

CHAPTER 135. LANDS AND BUILDINGS

Subchap.	Sec.
A. GENERAL PROVISIONS	135.1
B. [Reserved]	135.21
C. STATE GAME LANDS	135.41
D. STATE GAME FARMS	135.61
E. COMMISSION ADMINISTRATIVE LANDS	135.81
F. SPECIAL WILDLIFE MANAGEMENT AREAS	135.101
G. PUBLICLY-OWNED LANDS	135.121
H. PRIVATELY-OWNED LANDS	135.141
I. PROPAGATION AREAS	135.161
J. SHOOTING RANGES	135.181
K. IMPLEMENTATION OF KEYSTONE RECREATION, PARK AND CONSERVATION FUND ACT	135.201
L. LICENSES FOR RIGHTS-OF-WAY	135.221
M. PURCHASE OF PROPERTIES AT AUCTION AND TAX SALES .	135.241

Subchapter A. GENERAL PROVISIONS

Sec.	Scope.
135.1.	Scope.
135.2.	Unlawful actions.
135.3.	[Reserved].
135.4.	[Reserved].
135.5.	[Reserved].
135.6.	[Reserved].
135.7.	[Reserved].
135.8.	[Reserved].
135.9.	[Reserved].
135.10.	[Reserved].

§ 135.1. Scope.

This chapter regulates and controls the use and administration 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; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3095. Immediately preceding text appears at serial page (326569).

§ 135.2. Unlawful actions.

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

- (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 permanently confined to a wheelchair propelled by electric power obtained from bat-

teries. 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.
- (12) Possess, maintain, operate, occupy or travel by snowmobile or ATV in a manner not in accordance with the standards in 75 Pa.C.S. Chapter 77 (relating to Snowmobile and All-Terrain Vehicle Law).
- (13) Construct, place, maintain, occupy, use, leave or abandon structures or other tangible property, except in the manner otherwise authorized and limited by § 135.41(c)(11) (relating to State game lands).

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; amended November 16, 2012, effective November 17, 2012, 42 Pa.B. 7107; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2596. Immediately preceding text appears at serial pages (364467) to (364468).

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); 58 Pa. Code § 135.182 (relating to ranges, State Game Lands No. 176); and 58 Pa. Code § 147.1003 (relating to range permit).

§ 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 may be kindled, used and maintained by persons exercising the privileges of a valid hunting, furtaking or fishing license and through hikers within the corridor of the Appalachian Trail as is defined in § 135.42 (relating to Appalachian Trail). This exception to the prohibition on fires in § 135.2(8) is applicable only when the small fires are located at places where adequate precautions are taken to pre-

vent the spread of fire and the small fires are attended at all times and completely extinguished before leaving the sites of the fires. This exception does not apply when the fire index rating used by the Department of Conservation and Natural Resources is high, very high or extreme for that area. 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) Construct, place, maintain, occupy, use, leave or abandon any structures or other tangible property, except that portable hunting blinds or stands may be used subject to the following restrictions:

(i) Use may not cause damage to trees.

(ii) Except as provided in subparagraph (iii), overnight placement of portable hunting blinds or stands may not occur sooner than 2 weeks prior to the opening of the first deer season nor later than 2 weeks after the close of the last deer season within each wildlife management unit.

(iii) Overnight placement of portable hunting blinds is additionally permitted during the spring turkey season within each wildlife management unit.

(iv) Portable hunting blinds or stands placed under subparagraph (ii) or (iii) must be conspicuously marked with a durable identification tag that legibly sets forth in the owner's first name, last name and legal home address in English or must bear a number issued by the Commission for this purpose.

(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, unless the person is in possession of a valid hunting or furtaker license signed by its holder. Exercise of privileges shall be done in a manner as to not cause injury to persons or property, or on areas not otherwise 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.

(23) Operate, control, retrieve or launch an unmanned aerial vehicle of any size, design or specification on or from lands or waters designated as State game lands. This provision may not be construed to limit activities specifically authorized by the Commission in writing or Federal, State or local governmental response to fire, rescue, police or other emergency matter, or engagement in legitimate governmental function.

(24) Engage in dog training activities on small game from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season in § 139.4 (relating to seasons and bag limits for the license year). This paragraph may not be construed to limit dog training activities on any other public or private lands or waters not designated as State game lands.

Authority

The provisions of this § 135.41 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(8), 721(a), 741(b), 2102(a) and (d), 2167(a) and 2901(b).

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; amended March 25, 2011, effective March 26, 2011, 41 Pa.B. 1621; amended April 1, 2011, effective April 2, 2011, 41 Pa.B. 1764; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1429; corrected March 28, 2014, effective March 15, 2014, 44 Pa.B. 1883; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2596; amended August 19, 2016, effective August 20, 2016, 46 Pa.B. 5084; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2600. Immediately preceding text appears at serial pages (382899) to (382902).

Cross References

This section cited in 58 Pa. Code § 135.2 (relating to unlawful actions); 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); and 58 Pa. Code § 147.1003 (relating to range permit).

§ 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).

Cross References

This section cited in 58 Pa. Code § 135.41 (relating to State game lands).

§ 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:

ATV—All-terrain vehicle—

(i) A Class I ATV as defined in 75 Pa.C.S. § 7702(1) (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.

(ii) The term does not include a motorized off-highway vehicle excluded from the definition of the term “all-terrain vehicle or ATV” under 75 Pa.C.S. § 7702.

*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 section 721(a) of the Game and Wildlife Code (34 Pa.C.S. § 721(a)); amended under the Game and Wildlife Code (34 Pa.C.S.).

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; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3581. Immediately preceding text appears at serial page (356393).

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.

135-10.2

(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 the following restrictions, §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) pertain to lands and waters owned by the Commission and 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.

Authority

The provisions of this § 135.61 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2102(d).

Source

The provisions of this § 135.61 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 March 25, 2011, effective March 26, 2011, 41 Pa.B. 1621. Immediately preceding text appears at serial page (300809).

§ 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 shall be submitted on a form and in the manner designated by the Commission. Applications must include the applicant's name, address, date of birth and Commission-issued Customer Identification Number, and any other information required by the Commission.

(2) Applications for controlled goose hunting areas in the Middle Creek Wildlife Management Area or the Pymatuning Wildlife Management Area shall be submitted to the Commission by the deadline set by the Director or a designee.

(3) An individual may submit no more than one official application per year to hunt on a controlled hunting area in this Commonwealth. Incomplete, illegible or duplicate applications will not be included in the drawing.

(4) The Director will establish the number of applications to be drawn no later than 20 days prior to the respective drawing of reservations for the Middle Creek and Pymatuning Wildlife Management Areas. Reservations will be awarded by the Commission to individuals selected during random public drawings from all eligible applications submitted for each management area. The drawings for each management area will occur on the date, time and at the location set by the Director or a designee. The Commission will hold separate drawings 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).

(i) *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.

(ii) *Veterans with disabilities only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day. Only persons who possess a resident disabled veteran license or a reduced fee resident disabled veteran license are eligible to apply. Successful applicants may be accompanied by up to three properly licensed guests of any general or base hunting license classification. Applications received from veterans with disabilities will be separated and drawn prior to all other applications on the established drawing date for each wildlife management area.

(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), 2102(a) and 2722(g).

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; amended August 19, 2016, effective August 20, 2016, 46 Pa.B. 5085; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4982. Immediately preceding text appears at serial pages (312302) and (382903) to (382904).

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, geese, coots and mergansers, except by permit issued by the Director or a designee.
- (2) Remove ducks, geese, coots and mergansers 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 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 Canada goose per person per day at a controlled goose hunting area. Season and daily limits on other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

(10) Take more than one Canada goose per person per season at the Middle Creek Wildlife Management Area controlled goose hunting area.

Authority

The provisions of this § 135.104 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322, 721(a), 2102(b) and 2722(g).

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; amended November 6, 2015, effective November 7, 2015, 45 Pa.B. 6502; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4982. Immediately preceding text appears at serial pages (382904) to (382905).

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.

(3) Hunting shall conform to the legal hunting hours in § 141.4 and Chapter 141, Appendix G (relating to hunting hours), except legal hunting hours for waterfowl hunting ends each open day 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 2 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, coots and mergansers 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 possess on his person 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.

(d) The following apply to special deer hunts within the Pymatuning Wildlife Management Area:

(1) *Authority to establish special hunt.* The Director may authorize special deer hunts within the Pymatuning Wildlife Management Area by permit. The Director will establish the number of access permits to be issued and designate the one or more hunt zones within the controlled area prior to the opening of the earliest established deer season.

(2) *Permit authorization.* During any year the Director authorizes a special deer hunt within the Pymatuning Wildlife Management Area, permitted hunters are eligible to access the controlled area to hunt deer during any applicable antlered or antlerless deer season established in § 139.4 (relating to seasons and bag limits for the license year) using valid antlered and antlerless licenses

and harvest tags issued to them. Notwithstanding § 135.161(2) (relating to Commission-owned or leased), the Executive Director may designate dates for deer hunting outside of established seasons and bag limits within the controlled area as authorized by § 139.3 (relating to authority to alter seasons and bag limits).

(3) *Applications.* An individual possessing a valid hunting license for the current license year may submit a maximum of one application per year to participate in a special deer hunt within the Pymatuning Wildlife Management Area. Applications must include the applicant's name, address, date of birth, Commission-issued Customer Identification Number and any other information required by the Commission. Applicants shall submit completed applications in the manner directed by the Director or a designee. Incomplete, illegible or duplicate applications will not be included in the drawing.

(4) *Drawing.* The Director or a designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of special deer hunt permits within the Pymatuning Wildlife Management Area. Special deer hunt access permits are not transferrable.

(5) *Hunting hours and duration of access limited.* Hunting during the special deer hunt shall conform to the legal hunting hours in § 141.4 and Chapter 141, Appendix G, except legal hunting hours for deer begins each open day at 12:30 p.m. Permittees may access the controlled area no sooner than the start of legal hours and all permittees shall vacate the controlled area within 1 hour after the close of hunting hours. Entering or remaining in the controlled area after this period shall be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(6) *Access to controlled area limited.* A permittee may enter and hunt deer only within the hunt zone or hunt zones designated by his permit. Entry into other hunt zones or areas outside of the hunt zones to pursue a wounded deer shall be authorized in advance by the Commission after a report is made to the Commission's Northwest Regional Office.

(7) *Parking.* A permittee shall park only in assigned parking areas and shall display the provided parking placard on the dashboard of the vehicle in a manner that allows it to be read from the exterior of the vehicle.

(8) *Reporting.* A permittee that successfully harvests a deer during the special deer hunt shall report the harvest to the Commission within 10 days of the kill by completing the report card supplied with the special deer hunt permit for reporting deer killed and mail the report card to the Pymatuning Wildlife Management Area in Hartstown, PA, or by any other method designated by the Director.

(9) *Violations.* A person violating any requirement or restriction established within this section may be prosecuted under section 721 of the act (relating to control of property) or other applicable provision of the act and, upon conviction, be sentenced to pay the fine prescribed in the act. Furthermore, the Direc-

tor may deny, revoke or suspend a permit for any violation of the requirements of this subchapter upon written notice to the permittee.

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; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2599. Immediately preceding text appears at serial pages (324229) to (324230).

§ 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 employee, 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 Sunday, unless otherwise posted; except the Sunday immediately preceding and any Sunday throughout the duration of the regular firearms deer seasons and the regular firearms bear seasons, 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. Applications for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

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

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range 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. An individual or organized group may not use the range during a period when it is posted as closed.

(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, it is unlawful to:

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

(2) Discharge a firearm at any target other than a paper target placed on a permanent target backboard mounted by the Commission. Users are prohibited from intentionally shooting at or damaging the frames or stands constructed by the Commission to mount permanent target backboards.

(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) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than six rounds of single projectile ammunition.

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

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

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

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

(c) *Range designation.* The default designation for Commission ranges, regardless of length or size, is as a rifle range. The Commission may designate any range as a handgun only range by posting appropriate signage.

Authority

The provisions of this § 135.181 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4) and (6), 721(a), 2102(a) and 2901(b).

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; amended April 1, 2011, effective April 2, 2011, 41 Pa.B. 1764; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2715. Immediately preceding text appears at serial pages (356399) to (356401).

Cross References

This section cited in 58 Pa. Code § 135.182 (relating to ranges, State Game Lands No. 176); and 58 Pa. Code § 147.1003 (relating to range permit).

§ 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).

Cross References

This section cited in 58 Pa. Code § 135.181 (relating to rifle and handgun ranges).

**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.

Subchapter M. PURCHASE OF PROPERTIES AT AUCTION AND TAX SALES

Sec.

135.241. Delegation of authority.

§ 135.241. Delegation of authority.

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

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

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

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

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

(c) Further action will not be necessary on the part of the Board of Commissioners to hold settlement, pay the remainder of the purchase price or consummate the transaction.

Authority

The provisions of this § 135.241 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(12) and 2102(a).

Source

The provisions of this § 135.241 adopted June 11, 2010, effective June 12, 2010, 40 Pa.B. 3095.

[Next page is 137-1.]