

CHAPTER 135. LANDS AND BUILDINGS

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Subchapter A. GENERAL PROVISIONS

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§ 135.1. Scope.

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

Source

The provisions of this § 135.1 adopted June 3, 1969; reserved June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104917).

§ 135.2. Unlawful actions.

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

- (1) Camp or use campsites.
- (2) Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.
- (3) Travel on lands by means of vehicle or conveyance propelled by motorized power. This prohibition does not include the travel by individuals perma-

nently confined to a wheelchair propelled by electric power obtained from batteries. Individuals desiring to hunt from an electric powered wheelchair shall have a disabled person permit under section 2923 of the act (relating to disabled person permits).

- (4) Swim in a dam, pond, lake or stream.
- (5) Injure, destroy or cause damage to property—real, personal or mixed.
- (6) Remove or attempt to remove any manmade or natural object except wildlife and fish lawfully taken. Objects which may not be removed include animals, rocks, minerals, sand and historical or archaeological artifacts.
- (7) Participate in, become a part of, contribute to or engage in disorderly conduct as defined in 18 Pa.C.S. §§ 5503 and 5505 (relating to disorderly conduct; and public drunkenness).
- (8) Kindle, use or maintain an open fire.
- (9) Travel on roads open to vehicular travel with vehicle or conveyance propelled by motorized power which is not licensed or authorized for operation on a public highway under 75 Pa.C.S. (relating to the Vehicle Code).
- (10) Violate, fail or neglect to follow instructions posted on signs authorized by the Director.
- (11) Travel by mechanical or motorized conveyance or ride animals on newly constructed, seeded or planted roads, or other areas, when posted against the travel.

Authority

The provisions of this § 135.2 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(10), 721(a), 722(a), 2102(a) and 2923.

Source

The provisions of this § 135.2 adopted October 17, 1959; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 12, 1991, effective immediately and apply retroactively to July 1, 1991, 21 Pa.B. 3141; amended April 4, 1997, effective April 5, 1997, 27 Pa.B. 1647; amended August 30, 2002, effective February 1, 2003, 32 Pa.B. 4235; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3703; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3924. Immediately preceding text appears at serial pages (306249) to (306250).

Cross References

This section cited in 58 Pa. Code § 135.41 (relating to State game lands); 58 Pa. Code § 135.48 (relating to State game lands roads open to vehicular traffic for disabled persons); 58 Pa. Code § 135.61 (relating to State game farms); 58 Pa. Code § 135.81 (relating to Commission administrative lands); 58 Pa. Code § 135.101 (relating to scope); 58 Pa. Code § 135.106 (relating to Pymatuning Wildlife Management Area); 58 Pa. Code § 135.107 (relating to Middle Creek Wildlife Management Area); 58 Pa. Code § 135.121 (relating to Federal-owned lands); 58 Pa. Code § 135.123 (relating to political subdivision-owned lands); 58 Pa. Code § 135.141 (relating to privately-owned lands); 58 Pa. Code § 135.161 (relating to Commission-owned or leased); 58 Pa. Code § 135.181 (relating to rifle and handgun ranges); and 58 Pa. Code § 135.182 (relating to ranges, State Game Lands No. 176).

§ 135.3. [Reserved].**Source**

The provisions of this § 135.3 adopted January 15, 1971, effective January 15, 1971, 1 Pa.B. 942; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104918) to (104919).

§ 135.4. [Reserved].**Source**

The provisions of this § 135.4 adopted October 21, 1969; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104919).

§ 135.5. [Reserved].**Source**

The provisions of this § 135.5 adopted July 8, 1937; reserved July 13, 1984, effective July 14, 1984, 14 Pa.B. 2413. Immediately preceding text appears at serial pages (51534) to (51535).

§ 135.6. [Reserved].**Source**

The provisions of this § 135.6 adopted July 8, 1937; reserved July 13, 1984, effective July 14, 1984, 14 Pa.B. 2413. Immediately preceding text appears at serial pages (51535) and (71009).

§ 135.7. [Reserved].**Source**

The provisions of this § 135.7 adopted April 4, 1958; reserved February 21, 1986, effective February 22, 1986, 16 Pa.B. 525. Immediately preceding text appears at serial page (91621).

§ 135.8. [Reserved].**Source**

The provisions of this § 135.8 adopted June 3, 1969; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104920).

§ 135.9. [Reserved].**Source**

The provisions of this § 135.9 adopted September 18, 1981, effective September 19, 1981, 11 Pa.B. 3218; reserved April 30, 1982, effective May 1, 1982, 12 Pa.B. 1393. Immediately preceding text appears at serial pages (63561) to (63562).

§ 135.10. [Reserved].**Source**

The provisions of this § 135.10 adopted February 21, 1986, effective February 22, 1986, 16 Pa.B. 526; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104921) to (104922).

Subchapter B. [Reserved]**§ 135.21. [Reserved].****Source**

The provisions of this § 135.21 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104922) to (104923).

§ 135.22. [Reserved].**Source**

The provisions of this § 135.22 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104923) to (104924).

§ 135.23. [Reserved].**Source**

The provisions of this § 135.23 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104924).

§ 135.24. [Reserved].**Source**

The provisions of this § 135.24 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; amended February 25, 1983, effective February 26, 1983, 13 Pa.B. 836; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104924) to (104936).

§ 135.25. [Reserved].**Source**

The provisions of this § 135.25 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104936).

§ 135.26. [Reserved].**Source**

The provisions of this § 135.26 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104937).

§ 135.27. [Reserved].**Source**

The provisions of this § 135.27 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104937).

Subchapter C. STATE GAME LANDS

Sec.

- 135.41. State game lands.
- 135.42. Appalachian Trail.
- 135.43. [Reserved].
- 135.44. [Reserved].
- 135.45. [Reserved].
- 135.46. [Reserved].
- 135.47. [Reserved].
- 135.48. State game lands roads open to vehicular traffic for disabled persons.
- 135.49. Scope.
- 135.50. Definitions.
- 135.51. Designated roads on State game lands open to ATVs.
- 135.52. Towing vehicle placard.
- 135.53. Operation of ATVs on designated State game land roads by permitted persons.
- 135.54. Areas of operation and passengers.
- 135.55. Penalties.

§ 135.41. State game lands.

(a) *Restrictions limited.* The following exceptions to § 135.2 (relating to unlawful actions) pertain to lands and waters designated as State game lands:

- (1) Mushrooms and fruits of berry-producing plants may be picked.
- (2) Small open fires for cooking or warming purposes are permitted only at places where adequate precautions are taken to prevent the spread of fire

which may damage adjacent areas and shall be attended at all times and completely extinguished before leaving the site of the fire. Open fires are prohibited when the fire index rating used by the Department of Conservation and Natural Resources, is high, very high or extreme. A person causing a wildfire, in addition to possible criminal penalty, is liable for all damages, cost of extinguishing and fines.

(3) Snowmobiles, as defined in 75 Pa.C.S. § 7702 (relating to definitions) may be driven beginning on the third Sunday in January through April 1 on designated areas, roads and trails marked with appropriate signs, so long as snowmobiles are registered and display valid registration decal as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).

(b) *Closure of game lands.*

(1) When the threat of forest fires exists, the Director has emergency authority to restrict the use of smoking materials on State game lands or to close State game lands to hunting, trapping, fishing, recreational use and other activity which may be or become detrimental to those lands or the flora or fauna thereon until the Director removes the restrictions. Emergency restrictions or closures will be announced to the news media.

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

(3) It is unlawful to violate restrictions or closure placed on these lands by the Director.

(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 groundwaters or surface waters or any waterways.

(2) Graze or permit the grazing of livestock, place or maintain beehives or beekeeping apparatus.

(3) Solicit, or place advertisements, signs or posters.

(4) Ride a nonmotorized vehicle, conveyance or animal, except on roads normally open to public travel, or designated routes as posted, or while lawfully engaged in hunting, trapping or fishing.

(5) Ride a nonmotorized vehicle, conveyance or animal from the last Saturday in September until the third Saturday in January, and before 1 p.m. from the second Saturday in April through the last Saturday in May inclusive, except on Sundays or while lawfully engaged in hunting, trapping or fishing.

(6) Ride a nonmotorized vehicle, conveyance or animal on roads open to foot travel only.

(7) Drive motor vehicles with or without attachments having a registered gross vehicle weight in excess of 12,000 pounds.

(8) Use boats propelled by a motor. Battery powered electric motors may be used on waterways unless posted otherwise.

(9) Consume, possess or transport any alcohol, liquor, beer, malt or brewed alcoholic beverage.

(10) Use or possess any controlled substance or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-143).

(11) Occupy, use or construct, place or maintain structures or other tangible property, except that portable hunting blinds or stands may be used, provided no visible damage is caused to trees.

(12) Feed wildlife or lay or place any food, fruit, hay, grain, chemical, salt or other minerals.

(13) Release domestic animals, captive bred or captive raised game or wildlife.

(14) Operate a motor vehicle in willful and wanton disregard for the safety of persons or property or in excess of posted speed limits, or where no speed limit is posted, in excess of 25 miles per hour.

(15) Target shoot with firearms, bows and arrows or devices capable of launching projectiles in a manner that could cause injury to persons or property, or on areas posted closed to those activities.

(16) Except as provided in Subchapter J (relating to shooting ranges), discharge any firearm, bow and arrow, or device capable of launching projectiles that is not a lawful device to hunt game or wildlife.

(17) Engage in an activity or event involving more than ten persons, which may conflict with the intended purposes or uses as defined in section 722 of the act (relating to use of property), or poses a potential environmental or safety problem.

(18) Sell, distribute, deliver, service, guide or rent any equipment, material or commodity or otherwise transact or engage in any commercial activity. Commercial activity is any activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

(19) Use State game lands for any personal, organizational or commercial purpose other than the intended use as defined in section 722 of the act.

(20) Operate under authority of a contract, lease, agreement or permit and fail to abide by the terms and conditions contained in the contract, lease, agreement or permit.

(21) Except on Sundays, be present on State game lands from November 15 through December 15 inclusive when not engaged in lawful hunting or trapping

and fail to wear a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined or, in lieu thereof, a hat of the same colored material. The material shall be worn so it is visible in a 360° arc. Persons using shooting ranges are exempted from this requirement.

(22) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

Authority

The provisions of this § 135.41 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2102(a).

Source

The provisions of this § 135.41 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 1, 1997, effective August 2, 1997, 27 Pa.B. 3788, amended August 30, 2002, effective February 1, 2003, 32 Pa.B. 4235; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2748; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1309; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5121. Immediately preceding text appears at serial pages (297321) to (297322) and (326571) to (326572).

Cross References

This section cited in 58 Pa. Code § 135.81 (relating to Commission administrative lands); 58 Pa. Code § 135.101 (relating to scope); 58 Pa. Code § 135.106 (relating to Pymatuning Wildlife Management Areas); 58 Pa. Code § 135.107 (relating to Middle Creek Wildlife Management Areas); and 58 Pa. Code § 135.123 (relating to political subdivision-owned lands).

§ 135.42. Appalachian Trail.

(a) *Scope.* This section regulates through hikers who camp overnight on State Game Lands within the corridor of the trail.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

- (1) *Public access area*—An area where the public enters or exits the trail on game lands.
- (2) *Spring*—A source of water issuing from the ground.
- (3) *Stream*—A body of running water flowing on the earth.
- (4) *Through hikers*—Persons walking the trail from a beginning area to an exit area on the trail which is not the place of beginning.
- (5) *Trail*—The Appalachian Trail as authorized by the Pennsylvania Appalachian Trail Act (64 P. S. §§ 801—805).

(c) *Overnight camping.* Overnight camping along the trail shall be lawful only in accordance with the act and this part.

(d) *Unlawful acts.* It is unlawful to camp:

- (1) Overnight at a distance more than 200 feet from the designated trail.
- (2) More than one night at the same location.
- (3) Within 500 feet of a spring, stream or public access area.

Source

The provisions of this § 135.42 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104938).

§ 135.43. [Reserved].**Source**

The provisions of this § 135.43 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104939).

§ 135.44. [Reserved].**Source**

The provisions of this § 135.44 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104939) to (104941).

§ 135.45. [Reserved].**Source**

The provisions of this § 135.45 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104941) to (104942).

§ 135.46. [Reserved].**Source**

The provisions of this § 135.46 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104942).

§ 135.47. [Reserved].**Source**

The provisions of this § 135.47 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104942).

§ 135.48. State game lands roads open to vehicular traffic for disabled persons.

(a) *Vehicular traffic permitted.* Vehicular traffic will be permitted on designated roads on State game lands for persons issued a Disabled Persons Permit under section 2923(a) of the act (relating to disabled person permits). State game

lands roads open to vehicular traffic for disabled persons will be designated by the Director. The Commission will make a list of these open roads available to the permittee.

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

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

(b) *Additional reference.* See § 135.2 (relating to unlawful acts).

Authority

The provisions of this § 135.48 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2102.

Source

The provisions of this § 135.48 adopted December 8, 1989, effective December 9, 1989, 19 Pa.B. 5215; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; amended October 8, 1993, effective October 9, 1993, 23 Pa.B. 4793; amended November 8, 1996, effective November 9, 1996, 26 Pa.B. 5440; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4709; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5153; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5122. Immediately preceding text appears at serial page (306252).

§ 135.49. Scope.

Sections 135.50—135.56 regulate the use of ATVs on State game lands by disabled persons.

Authority

The provisions of this § 135.49 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.49 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734.

Cross References

This section cited in 58 Pa. Code § 135.50 (relating to definitions).

§ 135.50. Definitions.

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

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ATV—All-terrain vehicle—A Class I ATV as defined in 75 Pa.C.S. § 7702(1) and (3) (relating to definitions), or a motorized off-highway vehicle 58 inches or less in width, having a dry weight of 900 pounds or less traveling on four or more low-pressure tires and having a bench seat, which complies with restrictions in 75 Pa.C.S. § 7702(3).

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

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

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

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

Authority

The provisions of this § 135.50 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901.

Source

The provisions of this § 135.50 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1305. Immediately preceding text appears at serial pages (257901) to (257902).

Cross References

This section cited in 58 Pa. Code § 135.49 (relating to scope).

§ 135.51. Designated roads on State game lands open to ATVs.

State game land roads that will be open for use by permitted persons operating ATVs will be designated by the Director. The Commission will make a list of these open roads available to the permittee, and will provide the list by mail to a permitted person that has applied for a towing vehicle placard.

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

(2) Designated roads shall be open for use by permitted persons from 14 days prior to the opening day of the archery season to the closing day of the late muzzleloader/archery season and during the spring turkey season.

Authority

The provisions of this § 135.51 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.51 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734.

Cross References

This section cited in 58 Pa. Code § 135.49 (relating to scope); and 58 Pa. Code § 135.50 (relating to definitions).

§ 135.52. Towing vehicle placard.

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

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

Authority

The provisions of this § 135.52 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.52 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734.

Cross References

This section cited in 58 Pa. Code § 135.49 (relating to scope); and 58 Pa. Code § 135.50 (relating to definitions).

§ 135.53. Operation of ATVs on designated State game land roads by permitted persons.

Permitted persons may operate an ATV on designated State game land roads under the following conditions:

- (1) The ATV is operated at a speed not to exceed 10 mph.
- (2) A universal access symbol for the disabled, at least 3 inches by 3 inches in size is displayed in a prominent place on the ATV while on State game lands.
- (3) The ATV is registered with the Department of Conservation and Natural Resources and is displaying the valid registration plate as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).
- (4) The ATV is equipped with a fully functional spark arrestor while operating on State game lands.

Authority

The provisions of this § 135.53 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901.

Source

The provisions of this § 135.53 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1305. Immediately preceding text appears at serial page (257903).

Cross References

This section cited in 58 Pa. Code § 135.49 (relating to scope); and 58 Pa. Code § 135.50 (relating to definitions).

§ 135.54. Areas of operation and passengers.

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

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

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

Authority

The provisions of this § 135.54 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.54 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734.

Cross References

This section cited in 58 Pa. Code § 135.49 (relating to scope); and 58 Pa. Code § 135.50 (relating to definitions).

§ 135.55. Penalties.

A person who violates this subchapter shall be subject to the penalties as provided in the act.

Authority

The provisions of this § 135.55 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.55 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734.

Cross References

This section cited in 58 Pa. Code § 135.49 (relating to scope); and 58 Pa. Code § 135.50 (relating to definitions).

Subchapter D. STATE GAME FARMS

Sec.	
135.61.	State game farms.
135.62.	[Reserved].
135.63.	[Reserved].
135.64.	[Reserved].
135.65.	[Reserved].
135.66.	[Reserved].
135.67.	[Reserved].

§ 135.61. State game farms.

In addition to § 135.2 (relating to unlawful actions), the following pertain to lands and waters owned by the Commission, designated as State game farms. It is unlawful to:

- (1) Take wildlife within the boundary of a State Game Farm, except by permission of the Director or a designee.
- (2) Enter or approach pens, fenced fields, barns or other buildings or enclosures.
- (3) Feed game birds or animals, or both.
- (4) Enter the area with dogs or guns, except by special permission of the Director.

Source

The provisions of this § 135.61 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104942) to (104943).

§ 135.62. [Reserved].**Source**

The provisions of this § 135.62 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104943).

§ 135.63. [Reserved].**Source**

The provisions of this § 135.63 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104943) to (104944).

§ 135.64. [Reserved].**Source**

The provisions of this § 135.64 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104944) to (104946).

§ 135.65. [Reserved].**Source**

The provisions of this § 135.65 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104946).

§ 135.66. [Reserved].**Source**

The provisions of this § 135.66 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104947).

§ 135.67. [Reserved].**Source**

The provisions of this § 135.67 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104947).

Subchapter E. COMMISSION ADMINISTRATIVE LANDS

Sec.

135.81. Commission administrative lands.

§ 135.81. Commission administrative lands.

Sections 135.2 and 135.41 (relating to unlawful actions; and State game lands) pertain to lands and waters owned by the Commission, designated as regional offices, central offices, radio tower sites or visitor centers.

Authority

The provisions of this § 135.81 amended under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of the § 135.81 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (202736).

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

Sec.

- 135.101. Scope.
- 135.102. Controlled goose and controlled duck hunting areas.
- 135.103. Registration for controlled goose hunting areas.
- 135.104. Restrictions on controlled goose hunting areas.
- 135.105. Public hunting areas.
- 135.106. Pymatuning Wildlife Management Area.
- 135.107. Middle Creek Wildlife Management Area.

§ 135.101. Scope.

(a) The Commission may create special wildlife management areas on lands, waters and buildings under its ownership, lease or jurisdiction. Specific parts of these areas may be referred to as controlled goose hunting areas, controlled duck hunting areas, propagation areas, public hunting areas, public recreation areas or a designation consistent with the use of lands, waters or buildings.

(b) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and 50 CFR Part 20 (relating to migratory bird hunting), this subchapter pertains to areas designated as special wildlife management areas.

(c) Boundaries shall be conspicuously posted with signs designating the purpose of an area.

(d) The Director has the authority to open special wildlife management areas or parts thereof to hunting or trapping for the purpose of population control when it is determined that uncontrolled numbers of certain species have become detrimental to the area.

(1) When a certain area is declared open to hunting or trapping by the Director, the number of hunters/trappers may be limited by a permit or drawing.

(2) The Director may declare the area open to unlimited hunters or trappers and no permit or drawing will be required at which time §§ 135.102(a)(1) and (3), (b)(1) and (2) and (d), 135.104(1), 135.106(a)(1), (c)(1) and (d)(1) and 135.107(a)(1) and (b)(1) do not apply.

Source

The provisions of this § 135.101 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488. Immediately preceding text appears at serial page (118661).

§ 135.102. Controlled goose and controlled duck hunting areas.

(a) *Hunting.*

(1) *General.* Hunting is by permit only. Permits will be issued on hunting days at a designated registration center. Decoys and dogs are permitted. Dogs shall be kept under control.

(2) *Check-out restriction.* A hunting permit holder shall check out at the registration center immediately upon vacating the blind and surrender, in person, the permit. A hunter shall submit birds or mammals taken for examination at the registration center. The deadline for check-out shall be 1 hour following the expiration time, as indicated on the permit.

(3) *Unlawful acts.* It shall be unlawful to:

- (i) Allow dogs to run unaccompanied or without direction and control.
- (ii) Possess firearms except in connection with a hunting permit.

(b) *Trapping.*

(1) *General.* Trapping permits will be issued on a first-come, first-served basis or by drawing until the quota, established by the Director or a designee, has been filled.

(2) *Surrendering permit.* A trapping permit holder shall surrender the permit at the registration center, either in person or by mail, within 4 days of the expiration date, indicated on the permit, along with a written report of animals taken on a form supplied with the permit. A person failing to surrender a permit, or file a report, may be denied trapping privileges on the area for 3 years.

(c) *Harvest control.* Hunting and trapping for any species may be stopped by the Director or a designee when, in his opinion, an adequate harvest of that species has occurred on the area.

(d) *Cancellation of permits.* Permits may be cancelled or denied for infractions of the act, Federal regulations or regulations adopted for wildlife management areas.

Source

The provisions of this § 135.102 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351. Immediately preceding text appears at serial pages (204415) to (204416).

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

(1) Applications are available in, and shall be submitted from, the current edition of *Digest of Pennsylvania Hunting and Trapping Regulations* supplied with each hunting license.

(2) Reservation requests on official application forms shall be submitted by mail. An application shall contain requested information, including the applicant's current valid hunting license back tag number, including letter.

(i) *Middle Creek Wildlife Management Area.* Applications shall be received by the close of business on the second Tuesday in September. Applications received later than the close of business on the second Tuesday in September will be rejected.

(ii) *Pymatuning Wildlife Management Area.* Applications shall be received by the close of business on the second Saturday in September.

Applications received later than the close of business on the second Saturday of September will be rejected.

(3) One official application per person to hunt on one controlled goose hunting area in this Commonwealth may be submitted. Anyone submitting more than one application for a reservation will have all applications rejected.

(4) Selections of mailed application forms will be made by random drawing from all eligible applications submitted. The Director will establish, no later than 20 days prior to the drawing, the number of applications to be drawn.

(i) *Middle Creek Wildlife Management Area.* The drawing will be held on the second Wednesday in September and shall be open to the public.

(ii) *Pymatuning Wildlife Management Area.* The drawing will be held on the third Saturday in September and shall be open to the public.

(iii) *Disabled access blinds.*

(A) A separate drawing shall also be held for the disabled access blinds for persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits). A copy of the current disabled person permit shall accompany the application.

(B) Other provisions of this section apply to disabled access blinds.

(iv) *Youth only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a youth-only day. Adults who accompany a junior hunter on this day may participate in the hunt by calling only. Applications received from junior hunters will be separated and drawn prior to the other applications on the established drawing date for the management area. Unsuccessful applicants for the youth shooting day will then be placed with all other applications and the drawing will proceed until all shooting days are filled.

(5) A reservation is not transferable. The person whose name appears on the reservation shall present the reservation in person at the wildlife management area registration center designated. A reservation shall entitle the applicant to bring not more than three guests with him. Guests shall be present and register.

(6) Except as otherwise provided in subparagraph (i), each person is permitted to hunt only 1 day per season on only one controlled goose hunting area as either a reservation holder or a guest of a reservation holder.

(i) *Exception.* In the absence of applications for unclaimed blinds from persons who have not previously been a registration holder or the guest of a registration holder on the morning of the designated shooting day, a person who has previously been a registration holder or the guest of a registration holder may apply for an unclaimed blind in the manner provided for in paragraph (8).

(ii) *Penalty.* Except as otherwise authorized by subparagraph (i), a person who files more than one application or hunts more than one time per

season on one or more controlled goose hunting areas within this Commonwealth will be denied the privilege to hunt any controlled goose hunting area for 3 years.

(7) A reservation for 1 day is valid only up to 1/2 hour before the daily shooting time.

(8) Blinds will be assigned, by drawing, to reservation holders on the morning of the designated shooting day. A blind which is unclaimed will be assigned by drawing to persons present and applying for the unclaimed blinds on the morning of each shooting day, 1/2 hour prior to shooting time.

Authority

The provisions of this § 135.103 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(6), 721(a) and 2102(a).

Source

The provisions of this § 135.103 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197; corrected December 1, 1995, effective January 7, 1995, 25 Pa.B. 5508; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended August 11, 2000, effective August 12, 2000, 30 Pa.B. 4250; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3926; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5119. Immediately preceding text appears at serial pages (312302) to (312304).

Cross References

This section cited in 58 Pa. Code § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area); and 58 Pa. Code § 141.27 (relating to early Canada goose hunting season on Pymatuning Wildlife Management Area).

§ 135.104. Restrictions on controlled goose hunting areas.

It is unlawful to:

- (1) Take wildlife other than ducks and geese, except by permit issued by the Director or a designee.
- (2) Remove geese and ducks from a blind prior to vacating the blind to check out.
- (3) Remain in a blind when the maximum limit of geese has been killed or the ten-round ammunition limit has been expended, or after the time specified on the permit has expired.
- (4) Shoot from other than an assigned blind.
- (5) Enter a closed blind, or a blind other than the one assigned.
- (6) Shoot on, along or from a road or parking area.
- (7) Possess more than ten rounds of ammunition per hunter in the blind.

This does not prohibit one member of a party in a blind from giving part of the ten-round allotment to another member of the same party, while in the blind.

- (8) Obtain or possess more than the original ten rounds of ammunition permitted at the beginning of each day.

(9) Take more than one goose per person. Duck limits shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

Source

The provisions of this § 135.104 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 29, 1998, effective May 30, 1998, 28 Pa.B. 2504; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351. Immediately preceding text appears at serial pages (244953) to (244954).

Cross References

This section cited in 58 Pa. Code § 141.26 (relating to early Canada goose hunting season in Middle Creek Wildlife Management Area); and 58 Pa. Code § 141.27 (relating to early Canada goose hunting season on Pymatuning Wildlife Management Area).

§ 135.105. Public hunting areas.

The following apply to public hunting areas:

- (1) Public hunting areas are those areas not included in the controlled goose area, the controlled duck area, propagation area or public recreation area.
- (2) Hunting wildlife, in season, including waterfowl, is lawful.

Source

The provisions of this § 135.105 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 135.106. Pymatuning Wildlife Management Area.

(a) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Pymatuning Wildlife Management Area:

(1) Entering, hunting or trapping on the controlled goose and duck areas is by permit only.

(2) Waterfowl hunting is permitted Monday, Wednesday, Friday and Saturday. Starting time shall conform with State and Federal regulations. Shooting ends at 12:30 p.m.

(b) The following apply to reservations for the controlled duck hunting area:

(1) Reservations will be made on each designated shooting day at the registration center. Hunting is limited to 85 hunters at one time on the two areas combined. Reservations will be issued on a first-come, first served basis if there are 85 hunters or less applying at the registration center and 1 1/2 hours prior to the opening hunting hour. If there are more than 85 applicants present, a drawing will be held to determine to whom the 85 permits are issued.

(2) Permits returned to the registration center prior to 10 a.m. may be released to another applicant.

(c) The following apply to the controlled duck hunting areas:

(1) Ducks are the only legal game; taking other wild birds or mammals is prohibited, except by permit issued by the Director or a designee.

(2) A hunter shall display the identification tag furnished by the Commission while on the areas. The identification tag is valid for entry upon the area indicated on the tag. Entry upon another area is prohibited. Identification tags shall be returned to the registration center at check-out time.

(3) Boats without motors are permitted on controlled duck areas.

(d) The following apply to special hunts on the controlled area:

(1) Special deer hunts will be by permit only, limited to archery and muzzleloading firearms.

(2) Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Executive Director may designate dates for deer hunting outside of established seasons and bag limits.

(3) A drawing of applications to determine successful hunters will be held at the Pymatuning Wildlife Management Area headquarters on a date and time designated by the Executive Director or a designee.

(4) Applications will be received at the area headquarters no later than the close of business of the day prior to the date and time of the drawing.

(5) One official application per person to hunt deer on the controlled area may be submitted each license year. Anyone submitting more than one appli-

cation for a permit will have all applications rejected. The application shall contain archery or muzzleloading license stamp numbers.

(6) The number of permits to be drawn shall be set by the Executive Director or a designee prior to the drawing.

(7) If a successful applicant does not appear to claim a reservation on the day assigned, prior to the opening hunting hour, the permit becomes invalid and is not transferable.

(8) A successful hunter shall submit a harvested deer for examination to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours.

(9) Unsuccessful hunters shall return the permit to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours.

(10) Hunters participating in the special archery and muzzleloading hunts inside the controlled area shall wear a minimum of 250 square inches of fluorescent orange-colored material on the head, back and chest combined.

Authority

The provisions of this § 135.106 amended under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.106 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended July 24, 1992, effective July 25, 1992, 22 Pa.B. 3897; amended October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended August 11, 2000, effective August 12, 2000, 30 Pa.B. 4250. Immediately preceding text appears at serial pages (257909) and (257911).

§ 135.107. Middle Creek Wildlife Management Area.

(a) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Middle Creek Wildlife Management Area:

(1) Entering, hunting, trapping or fishing on the controlled hunting areas shall be by permit only, except as listed in paragraph (3).

(2) From March 1 to September 14, entry on foot or vehicle is restricted to roadways and designated trails, except that when gates are closed, entry is prohibited.

(3) Shooting on, along, or from parking areas or highways which traverse or parallel the controlled Hunting Area is prohibited.

(4) Waterfowl hunting is permitted on Tuesday, Thursday and Saturday. Starting times conform to State and Federal regulations. Shooting ends at 1:30 p.m.

(5) A permit holder shall surrender, in person, the permit at the registration center through which he entered. A hunter shall submit for examination all game taken. The deadline for checking out is 2:30 p.m.

(6) Nontoxic shot in sizes no larger than # 4 Bismuth/tin and # 2 steel shall be used in the controlled and propagation areas for hunting small game. For hunting waterfowl, nontoxic shot no larger than size "T" shall be used.

(b) The following apply to special deer hunts on the controlled areas:

(1) Special deer hunt will be by permit only.

(2) A drawing shall be conducted at the visitor center to determine successful applicants on dates designated by the Director or a designee.

(3) The number of permits and methods of issue will be set by the Director or a designee prior to the drawing.

(4) The Director reserves the right to suspend the hunt and cancel remaining permits when an adequate number of deer have been taken.

(5) A successful permittee shall submit the deer for examination at the visitor center on the date of the permit.

(6) A permittee shall return the permit to the visitor center not later than 1/2 hour after the closing time of the hunt, as specified on the permit.

(7) Hunters participating in the special archery and muzzleloader hunts inside the controlled areas shall wear a minimum of 250 square inches of fluorescent orange material on the head, chest and back combined.

(8) Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Director may designate dates for deer hunting outside of established seasons and bag limits.

(c) The following apply to special rabbit and squirrel hunts on the controlled hunting areas:

(1) Rabbit and squirrel hunting will be by permit only.

(2) A drawing will be conducted at the visitor center to determine successful applicants on dates designated by the Director or a designee.

(3) The number of permits and methods of issue shall be set by the Director or a designee prior to the drawing.

(4) The Director reserves the right to suspend the hunt and cancel remaining permits when an adequate number of rabbits or squirrels, or both, have been taken.

(5) The permittee shall return the permit and report form to the visitor center by United States Postal Service no later than 5 days after the expiration of the permit.

Authority

The provisions of this § 135.107 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(2), 721(a) and 2102(a).

Source

The provisions of this § 135.107 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended August 26, 2005, effective August 17, 35 Pa.B. 4825; amended December 1, 2006, effective December 2, 2006, 36 Pa.B. 7248. Immediately preceding text appears at serial pages (267960) and (313259) to (313260).

Subchapter G. PUBLICLY-OWNED LANDS

Sec.

135.121. Federal-owned lands.

135.122. State-owned lands.

135.123. Political subdivision-owned lands.

§ 135.121. Federal-owned lands.

In addition to § 135.2 (relating to unlawful actions), the following exceptions pertain to lands and waters owned by the Federal government under Commission lease or control, or both:

- (1) Boats propelled by a motor may be utilized, in accordance with the regulations posted on the area.
- (2) Swimming shall be in accordance with the regulations posted on the area.
- (3) Fires shall be in accordance with the regulations posted on the area.

Authority

The provisions of this § 135.121 amended under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.121 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (267962).

§ 135.122. State-owned lands.

Section 135.2 (relating to unlawful actions) pertains to lands and waters owned by the Commonwealth under Commission lease or control, or both.

Authority

The provisions of this § 135.122 amended under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.122 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (267962).

§ 135.123. Political subdivision-owned lands.

Section 135.2 (relating to unlawful actions) pertains to lands and waters owned by a political subdivision under Commission lease or control, or both.

Authority

The provisions of this § 135.123 amended under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.123 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (267962).

Subchapter H. PRIVATELY-OWNED LANDS

Sec.
135.141. Privately-owned lands.

§ 135.141. Privately-owned lands.

Section 135.2 (relating to unlawful actions) pertains to lands and waters under cooperative agreement to the Commission.

Source

The provisions of this § 135.141 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter I. PROPAGATION AREAS

Sec.
135.161. Commission-owned or leased.
135.162. Privately-owned.

§ 135.161. Commission-owned or leased.

In addition to § 135.2 (relating to unlawful actions) the following pertain to lands and waters under Commission ownership, lease or jurisdiction, designated as propagation areas:

- (1) Entry is prohibited, except as authorized by Commission personnel.
- (2) The Director may authorize the opening of a propagation area for purposes of hunting, trapping, or both, in conformity with established seasons and bag limits.

Source

The provisions of this § 135.161 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 135.106 (relating to Pymatuning Wildlife Management Area); and 58 Pa. Code § 135.107 (relating to Middle Creek Wildlife Management Area).

§ 135.162. Privately-owned.

In addition to § 135.2 (relating to unlawful actions), the following pertain to lands and waters under agreement to the Commission, designated as propagation areas:

- (1) Entry is prohibited, except to the owner or tenant of a tract of land on which a propagation area is established, or a member of his family or authorized employe, who shall be privileged to go upon the area any time of the year, without dog, trap, firearm or bow and arrow, in connection with normal and customary management of the lands, if no attempt is made to drive or disturb the wildlife.

(2) If a seriously wounded game bird or mammal enters a propagation area, the hunter who wounded it, in order to retrieve it, shall report to an officer of the Commission or to the person in charge of the lands, who may investigate, accompanied by the hunter without firearm or bow and arrow. If the bird or mammal is found to be seriously crippled, it may be secured by the officer or person in charge of the lands and turned over to the hunter.

(3) If a dog, without encouragement, enters a propagation area, it may be recovered by the owner or person in control by entering the area without firearm or bow and arrow.

Source

The provisions of this § 135.162 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter J. SHOOTING RANGES

Sec.

135.181. Rifle and handgun ranges.

135.182. Ranges, State Game Lands No. 176.

Cross References

This subchapter cited in 58 Pa. Code § 135.41 (relating to State Game Lands).

§ 135.181. Rifle and handgun ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions) and except as provided in § 135.182 (relating to Ranges, State Game Lands No. 176), the following pertain to lands under Commission ownership, lease or jurisdiction, designated as rifle or handgun ranges:

(1) Rifle and handgun ranges are open from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset Sundays, unless otherwise posted; except the Sunday immediately preceding the regular antlered and antlerless deer seasons and the regular bear season, when the hours are 8 a.m. to sunset.

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. An organized group desiring to reserve the range shall make necessary arrangements through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range when in use on days when it is reserved by an organized group.

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

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

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

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

(8) The appropriate regional director or designee may close a range by posting signs to that effect.

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee for military or law enforcement training, it is unlawful to:

(1) Possess a loaded firearm, except at an established shooting station on the firing line.

(2) Discharge a firearm, except from an established shooting station on the firing line at a paper target placed on a permanent target backboard.

(3) Discharge armor piercing, incendiary, explosive, tracer or multiple projectile ammunition.

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

(5) Possess an automatic weapon.

(6) Possess, load or discharge a firearm that contains more than three rounds of single projectile ammunition, except as provided in subsection (c).

(7) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(c) *Exceptions for a handgun range.* At a Commission range specifically designated as a handgun range, it is permitted for an individual to load and discharge a handgun containing a maximum of six rounds of single projectile ammunition at any one time. Other rules and regulations pertaining to shooting ranges under Commission ownership, lease or jurisdiction shall be in effect.

Authority

The provisions of this § 135.181 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2102(a).

Source

The provisions of this § 135.181 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended December 1, 1995, effective January 7, 1995, 25 Pa.B. 5508; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1309. Immediately preceding text appears at serial pages (290787) to (290788).

Cross References

This section cited in 58 Pa. Code § 135.182 (relating to ranges, State Game Lands No. 176).

§ 135.182. Ranges, State Game Lands No. 176.

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.

Source

The provisions of this § 135.182 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 8, 1991, effective March 9, 1991, 21 Pa.B. 949. Immediately preceding text appears at serial page (118671).

**Subchapter K. IMPLEMENTATION OF KEYSTONE RECREATION,
PARK AND CONSERVATION FUND ACT**

Sec.

135.201. Definitions.

135.202. Project identification.

135.203. Project approval.

Authority

The provisions of this Subchapter K issued under sections 8 and 12 of the Keystone Recreation, Park and Conservation Fund Act (32 P. S. §§ 2018 and 2022), unless otherwise noted.

Source

The provisions of this Subchapter K adopted November 4, 1994, effective November 5, 1994, 24 Pa.B. 5561, unless otherwise noted.

§ 135.201. Definitions.

(a) The definitions of “acquisition,” “development,” “planning,” “rehabilitation,” “natural areas,” “recreational areas” and “technical assistance” set forth in section 3 of the Keystone Recreation, Park and Conservation Fund Act (act) (32 P. S. § 2011) shall be used for this program.

(b) The definition of “game lands,” as used in this subchapter means lands, waters, buildings, structures and facilities, under ownership, lease or control of

the Commission, acquired, developed, constructed, erected, maintained or rehabilitated for hunting, trapping and the protection and management of wildlife habitat, including lands or easements, parking areas, storage facilities, offices, maintenance buildings, roads or related facilities.

(c) "Recreation areas" has the same meaning as "recreational areas" set forth in section 3 of act.

§ 135.202. Project identification.

(a) The staff will identify and recommend proposed projects to be funded using bond revenues to the Executive Office.

(b) The Executive Office will provide members of the Commission information about projects proposed for funding with bond issue revenues.

§ 135.203. Project approval.

The Commission will approve or disapprove projects to be funded with bond revenues by a majority vote of the members of the Commission who are present and voting at a public meeting.

Subchapter L. LICENSES FOR RIGHTS-OF-WAY

Sec.

135.221. Scope.

135.222. Definitions.

135.223. Application process and application and processing fee.

135.224. Damage assessments.

135.225. Annual fees and security requirements.

Authority

The provisions of this Subchapter L issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2102(a), unless otherwise noted.

Source

The provisions of this Subchapter L adopted March 23, 2007, effective March 24, 2007, 37 Pa.B. 1309, unless otherwise noted.

§ 135.221. Scope.

This subchapter provides for licensing rights-of-way across land to which title has been acquired for the Commission's use. Except as noted, this subchapter does not apply to Letters of Authorization or leases for natural resources recovery that are approved by the Commission under other provisions of law.

§ 135.222. Definitions.

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

Application and processing fee—A one time cost recovery charge that reimburses the Commission in advance for some of the expected administrative costs incurred in the processing of right-of-way applications, assignments and amendments.

Double stumpage—A multiple of two times the value of timber as calculated under standard operating procedure of the Commission.

Inflationary provision—An automatic adjustment to the license fee.

Late fee—A charge imposed upon license fees remaining unpaid after the due date.

License fee—A yearly charge that compensates the Commission annually in advance for the privilege of using the property as outlined in the license.

License for right-of-way—A revocable permission for uses as allowed under section 725 of the code (relating to rights-of-way, easements and licenses).

Surface damage assessment—A one time cost recovery fee that reimburses the Commission in advance for loss of shrubs and herbaceous growth, wildlife food and cover, or other habitat and management impacts and environmental degradation, whether permanent or temporary in nature.

Temporary road use permits—Temporary permit for use of existing State game lands roads which would otherwise be licenses for rights-of-way, but which are limited in duration to 12 months or less.

Timber damage assessment—A one time cost recovery charge that reimburses the Commission in advance for timber damage, whether permanent or temporary in nature.

§ 135.223. Application and processing fee.

(a) *Application.* A person or entity requesting a license for right-of-way shall submit a completed application on a form supplied by the Commission. A description of alternatives considered in the project location and design shall be included with the application.

(b) *Processing fee.* A nonrefundable fee of \$150 payable to the Pennsylvania Game Commission shall be submitted with the application. This fee is nonrefundable whether the license is approved or denied.

§ 135.224. Damage assessments.

(a) *Surface damage assessment.* A minimum fee of \$400 per acre or partial acre, prorated for each acre over 1, will be charged.

(b) *Timber damage assessment.* Cutting of timber products shall be assessed the greater of double stumpage value or as assessed by conducting a comprehensive timber value assessment. Values for timber or areas not originally assessed but damaged during the construction process, may be assessed at any time and billed to the licensee.

(c) *Multiple assessment.* Both surface damage assessments and timber damage assessments will be charged.

§ 135.225. Annual fees and security requirements.

(a) *License fee.* The Commission will negotiate charges and fees as it deems conditions and circumstances warrant, with an assessed minimum annual license fee consisting of an areal minimum of \$200 per acre or partial acre impacted, prorated for every acre over 1, plus a linear minimum of 5¢ per foot. Rates and fees established may be adjusted annually in accordance with the Consumer Price Index (CPI) of the immediately preceding license year.

(b) *Late fees.* Late fees may be assessed in accordance with Commonwealth or Commission policies, or regulations governing late payments.

(c) *Security requirements.* Licenses shall require a bond or other security. The amount of the bond shall be based upon the estimated cost of the removal of the facilities, reclamation and revegetation of the site. Licenses which include reclamation, revegetation and maintenance of Commission roads require security at a minimum of \$2,500 per mile.

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