



United States Department of the Interior

FISH AND WILDLIFE SERVICE
300 Westgate Center Drive
Hadley, MA 01035-9589



In Reply Refer To:
FWS/Region 5/WSFR

JUL 14 2016

Mr. R. Matthew Hough
Executive Director
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797

Dear Mr. Hough:

At the request of Gary Camus of your staff, we have reviewed the Pennsylvania General Assembly's proposed House Bill 2083 (Bill 2083) and evaluated what implications, if any, it may have on the Pennsylvania Game Commission's (Commission) ability to remain eligible to receive Pittman-Robertson Wildlife Restoration Program funds (PR-Wildlife Restoration Program). The Commission must comply with the requirements of the Pittman-Robertson Wildlife Restoration Act and Administrative requirements of the program in 50 CFR Part 80, or risk losing eligibility to receive funding under program. I have several concerns regarding this matter as outlined below.

Under §322(c)(6), Bill 2083 states that the allocations of antlerless deer licenses by the Commission shall be the number recommended by the newly established Forest and Wildlife Advisory Council (Council). This requirement seems contrary to the Commission's authorities under Section §103 of Title 34 that states "ownership, jurisdiction over, and control of game or wildlife is vested in the Commission as an independent agency of the Commonwealth", and calls into question whether the Commission has control of wildlife, and specifically deer management activities funded with license revenue and PR-Wildlife Restoration Program funds as required by 50 CFR Part 80.

Under §328(f)(5)(ii), Bill 2083 states that the Council shall enter into a contract with the Forest and Wildlife Advisory Service and in §328(f)(7) requires the Commission to fund this contract. If license revenue or PR-Wildlife Restoration Program funds are used to fund the contract, it would result in loss of control of these assets by the Commission, and violation of the requirements of 50 CFR Part 80.

Under §328(f)(10), Bill 2083 states that the Forest and Wildlife Advisory Service shall direct and facilitate the development and maintenance of a habitat enhancement program on State Game

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Lands. Assuming these lands were acquired with license revenue or PR-Wildlife Restoration Program funds, the Commission would no longer have management control of lands acquired with license revenue and/or PR-Wildlife Restoration Program as required by 50 CFR Part 80.

In Fiscal Year 2016, the Commission received \$24,948,408 in PR-Wildlife Restoration Program funds. I have significant concerns regarding the risk House Bill 2083 presents to the Commission relative to the potential loss of this funding in the future.

If you have any questions regarding this matter, please contact me at (413) 253-8501, or by email at colleen_sculley@fws.gov.

Sincerely,



Colleen Sculley
Chief, Division of Wildlife
and Sport Fish Restoration

cc: Gary Camus, PA Game Commission