

# Pennsylvania Federation of Sportsmen's Clubs

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**COMMISSION POSTS  
BEAR AGE DATA ON  
WEBSITE**

**MIGRATORY GAME BIRD  
SEASONS TO BEGIN SEPT.**

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**ELK APPLICATION  
DEADLINE APPROACHES**

[PFBC News Releases](#)

**Numerous Awards Presented  
at Commission Meeting  
Regulation Changes, Stream  
Listings Highlight July  
Commission Meeting Actions**

## **Commonwealth Court tosses out local zoning override in Marcellus Shale law**


A panel of Commonwealth Court judges ruled that the state does not have the authority to override local government zoning controls as called for under the state's five-month old Marcellus Shale law. The court, on a 4-3 decision, struck down the controversial uniformity provision of Act 13, which required municipalities to allow "reasonable development" of oil and gas while preempting all oil and gas zoning ordinances. The court declared that part of the law, Section 3304, "unconstitutional, null and void," according to the order attached to the majority opinion issued by President Judge Dan Pellegrini on Thursday. The court held that the provisions in the Marcellus Shale drilling law that

supersede local municipalities zoning ordinances violated their substantive due process. (The actual vote was 4-4. However, ties go the runner and certain sections were held to be null and void.) The provision in the law that enacts a local impact fee is not effected and the fees will still be collected starting September 1. The court also ruled (this time unanimously) against the General Assembly's attempt to give the Department of Environmental Protection (DEP) unfettered ability to waive water and wetlands protections in the law.

Gov. Tom Corbett's administration filed an appeal Friday, July 27<sup>th</sup>, against the court's decision that struck down the controversial uniformity provision of Act 13, which required municipalities to allow "reasonable development" of oil and gas while preempting all oil and gas zoning ordinances.

**More:**

**[AP: Zoning limits in Pa. gas drilling law struck down](#)**



[Capitolwire](#): Commonwealth Court tosses out local zoning override in Marcellus Shale law, appeal expected

[StateImpactPA](#): Corbett administration files Act 13 appeal with state supreme court

### **Legislative Update:**

#### **[Philly Dems Call for Gun Control After Colorado Murders:](#)**

Philadelphia Mayor Michael Nutter and former Pennsylvania Governor Ed Rendell joined a growing list of national advocates who called to strengthen gun control laws in the U.S. after the shooting in Aurora, CO where 12 people were left dead.

### **Federal Bills:**

#### **Senate Introduces Sportsmen's Act of 2012**

Congressional Sportsmen's Caucus Co-Chair Senator Jon Tester is currently trying to move a sportsmen's package, the [Sportsmen's Act of 2012](#), in the Senate. This legislation is nearly identical to an [amendment](#) proposed to the Senate version of the 2012 Farm Bill. It is a compilation of a number of different bills that promote and advance America's hunting and recreational fishing and shooting heritage; additionally, this bill provides for the continued authorization of several vital conservation programs, including those that enhance critical habitat for waterfowl and other fish and wildlife populations. Several of the hunting and fishing bills included in this legislation have passed the House of Representatives on a bipartisan basis as part of [H.R.4089](#).

Four bills contained in the package are also moving independently in the Senate. On July 25, the Senate committee on Environment

and Public Works marked up the North American Wetlands Conservation Extension Act of 2012 ([S. 2282](#)), Migratory Bird Habitat Investment and Enhancement Act ([S. 2156](#)), Permanent Electronic Duck Stamp Act of 2012 ([S. 2071](#)), and National Fish and Wildlife Foundation Reauthorization Act of 2011 ([S. 1494](#)). S. 2282, the North American Wetlands Conservation Extension Act, would amend the North American Wetlands Conservation Act (NAWCA) to extend it through 2017. NAWCA uses federal funds to leverage non-federal funds at an average 3:1 ratio to deliver habitat conservation. S. 2156 would permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set the price for future duck stamps while considering inflation and other factors that might warrant a price increase, within limits established by Congress. The price of the federal duck stamp, currently \$15, has not increased since 1991. S. 2071 would expand availability of federal duck stamps online. Hunters will still receive their paper stamps, but can now electronically purchase and receive a validation number for the federal duck stamp immediately, before heading out to the blind. S. 1494 would reauthorize the National Fish and Wildlife Foundation Establishment Act, which established the National Fish and Wildlife Foundation as a federally chartered charitable, non-profit corporation to administer donations of real or personal property, or interests therein, in connection with Fish and Wildlife Service programs and conservation activities in the United States.

## **2012 Farm Bill Passes in the House Agriculture Committee**

On July 11, the House Agriculture Committee approved [H.R. 6083](#), the Federal Agriculture Reform and Risk Management Act of 2012 - commonly referred to as the "Farm Bill" - by a bipartisan vote of 35-11. Overall, the bill includes \$35 billion in spending cuts (\$23 billion was cut in the Senate version) and 100 amendments. The conservation title was cut by \$6.1 billion.

Congress now faces a September 30 deadline for passing a new version of the Farm Bill before the current bill expires.

## **Anti-gun senators offer gun control amendment for cybersecurity bill**

Shortly after the Cybersecurity Act gained Senate approval to proceed to filing proposed amendments and a vote next week, Sen. Chuck Schumer (D N.Y.), a sponsor of the gun control amendment, came to the floor to defend the idea of implementing some "reasonable" gun control measures. The amendment was sponsored by Democratic Sens. Frank Lautenberg (N.J.), Barbara Boxer (Calif.), Jack Reed (R.I.), Bob Menendez (N.J.), Kirsten Gillibrand (N.Y.), Schumer and Dianne Feinstein (Calif.). S.A. 2575 would make it illegal to transfer or possess large capacity feeding devices such as gun magazines, belts, feed stripes and drums of more than 10 rounds of ammunition with the exception of .22 caliber rim fire ammunition.

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**ARMS TRADE TREATY TALKS CONCLUDE . . .** The United Nations Arms Trade Treaty (U.N. ATT) **[talks concluded last week](#)** without a draft treaty being agreed to by member nations. NSSF will continue to closely monitor arms control discussions at the United Nations. The **[U.S. State Department](#)** said that it will support a new round of negotiations in 2013. The Sporting Arms & Ammunition Manufacturers' Institute (SAAMI) pointed out in testimony at the UN that the treaty language lacked a "comprehensive view of firearms trade and use."

**USSA:**

**[Federal Dog Rule Should Worry Sportsmen](#)**  
**[Protect What's Right Blog](#)**

Recently, the animal rights lobby persuaded the federal government to propose new rules that would expand the number and types of dog owners the federal government regulates. Here's why sportsmen should be worried.

### **News Clips, etc:**

### **Firearm/Hunting/Fishing/Boating Issues:**

**[DEP: Lake Erie Fish Kill Result Of Natural Causes](#)**

### **Misc. Issues:**

**[Harrisburg Patriot News](#)**: Wind energy is key for Pennsylvania

**[StateImpactPA](#)**: Corbett Tells DEP to Expedite Permit Process

**[StateImpactPA](#)**: "Frackers Fund University Research That Proves Their Case"

**[Keystone Politics](#)**: Time for a PA Bottle Deposit Law

**Marcellus Shale: (Note: Many of the below links are opinion pieces and/or blogs)**

### **[PEC Reacts To Drilling Law Court Decision](#)**

Posted: 27 Jul 2012 06:52 AM PDT

The **[PA Environmental Council](#)** issued this statement on the **[Commonwealth Court decision](#)** striking down key provisions of the Act 13 Marcellus Shale drilling law adopted in February:

"Yesterday the Commonwealth Court of Pennsylvania issued a significant decision that reaffirmed the constitutional rights and responsibilities of local governments to enact rational and necessary controls on natural gas activities. The decision also

invalidated provisions of Act 13 that inappropriately expanded waiver allowances to permit siting standards for unconventional gas wells.

"The Pennsylvania Environmental Council fully supports and commends the Commonwealth Court's decision. Responsible development of natural gas in Pennsylvania requires thorough consideration of our unique community and natural resources, with appropriate site-specific and regional protections in place as a result of that analysis.

"Responsible development of natural gas is important to the people and economy of Pennsylvania, but of equal importance are appropriate community, health, and environmental protections. The Court's decision ensures that Pennsylvania's Oil & Gas Act better meets those goals."

## **NRA/ILA News:**

### **Obama: There will be 'more opportunity' to talk guns**

President Obama suggested Thursday that he isn't backing away from talking about gun policy. "I'm sure we'll have more opportunity to talk about this," he said to a reporter's question after he made brief remarks pressuring the House of Representatives to pass the middle class tax cut extension that cleared the Senate on Wednesday.

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### **President promises more action on guns**

President Obama promised Wednesday to lead a national discussion about gun control after the deadly mass shootings last week in Colorado, wading into the gun issue more extensively than at any other time in his presidency.

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## **Federal Ammunition Sales Regulation: A Proven Failure**

Recent calls for federal regulations and restrictions on ammunition sales ignore the failure of such laws in the past. They also ignore the impracticality of imposing and enforcing similar controls in today's huge ammunition market. The National Shooting Sports Foundation estimates that 10-12 billion rounds of ammunition are produced domestically each year, while billions more are imported.

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## **Senator Moran and 50 Senators: Second Amendment Rights are not Negotiable**

U.S. Senator Jerry Moran (R-KS) today led 50 senators in expressing grave concern about the dangers posed to Americans' Second Amendment rights by the United Nations' Arms Trade Treaty. The 51 senators notified President Obama and Secretary of State Clinton of their intent to oppose ratification of an Arms Trade Treaty that in any way restricts the rights of law-abiding American gun owners. The opposition is strong enough to block the treaty from Senate passage, as treaties submitted to the U.S. Senate require approval of two-thirds of Senators present to be ratified.

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## **OK, Let's Debate Gun Control!**

Last week's horrific crime in Aurora, Colo., has, predictably enough, prompted many leftist politicians and commentators to call for more antigun laws. Actually, that's not quite right. Rather than directly call for more antigun laws, some of them are complaining about the absence of a debate over gun control. Where's the "searching conversation over what rational steps can be taken by individuals, communities and various levels of government to make the recurrence of a comparable tragedy less likely"? the Washington Post's E.J. Dionne wants to know.

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## **Bloomberg's gun control idea: Cops go on strike**

Mayor Bloomberg ramped up his gun control rhetoric to a whole new level last night, saying he's surprised cops don't walk off their jobs until the public forces lawmakers to get guns off the streets.

"I don't understand why police officers across this country don't stand up collectively and say we're going to go on strike, we're not going to protect you unless you, the public, through your legislature, do what's required to keep us safe," he told CNN's Piers Morgan.

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