

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 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 provision is not intended to restrict travel by certain devices used for persons with mobility disabilities as specifically authorized under Subchapter C (relating to State game lands).

- (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).
- (14) Use or possess a controlled substance or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Authority

The provisions of this § 135.2 amended under 34 Pa.C.S. §§ 322(c)(10), 709, 721(a) and (b), 722(a), 729, 901(a)(17), 902, 925(b)(9), 2102(a), 2901(b) 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; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677; amended March 15, 2024, effective March 16, 2024, 54 Pa.B. 1316. Immediately preceding text appears at serial pages (414475) to (414476).

Cross References

This section cited in 58 Pa. Code § 135.41 (relating to State game lands); 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 designation of special wildlife management areas); 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 § 135.182a (relating to shotgun ranges); 58 Pa. Code § 135.183 (relating to archery ranges); 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. Purpose and scope.
- 135.49. Definitions.
- 135.50. State game lands open to wheelchair access.
- 135.51. Designated routes open to mobility devices and motor vehicles.
- 135.52. Towing vehicle placard for persons using mobility devices.
- 135.53. Operation of mobility devices and motor vehicles on designated routes.
- 135.54. Transport of passengers restricted.
- 135.55. Unlawful acts; penalties.

Cross References

This subchapter cited in 58 Pa. Code § 135.2 (relating to unlawful actions); and 58 Pa. Code § 147.1023 (relating to disabled person access permits).

§ 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 prevent 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 a boat propelled by a motor or operate a boat in excess of slow, no wake speed. Boats propelled by electric motors are authorized for use on waterways when operated at slow, no-wake speed unless the waterway is otherwise posted closed to all boats or all boats propelled by a motor.

(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) 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 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; amended September 18, 2020, effective September 19, 2020, 50 Pa.B. 4743; amended March 24, 2023, effective March 25, 2023, 53 Pa.B. 1668. Immediately preceding text appears at serial pages (390827) to (390828) and (402639) to (402640).

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 designation of special wildlife management areas); 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; reserved 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. Purpose and scope.

It is the policy of the Commission to promote public access to State game lands for persons with mobility disabilities in compliance with the United States Department of Justice regulations in 28 CFR Part 35 (relating to nondiscrimination on the basis of disability in state and local government services). Sections 135.49—135.55 set forth how, where and when persons with mobility disabilities may access State game lands with powered wheel-chairs, powered mobility devices and motor vehicles.

Authority

The provisions of this § 135.48 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a), 2102 and 2901(b).

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; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (371420).

§ 135.49. Definitions.

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

ATV—All-terrain vehicle—A device meeting the definition in 75 Pa.C.S. § 7702 (relating to definitions).

Designated route—

- (i) State game land access or maintenance roads and trails that have been designated by the Director to be open for travel by persons with mobility disabilities using certain powered vehicles and conveyances.
- (ii) The term does not include roads that are open to motor vehicle access by the general public.

Disability—A person's physical or mental impairment that substantially limits his mobility.

Disabled person access permit—A permit issued by the Commission under Chapter 147, Subchapter AA (relating to disabled person access permit) to authorize persons with mobility disabilities to utilize mobility devices and motor vehicles to access designated routes on State game lands.

Mobility device—

- (i) A power-driven device, other than a wheelchair, that is used by a person with a mobility disability for the purpose of locomotion. The term includes ATVs, golf carts, Segways® and other mobility devices designed to operate in areas without defined pedestrian routes, regardless of whether it is designed primarily for use by persons with mobility disabilities.
- (ii) This term does not include motor vehicles.

Transport vehicle placard—A placard provided by the Commission to disabled person access permit holders that must be displayed on the dashboard or in a window of the transport vehicle.

Universal access symbol—A symbol displaying a wheelchair, generally blue and white, that is widely recognized as evidence that the person who is displaying the symbol is disabled.

Wheelchair—

- (i) A manually-operated or power-driven device designed primarily for use by individuals with mobility disabilities for the main purpose of indoor or outdoor locomotion, or both.
- (ii) The term includes power-driven scooters.
- (iii) For the purposes of this subchapter, a wheelchair may not be construed as a mobility device.

Authority

The provisions of this § 135.49 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.49 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial pages (371420) and (361951).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.50. State game lands open to wheelchair access.

(a) Persons with mobility disabilities may use wheelchairs to access any portion of State game lands where pedestrian foot travel is authorized. In the event the Commission restricts pedestrian foot travel in any location through posted signage, wheelchair access will also be restricted.

(b) Access to State game lands under this section does not require a permit issued under section 2923 of the act (relating to disabled person permits) or Chapter 147, Subchapter AA (relating to disabled person access permit).

(c) Persons using motorized wheelchairs are subject to the restrictions of section 2308(a)(7) of the act (relating to unlawful devices and methods) concerning on the use of power-driven vehicles or conveyances to hunt, except as may otherwise be authorized under section 2923 of the act.

(d) Persons using motorized wheelchairs on State game lands are subject to the restrictions on loaded firearms in, on or against a vehicle under section 2503 of the act (relating to loaded firearms in vehicles), except as may otherwise be authorized under section 2923 of the act.

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.

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; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (361951).

135-10.1

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.51. Designated routes open to mobility devices and motor vehicles.

(a) Persons in possession of a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may use mobility devices and motor vehicles to access designated routes on State game lands that have been approved by the Director. Designated routes will be classified to authorize mobility device and motor vehicle combined access or mobility device only access, as determined by route selection assessment criteria approved by the Director.

(b) Designated routes will be open for use by persons with disabled person access permits 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. Travel authorized by this section is subject to further limitation based upon existing weather or road conditions or the need for emergency or administrative closure, as indicated by conspicuous signage or postings.

Authority

The provisions of this § 135.51 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.51 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial pages (361951) to (361952).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.52. Towing vehicle placard for persons using mobility devices.

A vehicle used to transport a mobility device for use on designated routes must be marked with a transport vehicle placard issued by the Commission if the transport vehicle is parked on State game lands. The transport vehicle placard must be conspicuously displayed on the dashboard or in a window of the transport vehicle. A transport vehicle placard will be issued by the Commission upon issuance of a disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit).

Authority

The provisions of this § 135.52 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.52 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (361952).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.53. Operation of mobility devices and motor vehicles on designated routes.

Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may operate mobility devices and motor vehicles on designated routes subject to all of the following conditions:

(1) *Safe operation.* Mobility devices and motor vehicles may not be operated on a designated route:

- (i) In negligent disregard for the safety of persons or property.
- (ii) In excess of 25 miles per hour on any designated route classified for mobility device and motor vehicle combined access.
- (iii) In excess of 5 miles per hour on any designated route classified for mobility device only access.

(2) *Marking required.* Mobility devices operated on designated routes must be marked with a universal access symbol placard or sticker that is at least 3 inches by 3 inches in size and displayed in a conspicuous manner.

(3) *ATVs and snowmobiles as mobility devices.* An ATV or snowmobile used as a mobility device on a designated route must be registered with either:

- (i) The Department of Conservation and Natural Resources and display the valid registration plate or 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); or
- (ii) The Department of Transportation as a neighborhood electric vehicle or NEV and display the valid registration plate and “25 MPH Vehicle” decal as required under 75 Pa.C.S. §§ 3592 and 3594 (relating to required equipment; and same treatment as passenger cars).

(4) *Spark arrestors required.* Mobility devices powered by an internal combustion engine must be equipped with a fully functional spark arrestor while operation on a designated route.

(5) *Classification of designated route.* Mobility devices meeting the requirements of this subchapter may access designated routes classified for mobility device and motor vehicle combined access and mobility device only access. Motor vehicles meeting the requirements of this subchapter may access only designated routes classified for motor vehicle access.

(6) *Limited deviation from designated route authorized.* Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA may traverse a maximum of 100 yards perpendicular to the nearest designated route road or trail edge to establish a hunting or trapping location, and may not traverse streams, springs, wet areas, food plots or other areas posted against travel.

(7) *Size, weight and noise limited.* Mobility devices may not exceed 65 inches in width and 1,800 pounds in weight. The noise level may not exceed 99 decibels when measured at 20 inches.

(8) *Use of vehicle to hunt restricted.* Persons using mobility devices and motor vehicles on designated routes are subject to the restrictions of section 2308(a)(7) of the act (relating to unlawful devices and methods) concerning the use of power-driven vehicles or conveyances to hunt.

(9) *Loaded firearms.* Persons using mobility devices and motor vehicles on designated routes are subject to the restrictions on loaded firearms in, on or against a vehicle under section 2503 of the act (relating to loaded firearms in vehicles), except as may otherwise be authorized under section 2923 of the act (relating to disabled person permits).

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. §§ 721(a) and 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; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2257. Immediately preceding text appears at serial pages (390835) to (390836).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.54. Transport of passengers restricted.

A person with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) who is incapable of operating the mobility device or motor vehicle, whichever is applicable, may be accompanied by up to one other person who will serve as the operator, provided the mobility device or motor vehicle is designed and manufactured to carry a passenger. Additional passengers are not authorized.

Authority

The provisions of this § 135.54 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.54 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (356395).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.55. Unlawful acts; penalties.

It is unlawful to operate a mobility device, motor vehicle or other conveyance on State game lands outside of the authorizations in this subchapter. A person who violates a provision of this subchapter shall be subject to the penalties provided in the act.

Authority

The provisions of this § 135.55 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.55 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial pages (356395) to (356396).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

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. Designation of special wildlife management areas.
- 135.102. Designation of areas within an established special wildlife management area.
- 135.103. Controlled hunting and trapping area access permit procedures.
- 135.104. Controlled hunting and trapping area access requirements and limitations.
- 135.105. Hunting hours in a controlled hunting area.
- 135.106. Controlled hunting and trapping area harvest limitations.
- 135.107. Unlawful acts.

§ 135.101. Designation of special wildlife management areas.

(a) *Authority to designate special wildlife management areas.* The Commission may designate any lands and waters it owns, leases or otherwise controls as a special wildlife management area. The Commission will mark any area designated as a special wildlife management area with conspicuous signage designating its boundaries.

(b) *Authority to designate areas within special wildlife management areas.* The Commission may designate any lands or waters within an established special wildlife management area as a public recreation area, propagation area, open public hunting or trapping area, controlled hunting or trapping area, or any other designation consistent with the intended use of the lands and waters. The Commission will mark any internally designated area within a special wildlife management area with conspicuous signage designating its boundaries and stating the intended purpose of the area.

(c) *Designated special wildlife management areas.* The following areas of this Commonwealth are designated as a special wildlife management area:

(1) *Middle Creek Wildlife Management Area.* The area otherwise known as State Game Land No. 46, that is located in Clay, Elizabeth and West Cocalico Townships, Lancaster County and Heidelberg Township, Lebanon County.

(2) *Pymatuning Wildlife Management Area.* The area otherwise known as State Game Land No. 214, that is located in North Shenango, Pine, Sadsbury and West Fallowfield Townships, Crawford County.

(d) *Scope.* In addition to the requirements and limitations of §§ 135.2, 135.41 and 135.161 (relating to unlawful actions; State game lands; and Commission-owned or leased), the provisions of this subchapter shall govern public use and access to any area designated as a special wildlife management area.

Authority

The provisions of this § 135.101 amended under 34 Pa.C.S. § 721(a).

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; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial page (388067).

§ 135.102. Designation of areas within an established special wildlife management area.

(a) *Public recreation areas.* An area designated by the Director as a public recreation area within an established special wildlife management area is open to public access for recreation purposes. Hunting and trapping opportunities are closed within any area designated as a public recreation area. The Director may also impose further travel or use restrictions within a public recreation area with appropriate signage or postings.

(b) *Propagation areas.* An area designated by the Director as a propagation area within an established special wildlife management area is generally closed to public access. Entry into and hunting and trapping within a propagation area is controlled by an access permit authorization under §§ 135.103 and 135.161 (relating to controlled hunting and trapping area access permit procedures; and Commission-owned or leased).

(c) *Open public hunting and trapping areas.* An area designated by the Director as an open hunting and trapping area within an established special wildlife management area is open to public access for general hunting and trapping activities. The Director may impose further travel or use restrictions within an open hunting and trapping area with appropriate signage or postings.

(d) *Controlled hunting and trapping areas.* An area designated by the Director as a controlled hunting or trapping area within an established special wildlife management area is limited to hunting or trapping of designated game and wildlife by access permit only. The Director may impose further travel or use restrictions within a controlled hunting or trapping area with appropriate signage or postings.

Authority

The provisions of this § 135.102 amended under 34 Pa.C.S. § 721(a).

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; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (388067) to (388068).

§ 135.103. Controlled hunting and trapping area access permit procedures.

(a) *Authority to establish and cancel dates and quotas.* The Director will establish the dates and number of available access permits each year for any authorized hunting or trapping activities approved for an established controlled hunting or trapping area. The Director may treat any area designated as a propagation area within a special wildlife management area in the same manner as a controlled hunting or trapping area as it relates to the authorization of hunting and trapping by access permit. The Director may cancel or suspend any authorized hunting or trapping dates for an established controlled hunting or trapping area when the Commission determines that an adequate number of the respective

game or wildlife has been taken, a game or wildlife health or disease concern has been identified, or some other circumstance warrants suspension or closure.

(b) *Notice.* The Commission will provide notice of the opening or closure of limited hunting or trapping opportunities for designated game and wildlife within an established controlled hunting or trapping area through a public announcement, web site or other means reasonably intended to reach the widest audience. Notice of the opening of limited hunting or trapping opportunities within an established controlled hunting or trapping area will also include information concerning the application process.

(c) *Application.*

(1) *Eligibility.* An applicant must possess a valid and current hunting or trapping license, whichever is applicable, plus any other license, stamp or permit that is required for the designated game or wildlife, to be eligible to make application for an access permit. An applicant is eligible to submit only one application per drawing for an access permit to participate in a controlled hunting or trapping activity on any established special wildlife management area.

(2) *Timeliness, form and content.* Applications for a controlled hunting or trapping permit shall be submitted on a form, in the manner and by the deadline established by the Commission. Applications must include the applicant's name, Commission-issued Customer Identification Number and any other information required by the Commission. Incomplete, illegible, duplicate or late applications will be rejected.

(d) *Drawing.*

(1) The Commission will conduct a random drawing of applications to select participants for each authorized hunting or trapping activity approved for an established controlled hunting or trapping area. Successful applicants will be issued an access permit specifying the date(s) and the authorized species for the applicable hunting or trapping activity. Access permits are not transferable. The Commission may conduct special random drawings prior to scheduled regular drawings for controlled hunting or trapping area access permits that are reserved for:

(i) Junior license holders and persons in possession of a valid mentored youth permit issued under Chapter 147, Subchapter X (relating to Mentored Hunting Program Permit). An adult who accompanies a junior license holder or mentored youth permit holder on an established special youth day may participate in the hunt by calling, but may not harvest any game or wildlife.

(ii) Persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits).

(iii) Persons in possession of a resident disabled veteran license, a reduced fee resident disabled veteran license or persons who possess a senior lifetime resident license or senior lifetime resident combination hunting

license who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license.

(iv) Persons in possession of a resident general hunting license, senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their veteran status.

(2) The Commission will include all unsuccessful applications from special random drawings with all other standard applications awaiting the regular drawings.

(e) *Unclaimed permits.* If one or more successful applicants cancels or fails to appear for check-in by 1/2 hour prior to open hunting hours on the scheduled date and time for their hunting or trapping opportunity for any controlled hunt that requires in-person check-in, the Commission may void the issued access permits and conduct a random drawing to reassign unclaimed access permits. If the Commission determines that a drawing to reassign unclaimed access permits is necessary, a drawing will be conducted using the same or substantially equivalent random selection process used in the original drawing until all openings are filled. The Commission will conduct unclaimed access permit drawings immediately prior to the opening of lawful hunting hours on the day of the scheduled hunt.

Authority

The provisions of this § 135.103 amended under 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; amended March 22, 2019, effective March 23, 2019, 49 Pa.B. 1363; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (388068) and (395961) to (395962).

Cross References

This section cited in 58 Pa. Code § 135.102 (relating to designation of areas within an established special wildlife management area); 58 Pa. Code § 135.104 (relating to controlled hunting and trapping area access requirements and limitations); 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. Controlled hunting and trapping area access requirements and limitations.

(a) *Check-in.* A person issued an access permit shall check-in upon arrival at the special wildlife management area in the manner set forth in the instructions provided with their permit, which may include physical presentation of their permit to Commission staff at a designated registration area. A person issued a 1-day access permit must check-in on the scheduled date within 1/2 hour before open hunting hours for that day, otherwise the Commission may void the access permit and conduct a random drawing to reassign the unclaimed access permit as set forth in § 135.103(e) (relating to controlled hunting and trapping area access permit procedures).

(b) *Check-out.* A person issued a controlled hunting or trapping area access permit shall check-out upon departure from the assigned controlled hunting or trapping area in the manner set forth in the instructions provided with their permit, which may include physical presentation of the permit and any game or wildlife harvested to Commission staff at a designated registration area or the mailing of a harvest report card supplied with the permit by the deadline specified on the permit. A person issued a controlled hunting area access permit shall check-out of the controlled hunting area no later than 1 hour after the close of hunting hours for the day as set forth in § 141.4 (relating to hunting hours) or within 1 hour of the closing time specified on their access permit.

(c) *Access restricted.*

(1) Except as provided in this subsection, entry into a controlled hunting or trapping area without a valid controlled hunting or trapping area access permit is prohibited.

(2) A person in possession of a valid access permit may enter only the controlled hunting or trapping area or hunting blind designated on their access permit.

(3) A person may recover wounded or harvested game or wildlife from a controlled hunting or trapping area that is not designated on their access permit only after receipt of specific advance permission from the Commission. A person may seek this permission by contacting the Commission using the telephone number provided in the materials accompanying their access permit.

(4) A person with a valid controlled hunting or trapping area access permit is prohibited from entering or remaining in a controlled hunting or trapping area at any time outside of 1 hour before or 1 hour after legal hunting hours as set forth in § 141.4 or as specified on their access permit without specific advance permission from the Commission.

Authority

The provisions of this § 135.104 amended under 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; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (395962) and (388071).

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. Hunting hours in a controlled hunting area.

A person hunting game or wildlife within a controlled hunting area shall comply with the hunting hours provisions set forth in § 141.4 (relating to hunting hours) or as specified on their access permit.

Authority

The provisions of this § 135.105 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.105 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (388071) and (387085).

§ 135.106. Controlled hunting and trapping area harvest limitations.

(a) *Species restriction.* A person with a valid controlled hunting or trapping area access permit is authorized to hunt, trap or harvest, whichever is applicable, only the game or wildlife species designated on their access permit. Other hunting, trapping or harvesting is prohibited.

(b) *Nontoxic shot restrictions.*

(1) *Small game other than waterfowl.* Notwithstanding the authorizations under § 141.22(a)(2) and (c)(1)(ii) (relating to small game seasons), a person hunting small game, other than waterfowl, in a small game controlled hunting area is prohibited from using multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.22(a)(2) or (c)(1)(ii), whichever is applicable.

(2) *Waterfowl.* A person hunting waterfowl in a waterfowl controlled hunting area is prohibited from using multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.23 (relating to nontoxic shot).

(c) *Controlled hunting or trapping area restrictions.*

(1) *Parking.* If the Commission assigns a parking placard to an access permit holder for any controlled hunting or trapping activity, the permit holder

shall park only in assigned parking areas and shall display the parking placard on the dashboard of their vehicle in a manner that allows it to be visible from the exterior of the vehicle.

(2) *Restriction on dogs.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from allowing a dog to run unaccompanied or without direction and control.

(3) *Shooting on, along or from a road or parking area.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from shooting on, along or from parking areas.

(d) *Controlled waterfowl hunting area specific restrictions.*

(1) A person hunting waterfowl in a controlled waterfowl hunting area or blind is authorized to begin the hunt and thereafter possess or discharge no more than ten rounds of ammunition. This paragraph does not prohibit one member of a party in a controlled waterfowl hunting area or blind from giving part of their original ten-round allotment to another member of the same hunting party. The Director may waive the limitations of this paragraph for any designated youth waterfowl hunting day.

(2) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from removing any waterfowl from the person's assigned waterfowl hunting area or blind prior to final check-out for that day.

(3) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from harvesting more than one Canada goose per person per day. Seasons and daily limits for all other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

Authority

The provisions of this § 135.106 amended under 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; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (387085) to (387087).

§ 135.107. Unlawful acts.

A person violating any provision of this subchapter 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 Director may deny, revoke or suspend a permit for any violation of this subchapter upon written notice to the permittee.

Authority

The provisions of this § 135.107 amended under 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; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (387087) to (387088).

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 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 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 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 § 135.101 (relating to designation of special wildlife management areas); and 58 Pa. Code § 135.102 (relating to designation of areas within an established special 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. [Reserved].

135.182a. Shotgun ranges.

135.183. Archery ranges.

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), 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 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; amended November 4, 2022, effective November 5, 2022, 52 Pa.B. 6858. Immediately preceding text appears at serial pages (392065) to (392067).

Cross References

This section cited in 58 Pa. Code § 147.1003 (relating to range permit).

§ 135.182. [Reserved].**Authority**

The provisions of this § 135.182 deleted under 34 Pa.C.S. § 721(a).

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; deleted November 4, 2022, effective November 5, 2022, 52 Pa.B. 6858. Immediately preceding text appears at serial page (392067).

§ 135.182a. Shotgun ranges.

(a) *Shotgun ranges.* In addition to § 135.2 (relating to unlawful actions), the following pertain to lands under Commission ownership, lease or jurisdiction designated as shotgun ranges:

(1) Shotgun ranges are open for use from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 p.m. to sunset Sunday, unless posted otherwise by the Commission.

(2) A person using a shotgun 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 all targets from range backboards, if applicable, and collect used cartridge casings or shotshell hulls when their shooting is completed and prior to leaving the range.

(3) The Commission is not responsible for anyone injured on a shotgun range. An individual using a shotgun range does so at their own risk and assumes all responsibility for injuries to a person or property caused by or to them.

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

(5) A person under 16 years of age may not use a shotgun range unless they are properly accompanied and supervised by a person 18 years of age or older.

(6) The Commission or any designated local representative may close a shotgun range by posting appropriate signs to that effect. A person may not use a shotgun range during a period when the range is designated as closed.

(b) *Prohibited acts.* At a shotgun 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 other than an established shooting station or shooting location on the designated firing line.

(2) Discharge a firearm on a shotgun patterning range at any target other than a paper target placed on a stationary target backboard mounted by the Commission.

- (3) Discharge armor piercing, incendiary, explosive, tracer or single projectile ammunition.
- (4) Be intoxicated, use or possess an intoxicating beverage or controlled substance.
- (5) Discharge an automatic firearm.
- (6) Load or discharge a firearm that contains more than three rounds of multiple projectile ammunition.
- (7) Target or shoot at clay birds anywhere on the range 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 prohibition is specifically intended to include loading a firearm, operating or manipulating a loaded firearm, or discharging a firearm anywhere on a shotgun range while another person is downrange of the firing line.
- (10) Use or discharge any single projectile ammunition.
- (11) Use or discharge multiple projectile ammunition on a clay bird range that is larger than # 4 lead, # 2 steel or # 4 of any other composition or alloys of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings).
- (12) Throw, target or shoot clay birds on a clay bird range that are composed of any substance other than baked clay, limestone or other biodegradable material.
- (13) Throw clay birds on a clay bird range from any location other than the designated firing line.
- (14) Use the range in violation of any other requirement of this section or posted signage.

Authority

The provisions of this § 135.182a added under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.182a added November 4, 2022, effective November 5, 2022, 52 Pa.B. 6858.

§ 135.183. Archery ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions) the following provisions pertain to lands under Commission ownership, lease or jurisdiction designated as archery ranges:

- (1) Archery ranges are open from dawn until dusk each day of the week.
- (2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. An application 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 bales when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. Individuals using Commission-owned ranges do so at their own risk and assume all responsibility for injuries to a person or property caused by or to them.

(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 a 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 an archery 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 bow or crossbow from any location on the range other than an established shooting station on the firing line.

(2) Discharge a bow or crossbow at any target other than a paper target placed on a permanent target bale mounted by the Commission. Users are prohibited from intentionally shooting at or damaging the frames, stands or other structures constructed by the Commission to mount permanent target bales.

(3) Discharge any arrow or bolt equipped with a broadhead or other cutting device, except at a broadhead shooting station designated by the Commission.

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

(5) Discharge a bow or crossbow more than six times successively if another person is using the range.

(6) Discharge a firearm or use firearm ammunition or other explosive materials.

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

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

Authority

The provisions of this § 135.183 issued under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.183 adopted May 25, 2018, effective May 26, 2018, 48 Pa.B. 3082.

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**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.

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