
APPENDIX C – PGC SPECIAL USE PERMIT



Commonwealth of Pennsylvania
PENNSYLVANIA GAME COMMISSION
2001 Elmerton Avenue
Harrisburg, PA 17110-9797

(717) 783-8164

SPECIAL USE PERMIT NO SE-035-2009

PERMITTEE: United States of America National Guard Bureau Contact: Kim Harriz, Contracting Officer Phone:	EFFECTIVE November 29, 2009	EXPIRES December 31, 2011
	STATE GAME LANDS #211 SPECIAL USE PERMIT Right of entry granting authorization to conduct ordnance investigation & remediation work at the location shown on attached map marked Exhibit "B"	
SUBPERMITTEES: Permittee shall provide Pennsylvania Game Commission with a list of any and all subcontractors or agents that will operate under this permit prior to their entry onto the State Game Land. All subpermittees shall comply with the provisions and conditions of this permit.	RENEWABLE: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REPORT REQUIRED: <input checked="" type="checkbox"/> AS SPECIFIED <input type="checkbox"/> YEARLY <input type="checkbox"/> UPON COMPLETION <input type="checkbox"/> NONE	

CONDITIONS AND AUTHORIZATIONS:

- A. The validity of this permit is conditioned upon receipt of any other required federal, state or local permits and the permittee's acceptance of the terms and conditions of this permit.
- B. Permittee and subpermittees shall carry a copy of this permit while engaging in any activity authorized hereunder and shall present said copy to any duly authorized officer or employee of the Pennsylvania Game Commission upon request.
- C. Permittee and subpermittees shall comply with all laws of the United States of America and of the Commonwealth of Pennsylvania, including the Game and Wildlife Code (34 Pa.C.S. §101 *et seq.*) and regulations established by the Pennsylvania Game Commission (58 Pa. Code §§131.1 *et seq.*).
- D. Permittee and subpermittees shall comply with specific instructions or directions given by any duly authorized officer or employee of the Pennsylvania Game Commission having responsibility for the protection and management of the wildlife resources of the Commonwealth and/or the State Game Lands.
- E. All participants acting under this permit shall at all times hereafter indemnify and hold harmless the Commonwealth from and against any and all detriment, damages, losses, claims, demands, suits, costs and expenses not herein provided for which the Commonwealth may suffer, sustain or be subject to, either directly or indirectly, by reason of this permit or any activity relating thereto, either authorized or unauthorized.
- F. Permittee and any subpermittees shall comply with the terms and conditions specified in the letter attached hereto marked Exhibit "A" and made a part hereof.

GIVEN UNDER MY HAND AND THE SEAL OF THE PENNSYLVANIA GAME COMMISSION THIS 18th DAY OF NOVEMBER 2009 AT THE SOUTHEAST REGION OFFICE, BERKS COUNTY, PENNSYLVANIA.

REGIONAL DIRECTOR

EXHIBIT "A"

November 29, 2009

Kim Harriz, Contracting Officer
United States of America
National Guard Bureau

Re: Special Use Permit,
Pennsylvania State Game Land No. 211, Cold Spring Township, Lebanon County.

Dear Ms. Harriz:

You may consider this Special Use Permit as official Pennsylvania Game Commission (Commission) authorization permitting USA National Guard Bureau, hereafter referred to as "Permittee", right of entry to conduct an ordnance investigation and any remediation work incident thereto on State Game Land No. 211 at the location shown on the map attached hereto marked Exhibit "B".

This authorization is granted without cost or fee, and is made subject to the following conditions:

1. "Permittee" shall give the Commission's Southeast Regional Director Douglas M. Killough, 448 Snyder Road, Reading, Pennsylvania 19605-9254, telephone number 610-926-3136, not less than five (5) days advance notice, in writing, of its intention to commence operations hereunder.
2. All work and arrangements for access shall be coordinated with Land Management Group Supervisor (LMGS) Scott R. Bills who is responsible for the day-to-day management activities of the said State Game Land No. 211 (SGL). The LMGS shall be contacted through the Commission's Southeast Regional Office, telephone number 610-926-3136, at least five (5) working days prior to the beginning of any activities on the SGL.
3. "Permittee" and any subpermittee shall display a logo or card in an obvious location in or on their vehicle to identify its National Guard Bureau or Corporation affiliation and leave a copy of this permit on the dashboard, visible from outside the vehicle when operating hereunder.
4. Access is granted for official purposes only and no unauthorized persons shall be transported behind Commission gates or into other areas closed to the public.

5. Access is limited to Monday through Friday. Access may be denied at other times due to hunting seasons, inclement weather, road conditions or other conflicts as determined by the LMGS. LMGS Bills will list non-work days due to potential hunting impacts at that start of field operations on SGL 211. Consent for right of entry shall not interfere with lawful public hunting and trapping activities.
6. "Permittee" shall maintain all Commission roads in a drivable condition, and shall take such measures as may be necessary (which may include grading, applying stone and keeping drainage structures clear and functioning as determined by the LMGS) to prevent the road from becoming impassable to normal Commission use on a day-to-day basis. "Permittee" and subpermittees shall not prevent Commission use by blocking any access or roadway. Vehicles should be parked only in suitable locations taking care not to damage valuable herbaceous vegetation, shrubs, trees or other environmentally sensitive features located on the SGL.
7. "Permittee" and subpermittees shall not use, or permit to be used by anyone under its control, any chemical weed or vegetation killer on the State Game Lands except upon written approval by "Commission".
8. "Permittee" and subpermittees are not authorized to cut or damage any trees, saplings or shrubs in excess of four inches d.b.h. without the prior written consent of the Commission. Should it be determined that it is necessary to damage or cut any trees, saplings or shrubs larger than 4 inches d.b.h., the Commission will review the request and "Permittee" may be required to compensate the Commission for these damages.
9. "Permittee" shall be responsible for all damages done by its personnel, employees, agents, contractors, subcontractors or subpermittees to the SGL or to any improvements or structures thereon resulting from activities associated with this authorization. All damages shall be repaired and/or paid for by the "Permittee" as directed by and to the satisfaction of the LMGS.
10. "Permittee" shall lime, fertilize, seed and mulch all disturbed areas with a suitable conservation seed mixture as directed by and to the satisfaction of the LMGS.
11. "Permittee" shall provide Commission with a written report and map showing the location (with coordinates) and description of the type of any ordnance found during their investigation and highlight what, if any, remediation work was performed as a remediation or corrective action.
12. Nothing in this authorization shall in any way be construed as to impair the powers, privileges or duties of the Pennsylvania Game Commission, or its representatives, in the execution of the laws of the Commonwealth, or the rules and regulations of "Commission" now in force or hereafter enacted or adopted, having reference to the use, control, protection, maintenance, utilization and development of the said State Game Lands.
13. If "Permittee" shall violate the conditions of this authorization in any manner or shall do or permit to be done any other act contrary to the best interests of "Commission" or wildlife, "Commission" by notice and order shall rescind this authorization and require "Permittee" to fulfill its obligations hereunder.

14. Any personnel present on State Game Lands during the project shall wear a minimum of 250 sq. in. of fluorescent orange material on the head, chest and back combined or in lieu of that a hat containing at least 100 sq. inches of fluorescent orange material.
15. Historical artifacts discovered during this project will be logged using GPS coordinates and turned over to the Commission.

This permit shall continue until the expiration date unless terminated by "Commission". In the case where the privileges granted hereunder are no longer needed by the "Permittee", "Permittee" shall coordinate the removal of all facilities associated with this authorization with the LMGS and reclaim all disturbed areas of the State Game Land, incident to the project, to the satisfaction of the LMGS, and upon completion of the removal and successful reclamation, acknowledged in writing by the LMGS this authorization shall expire.

Please sign both copies of this letter, where indicated, retaining one copy for your records and returning the original to the Southeast Region.

Sincerely,

Douglas M. Killough
Director
Southeast Region

To Whom It May Concern:

United States of America, National Guard Bureau agrees to conduct its project on State Game Land No. 211 in accordance with the terms and conditions stated above.

USA, National Guard Bureau


USPFO for Pennsylvania (Signature)

Richard A. Butylow
USPFO for Pennsylvania (Printed Name)

(717) 861-8743
Phone #