

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
September 20, 2024**

A handwritten signature in black ink that reads "Stephen P. Smith". The signature is written in a cursive style.

Stephen P. Smith
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Friday, September 20, 2024, at 2001 Elmerton Avenue, Harrisburg, PA beginning at 1:00 p.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Scott H. Foradora, President
Dennis R. Fredericks, Vice President
Allen J. DiMarco, Secretary
Stanley I. Knick, Jr.
Kristen Koppenhafer
Michael F. Mitrick
Todd A. Pride
Haley J. Sankey
Robert C. Schwalm

Approval of minutes of Commission meeting held July 12, 2024.

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

B. Amend 58 Pa. Code § 133.21.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission, at its July 12, 2024 meeting, amended § 133.21 (relating to classification of birds) to update the common and scientific names of Northern Goshawk (*Accipiter gentilis*) to American Goshawk (*Accipiter atricapillus*) on the Commonwealth's list of endangered birds. These changes do not affect protection or management of goshawks within this Commonwealth, but update the Commonwealth's list to reflect the current taxonomic resolution of each species, maintaining the agency's science-based approach to wildlife management. This amendment is now before the Commission for final adoption.

Action:

ANNEX “A”

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

(1) Endangered.

(i) King Rail (*Rallus elegans*)

* * * * *

(xvi) Upland Sandpiper (*Batramia longicauda*)

(xvii) American Goshawk (*Accipiter atricapillus*)

(2) Threatened.

* * * * *

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

B. Amend 58 Pa. Code §147.103

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission, at its July 12, 2024 meeting, amended § 147.103 (relating to classes) to decrease the minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age. This amendment is now before the Commission for final adoption.

Action:

ANNEX “A”

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.103. Classes.

(a) *Apprentice.* Permittees of the apprentice class shall be subject to the following requirements and limitations:

(1) Permittees shall be 12 years of age or older.

(2) Permittees shall be sponsored, at all times, by a Pennsylvania general or master class falconry permit holder who has at least 2 years experience as a general class falconer. If a permittee's sponsorship is withdrawn or lost for any reason, the permittee shall provide written notification of the loss to the Commission within 5 days and shall be required to replace the sponsorship within 15 days.

* * * * *

(b) *General.* Permittees of the general class shall be subject to the following requirements and limitations:

(1) Permittees shall be 16 years of age or older.

(2) General class permit applicants shall have maintained their apprentice class permit status in good standing for a minimum of 2 years and during that period shall have maintained a raptor for a minimum of 12 months. An application to advance to the general class shall be accompanied by a written letter of recommendation from the permittee's sponsor representing that the permittee possesses the competency and skills necessary to become a member of the general class.

* * * * *

(c) *Master.* Permittees of the master class shall be subject to the following requirements and limitations:

(1) Permittees shall be 23 years of age or older.

(2) Master class permit applicants shall have maintained their general class permit in good standing for a minimum of 5 years and during that period shall have maintained a raptor for a minimum of 3 years.

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BUREAU OF WILDLIFE HABITAT MANAGEMENT

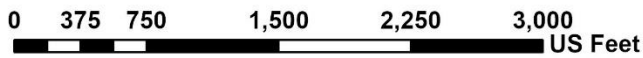
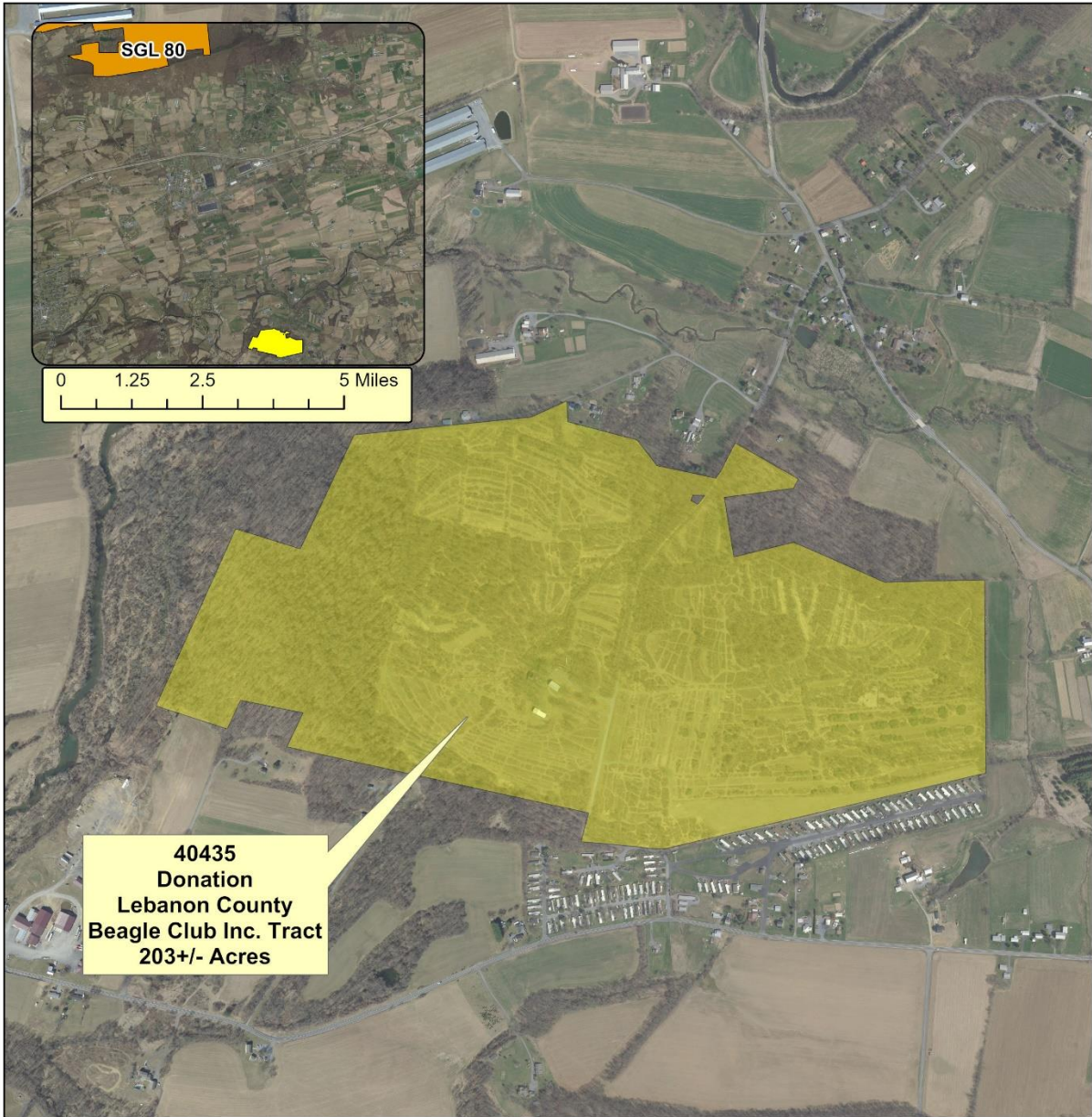
REAL ESTATE

A. Donation

Contract No. 40435, Lebanon County

Commentary: The Lebanon County Beagle Club has declared a restriction, that if the club ever ceases to exist, the property owned by the club, consisting of almost 203+/- acres, would be given to the Commonwealth of Pennsylvania, solely for the use of the Pennsylvania Game Commission (Exhibit RED 1). This action does not take effect unless and until the club dissolves. However, gifts are revocable in Pennsylvania until accepted and the club has requested the Commission to publicly accept the Declaration of Restrictions, which is on file in Lebanon County where the club is located. This would effectively make the gift of the future interest irrevocable by future club members and ensure that the property would come to the Commonwealth upon dissolution of the club.

Action:



**Exhibit RED 1
State Game Land No. 80**

**40435
Donation
Lebanon County
Beagle Club Inc. Tract
203+/- Acres**

**Bethel Township
Lebanon County
Southeast Region**

B. Acquisition

Contract No. L-3882, State Game Land No. 203, Allegheny County

Commentary:

Allegheny Land Trust (ALT) is offering for sale 280+/- acres of land in Indiana Township, Allegheny County, near State Game Land No. 203 (Exhibit RED 2). The offer is contingent upon ALT successfully closing on its acquisition of the property. The option price is \$1,295,000 lump sum to be paid from the Game Fund. The parcel is located in a county of the second class and therefore the Commission may exceed \$400 per acre under Section 705(a) of the Game and Wildlife Code. This property meets a strategic priority of being near a large city, in this case Pittsburgh. It runs along Deer Creek, a stocked trout tributary of the Allegheny River. It contains several species of greatest conservation need. It will preserve and provide a buffer for the Rachel Carson Trail. Access is along Cove Run Road.

Action:



**L-3882
Allegheny Land Trust (ALT)
Tract
280+/- Acres**

SGL 203



0 1,000 2,000 4,000 6,000 US Feet

Exhibit RED 2

State Game Land No. 203

**L-3882
Allegheny Land Trust (ALT) Tract
280+/- Acres**

**Indiana Township
Allegheny County
Southwest Region**

Contract No. L-3883, State Game Land No. 80, Berks County

Commentary: The Conservation Fund (TCF) is offering for sale 116+/- acres of land in Bethel Township, Berks County, adjacent to State Game Land No. 80 (Exhibit RED 3). The offer is contingent upon TCF successfully closing on its acquisition of the property. The option price is \$500,000 lump sum to be paid from the Game Fund. The parcel improves property integrity and manageability by providing access to the existing game lands and therefore the Commission may exceed \$400 per acre under Section 705(b) of the Game and Wildlife Code. It contains several species of greatest conservation need. The 500 Steps Trail has an easement on the property to access the Appalachian Trail. Access is along Route 501 Lancaster Avenue.

Action:

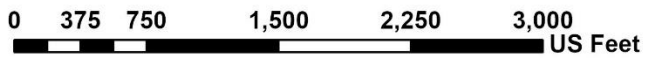
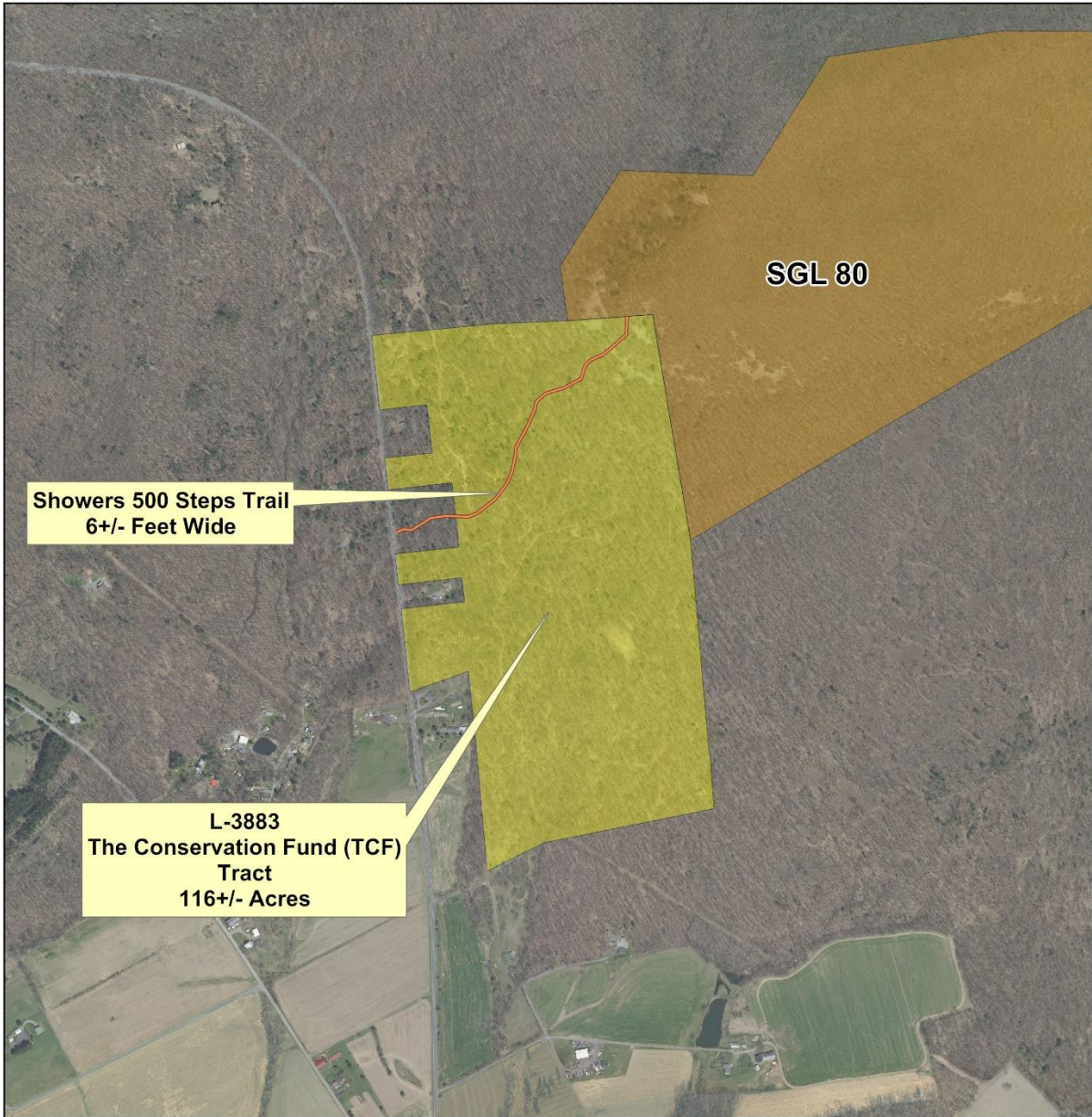


Exhibit RED 3

State Game Land No. 80

L-3883
 The Conservation Fund (TCF) Tract
 116+/- Acres

Bethel Township
 Berks County
 Southeast Region

Contract No. L-3884, State Game Land No. 157, Bucks County

Commentary: Natural Lands Trust, Inc. (NLT) is offering for sale 4+/- acres of land in Haycock Township, Bucks County, an indenture to State Game Land No. 157 (Exhibit RED 4). The offer is contingent upon NLT successfully closing on its acquisition of the property. The option price is \$52,000 lump sum to be paid from the Game Fund. The parcel is an indenture to State Game Land No. 157 and therefore the Commission may exceed \$400 per acre under Section 705(b) of the Game and Wildlife Code. Access is through existing State Game Land No. 157.

Action:

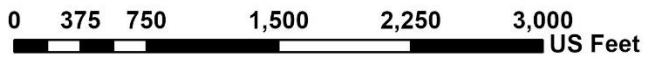


Exhibit RED 4

State Game Land No. 157

L-3884
Natural Lands Trust, Inc. (NLT) Tract
4+/- Acres

Haycock Township
Bucks County
Southeast Region

Contract No. L-3885, State Game Land No. 139, Bucks County

Commentary: Natural Lands Trust, Inc. (NLT) is offering for sale 1.9+/- acres of land in East Rockhill Township, Bucks County, an indenture to State Game Land No. 139 (Exhibit RED 5). The offer is contingent upon NLT successfully closing on its acquisition of the property. The option price is \$27,000 lump sum to be paid from the Game Fund. The parcel is an indenture to State Game Land No. 139 and therefore the Commission may exceed \$400 per acre under Section 705(b) of the Game and Wildlife Code. Access is through existing State Game Land No. 139.

Action:

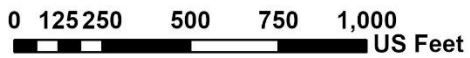
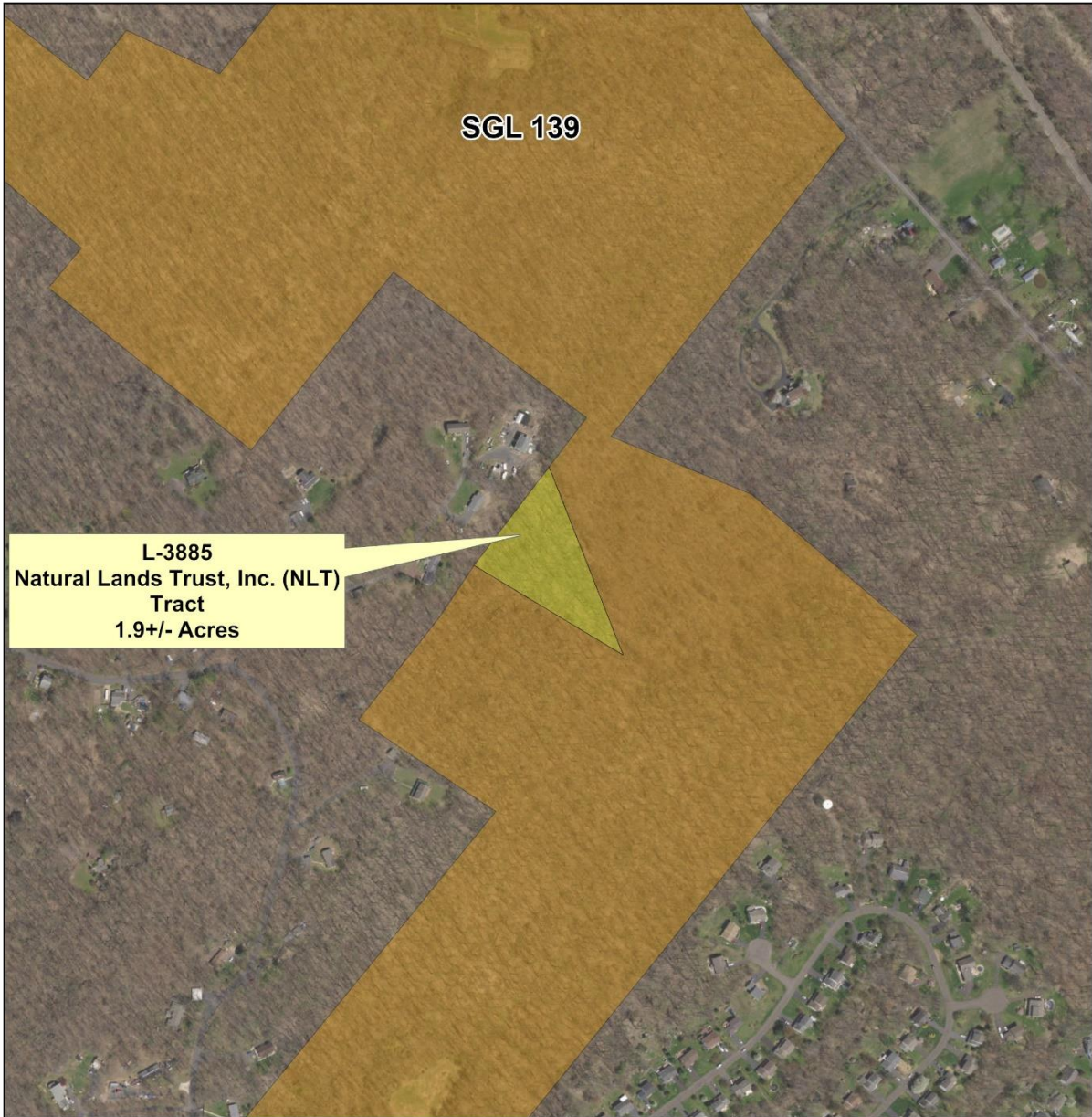


Exhibit RED 5

State Game Land No. 139

**L-3885
Natural Lands Trust, Inc. (NLT) Tract
1.9+/- Acres**

**East Rockhill Township
Bucks County
Southeast Region**

C. Exchange

Contract No. L-3886, State Game Land No. 77, Clearfield County

Commentary:

The city of Dubois and Dubois City Water Authority are offering 204+/- acres of land located in Union and Huston Townships, Clearfield County, adjoining State Game Land No. 331 (Exhibit RED 6) in exchange for 187+/- acres of land in Sandy Township, Clearfield County, adjoining State Game Land No. 77 (Exhibit RED 7). There is no access to this 187-acre tract as it is landlocked and separated from the rest of State Game Land No. 77 by Interstate 80. The Commission determined that the exchange with the city of Dubois and Dubois City Water Authority is in the best interest of the Commission.

Action:

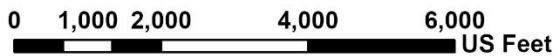


Exhibit RED 6
State Game Land No. 331

L-3886
Land Exchange
the City of DuBois and DuBois City Water Authority Tracts
to PGC
204+/- Acres

Union & Huston Townships
Clearfield County
Northcentral Region



L-3886
Land Exchange
PGC Tract to
the City of DuBois and
DuBois City Water Authority
187+/- Acres



0 1,000 2,000 4,000 6,000
US Feet

Exhibit RED 7
State Game Land No. 77
L-3886
Land Exchange
PGC Tract to
the City of DuBois and
DuBois City Water Authority
187+/- Acres
Sandy Township
Clearfield County
Northcentral Region

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OIL/GAS & MINERALS

D. Bituminous Coal Surface Mining Agreement

Tract 198A-24, State Game Land No. 198, Cresson Township, Cambria County and Juniata Township, Blair County

Commentary:

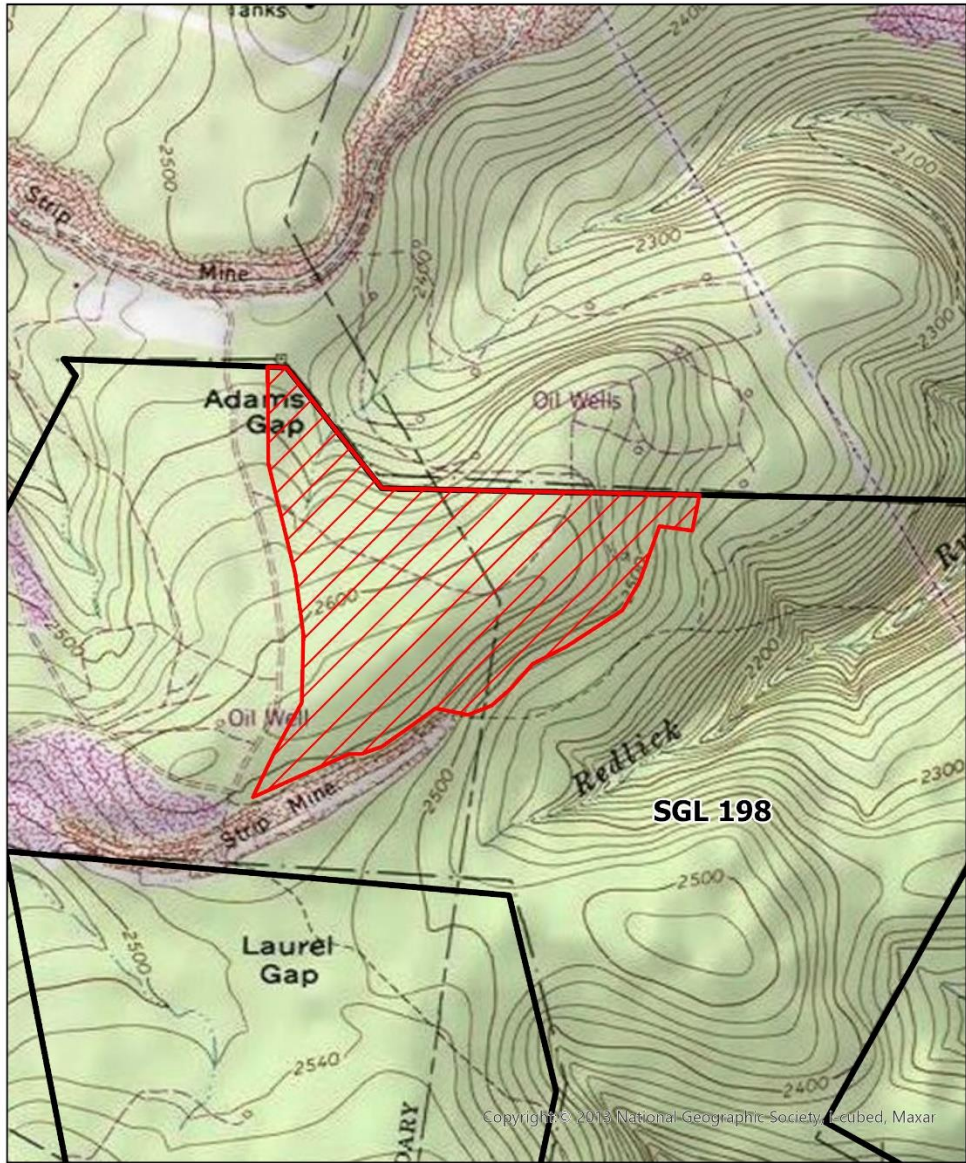
RES Coal, LLC (RES) of Armagh, Pennsylvania requested an Agreement to surface mine and remove coal from approximately 117+/- acres beneath a portion of State Game Land No. 198 located in Cresson Township, Cambria County and Juniata Township, Blair County (Exhibit OGM #1). The request also includes approximately 9+/- acres for mining support area. The Commission owns the surface and surface support rights but does not own the coal rights. RES has secured a lease with the coal owner.

The Commission negotiated the proposed terms of the agreement with RES to offset the surface impacts to State Game Land No. 198. The terms are an eight-year surface mining agreement and payment of \$3,200,000. The payment will be made in equal annual installments over the first four years commencing upon issuance of a surface mine permit. Payments will be deposited into the Commission's restricted account for the future purchase of wildlife habitats, lands, or other uses incidental to hunting, furtaking, and wildlife resource management.

In addition, RES will pay the Commission \$475,007 towards a road construction project that will provide public access to this portion of State Game Land No. 198 for which none currently exists. RES will also pay the Commission \$0.25/ton for any coal mined from the adjacent property not owned by the Commission as part of this operation and transported across State Game Land No. 198. Additionally, RES will pay the Commission current market value as determined at a double stumpage rate assessed by the Commission for any timber removed as a result of the mining project. These collective payments will be directly deposited into the Game Fund.

Mining activities will be regulated by the Commonwealth's Mining Regulations and the Commission's Bituminous Coal Surface Mining Agreement.

Action:





-  Gameland Boundary
-  Proposed Mining Area 126 +/- Acres



EXHIBIT OGM #1
State Game Land No. 198
Bituminous Coal Surface Mining Agreement
Lease Tract 198A-24
Cresson Township, Cambria County and
Juniata Township, Blair County
Southcentral Region

OTHER NEW BUSINESS

Next Commission Meeting Date – TBA

Executive Session, if necessary, will be held immediately following the close of the Commission Meeting.

Adjournment