-22 Surface Mining Area



Deep Mine Daylighting Area



EXHIBIT OGM 1
State Game Land No. 75
Surface Coal Mining Agreement
Fisher Mining Company
Tract 75A-22

Pine Twp., Lycoming County
 Northcentral Region

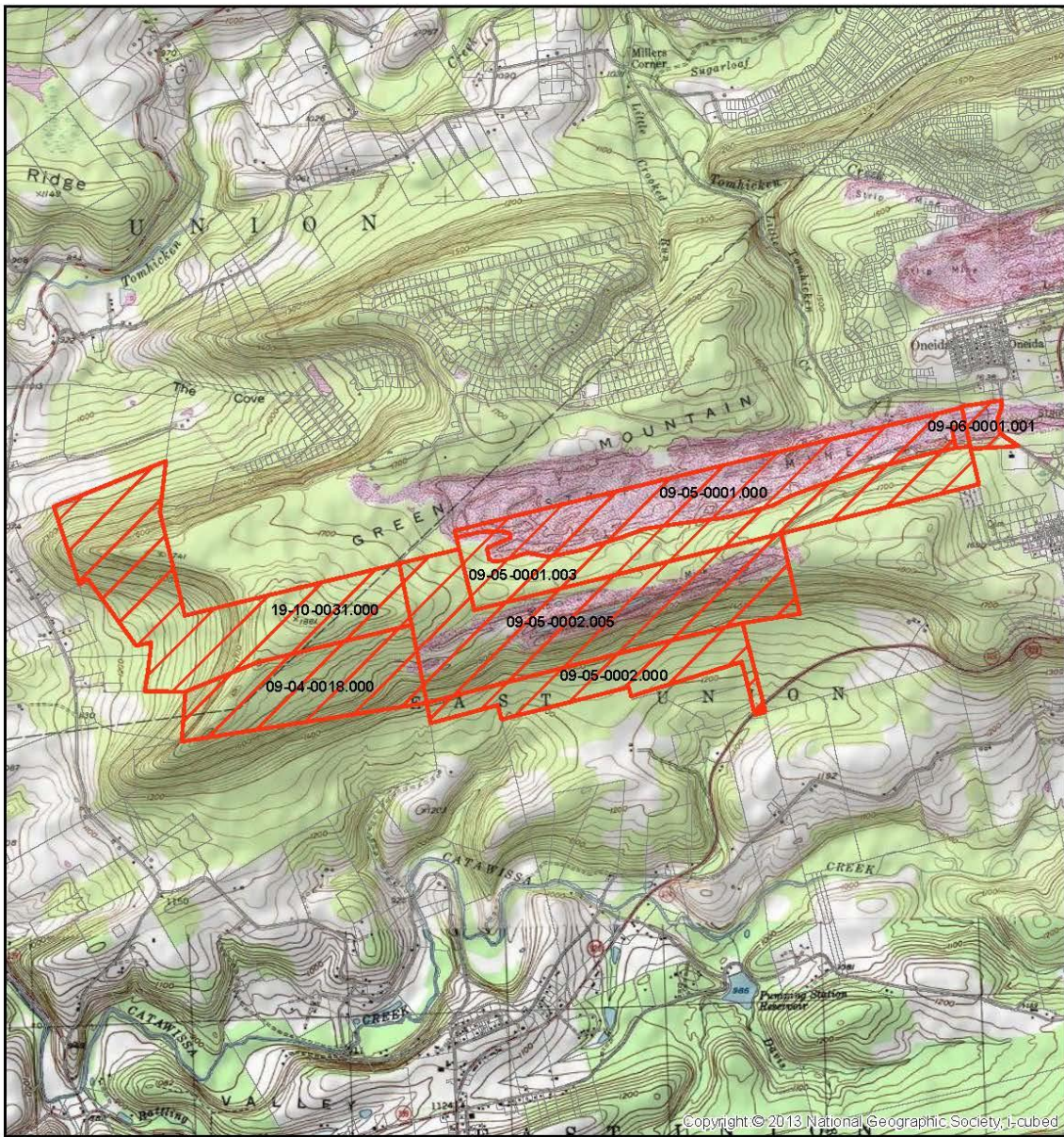
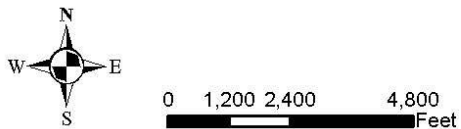


EXHIBIT OGM 2

 FMC to PGC 1,325 +/- Acres

**FMC to PGC
1,325 +/- Acres**

North Union Twp., Schuylkill County
Southeast Region



BUSINESS

Next Commission Meeting – April 8-9, 2022

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

Adjournment

DRAFT