

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
June 10, 2014**

R. Matthew Hough

R. Matthew Hough
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 Tuesday, June 10, 2014 at 2001 Elmerton Avenue, Harrisburg, Pennsylvania beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Robert W. Schlemmer, President
David J. Putnam, Vice President
Brian H. Hoover, Secretary
James J. Delaney, Jr.
Ronald A. Weaner
Ralph A. Martone
Charles E. Fox
Timothy S. Layton

Approval of Minutes of Commission Meeting held April 8, 2014.

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULEMAKING

A. Adoption of proposed amendment to 58 Pa. Code § 133.6.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 8, 2014, meeting to amend § 133.6 (relating to wildlife classification) to list the recently introduced and expanding Eurasian collared-dove as a game bird and include their take in the aggregate dove bag hunting/trapping license year.

Action:

DRAFT

EXHIBIT "A"

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter A. GENERAL

§ 133.6. Eurasian collared dove.

The Eurasian collared dove (*Streptopelia decaocto*) is classified as a game bird. For the purpose of licensing, Eurasian collared doves may be hunted with a general hunting license and a migratory bird license.

DRAFT

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 141.42.

Commentary:

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.42. ~~[Big game animal hunting roster]~~ Parties hunting big game.

(a) ~~[Rosters are required for groups of five or more persons who are members of a permanent camp and hunt together for deer, bear or elk or cooperate with others to hunt for deer, bear or elk.]~~

(b) ~~— Rosters shall conform to the following:~~

(1) ~~— Be prepared in duplicate with one copy being carried by the leader, and the other permanently posted at the headquarters.~~

(2) ~~— Include the following information:~~

(i) ~~— Name of the camp or party.~~

(ii) ~~— Name of the leader.~~

(iii) ~~— Name of each person hunting along with his current hunting license number.~~

(iv) ~~— Date the person joined the party.~~

(v) ~~— Date of departure.~~

(vi) ~~— Caliber of firearm used.~~

(vii) ~~— Big game killed.~~

(viii) ~~— Sex, approximate weight and total number of points if a deer, and the date the animal was killed.~~

(c) ~~— A roster containing false, fraudulent or misleading information, or failing to set forth the information in subsection (b) is deemed not in compliance with the act and this part.~~

~~(d) — The roster shall remain posted at a permanent camp for 30 days after the close of the season so that it can be read from outside the camp.~~

(e) Parties hunting deer, bear or elk shall be limited to 25 persons.

(f) Penalties in section 2324(c) of the act (relating to ~~roster of~~ parties hunting big game) pertain to this section. Each person may be held liable for penalties in this section.

Action:

DRAFT

PROPOSED RULE MAKING

B. Amend 58 Pa. Code §§ 147.101 and 147.103.

Commentary: The United States Fish and Wildlife Service recently amended its definition of the term ‘hybrid’ at 50 CFR § 21.3 (relating to definitions) to include any bird that results from a cross of genetic material between two separate taxa when one or both are listed in 50 CFR 10.13 (relating to list of migratory birds). *See* Federal Register 78:212 (Nov. 1, 2013) p. 65576. This revision clarified that the term hybrid includes any bird resulting from propagation where only one parent is defined as a migratory bird, where the previous definition required both parents to be defined as a migratory bird. The previous definition created difficulties due to its inconsistency with the Service’s longstanding interpretation of the same term under the Migratory Bird Treaty Act as requiring only one parent to be defined as a migratory bird. The Commission is proposing to amend §§ 147.101 and 147.103 (relating to the definitions; classes) to make it clear that the term ‘hybrid’ in its regulation applies to all offspring of any species listed at 50 CFR 10.13 (relating to list of migratory birds). Adoption of this amendment will maintain the Commonwealth’s necessary compliance with the applicable Federal regulations concerning falconry to continue this program in Pennsylvania.

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.101. Definitions.

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

* * * * *

Hybrid - ~~[The offspring of birds listed as two or more distinct species in 50 CFR 10.13 (relating to list of migratory birds), offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 CFR 10.13 and the offspring of any hybrid birds.]~~ Any bird that results from a cross of genetic material between two separate taxa when one or both are listed at 50 CFR 10.13 (relating to list of migratory birds), and any progeny of those birds.

* * * * *

§ 147.103. Classes.

* * * * *

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

* * * * *

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of two raptors with only one replacement during the first permit year. Other permittees of this class may possess up to a total of three raptors with two replacements during each permit year. Captive bred and hybrid raptors shall be included in these quota limits.

* * * * *

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

* * * * *

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of four raptors with only one replacement during the first permit year. Other permittees of this class may each possess a total of five raptors with two replacements during each permit year. Hybrid raptors shall be included in these quota limits. Captive-bred raptors not defined as hybrid will not be included in these quota limits.

Action:

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

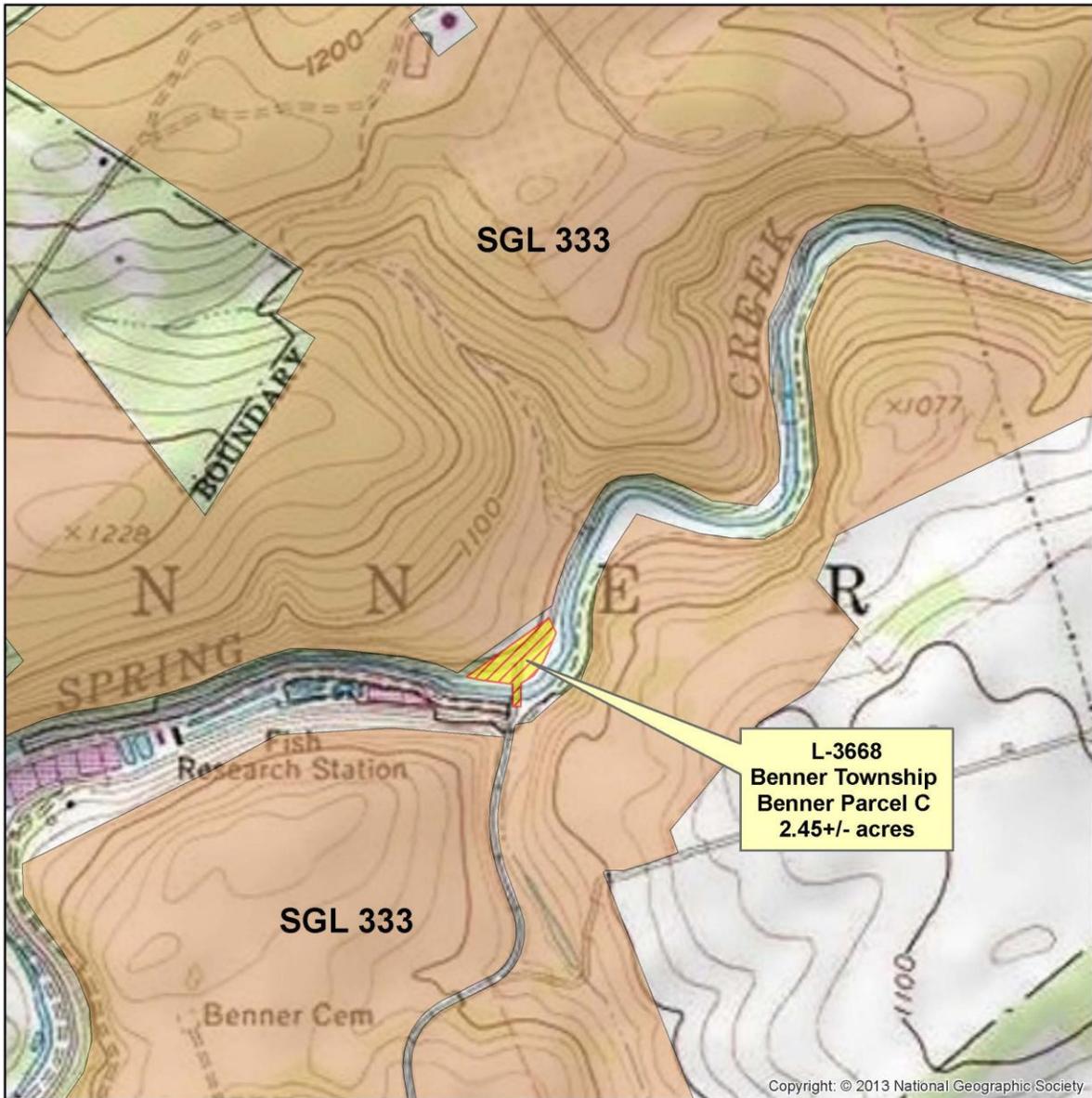
A. Donation

Contract No. L-3668, State Game Land No. 333, Centre County

Commentary:

Benner Township is offering a donation of 2.45 +/- acres of land in Benner Township, Centre County which is part of an interior in State Game Land No. 333 (Exhibit RED 1). The property was part of the land involved with the "Final Plan for Disposition of Commonwealth Real Property at the State Correction Institution at Rockview." In the Disposition Plan the tract was referred to "Parcel Benner C." A small strip of land owned by the Pennsylvania Fish and Boat Commission is located between "Parcel Benner C" and State Game Land No. 333. As a condition of this transfer, Benner Township reserves the right to promote passive recreation on "Parcel Benner C" as described in the Spring Creek Canyon Master Plan. Examples of possible uses on this parcel may include but are not limited to handicapped parking spaces, picnic tables, refuse receptacles, installation of signage, and portable restroom facilities. These facilities will be purchased, constructed and maintained at the sole expense of Benner Township. The Game Commission will not be responsible for any expenses relative to any of these improvements. Notwithstanding the generality of the foregoing, nothing shall preclude the use of the property for the protection and propagation of game or wildlife and hunting and furtaking (including, but not limited to parking) in accordance with the Game and Wildlife Code, as amended from time to time. The tract is mostly forested with mixed hardwoods with a small forest opening. The property is accessed from Shiloh Road.

Action:



RED 1
State Game Land No. 333

L-3668
Benner Township
Parcel Benner C
2.45+/- acres
 Benner Township
 Centre County
 Northcentral Region

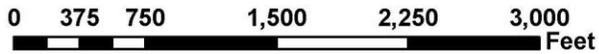
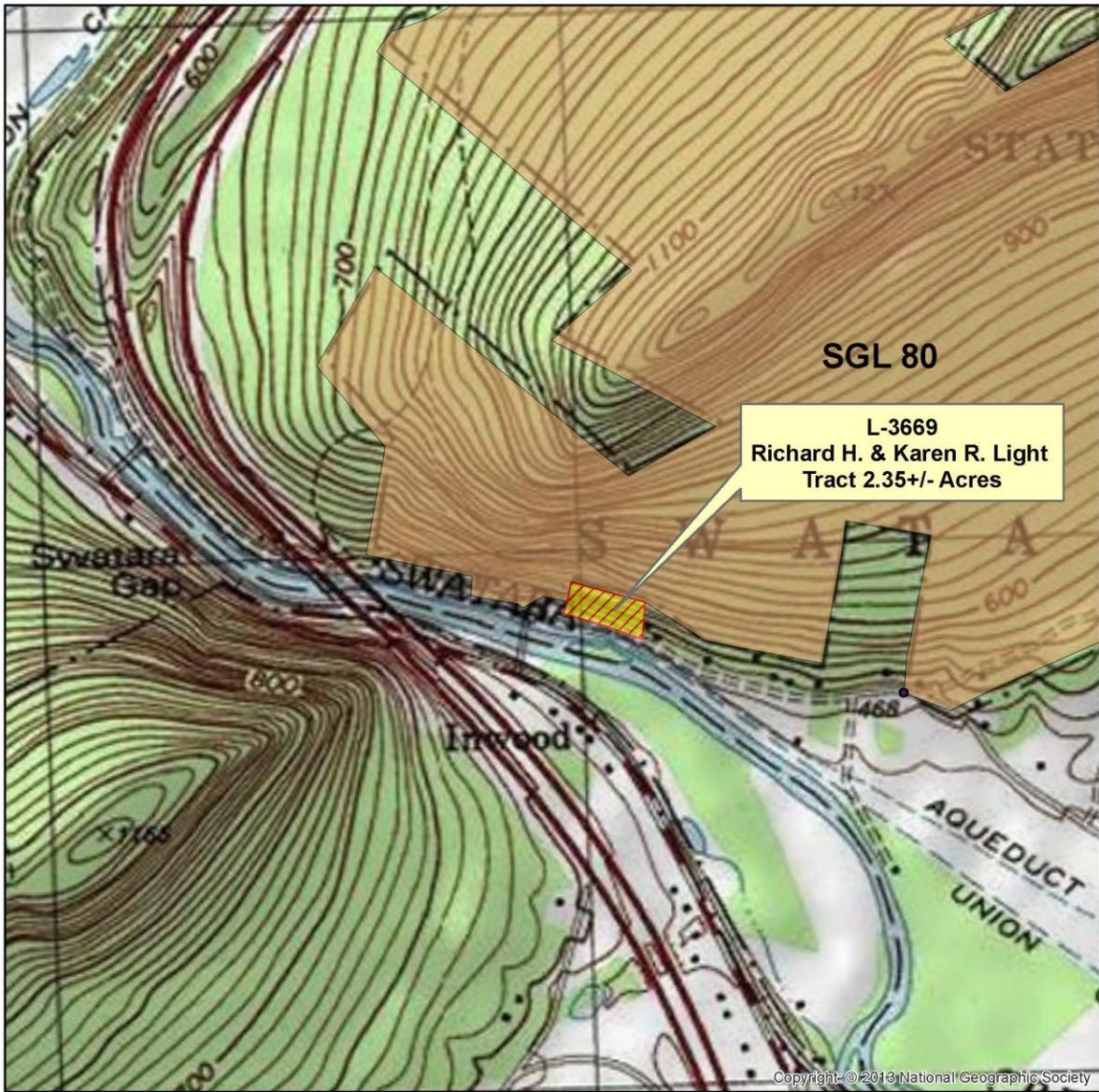
B. Acquisition

Contract No. L-3669, State Game Land No. 80, Lebanon County

Commentary: Richard H. and Karen R. Light are offering for sale 2.35 +/- acres in Swatara Township, Lebanon County adjacent to State Game Land No. 80 (Exhibit RED 2). The option price is \$2,500 lump sum to be paid with funds from third party commitments for compensation of habitat and recreational losses which occurred on State Game Lands from previously approved projects. The tract is forested with mixed northern hardwoods. Access into the property is from Old State Road (Township Road T-470) which is the southern boundary of the property.

Action:

DRAFT



RED 2
State Game Land No. 80
 L-3669
 Richard H. & Karen R. Light
 Tract 2.35+/- Acres

Swatara Township
 Lebanon County
 Southeast Region

OIL/GAS & MINERALS

C. Restricted Surface Use Oil and Gas Cooperative Agreement

Tract 303A-14, State Game Land No. 303, Washington County

Commentary:

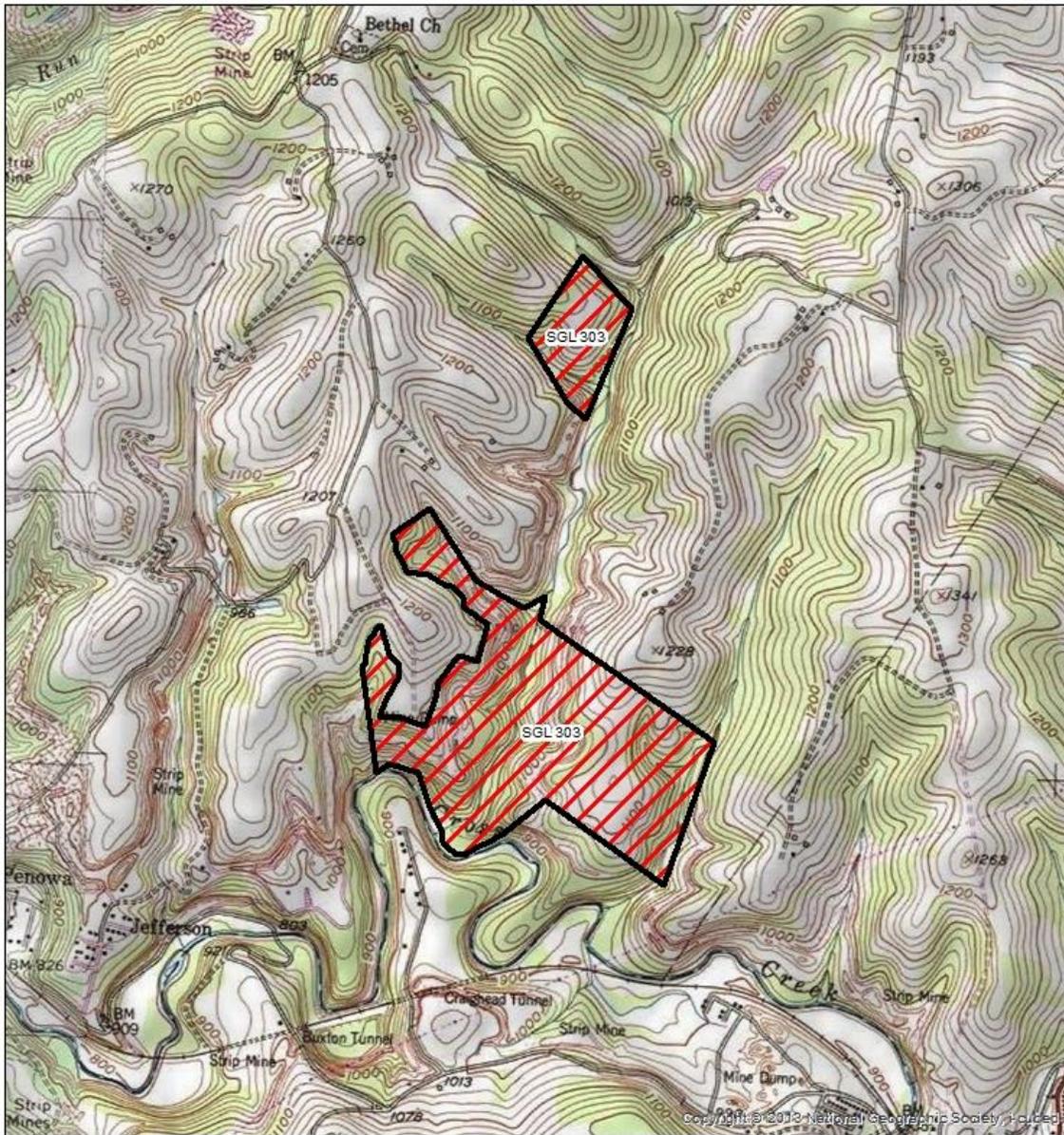
Range Resources-Appalachia LLC (Range) of Canonsburg, Pennsylvania requested the Commission offer its oil and gas rights under State Game Land No. 303 for non-surface use development. The proposed tract, containing approximately 221.45 surface acres and 141.05 net oil and gas acres, is located in Jefferson Township, Washington County (Exhibit OGM 1).

Range has a strong privately owned oil/gas lease position surrounding State Game Land No. 303, has initiated unconventional well drilling and development in the vicinity of the proposed tract, and has the ability to unitize and develop the Commission's oil and gas reserve and privately held oil and gas reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the Game Land. The staff has negotiated the proposed terms of the agreement with Range in an effort to prudently develop the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No. 303.

The terms of the Agreement are a five year paid up non-surface use oil and gas agreement, a \$2,500 per net oil and gas acre bonus payment and 20% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment of approximately \$352,625 may be deposited either into the Game Fund or an interest bearing escrow account to be used for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties owed the Commission shall be directly deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's Standard Restricted Surface Use Oil and Gas Cooperative Agreement.

Action:



-  Non-Surface Use Agreement Area
221.45 +/- Surface Acres
141.05 +/- Oil & Gas Acres
-  State Game Land No. 303



EXHIBIT OGM 1
State Game Land No. 303
Restricted Surface Use
Oil & Gas Cooperative Agreement
Range Resources-Appalachia LLC
Tract 303A-14
221.45 +/- Surface Acres
 Jefferson Twp., Washington County
 Southwest Region

D. Anthracite Coal Deep Mining Leases

Tracts 264A-14, 264B-14 and 264C-14, State Game Land No. 264, Dauphin County

Commentary:

Ladnar, Inc. (Ladnar) and the Wiconisco Company, Inc. (Wiconisco), both of Hummelstown, Pennsylvania, have requested leases to mine and remove anthracite coal by deep mining method on three tracts located on State Game Land No. 264 (SGL 264) in Dauphin County (Exhibits OGM 2, OGM 3 and OGM 4). The proposed leases are part of a negotiated settlement agreement to resolve a long-standing legal dispute with Ladnar and Wiconisco concerning the ownership to well over 8,000 acres of mineral interests underlying and adjoining SGL 264.

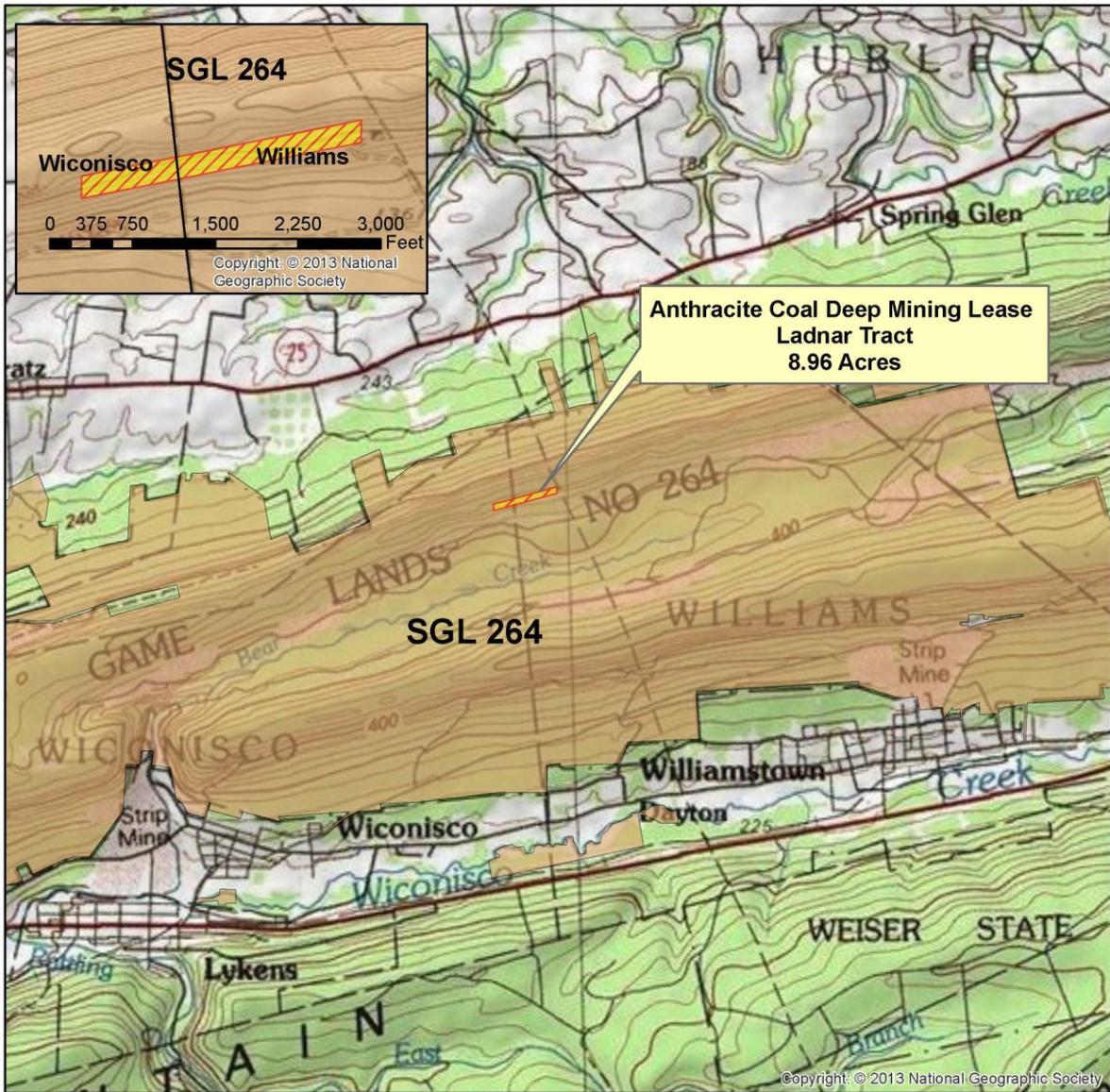
The initial terms for the proposed leases are 15 years, with an opportunity to extend for an additional 10 years if the producer(s) are engaged in active mining at the time of renewal. The producers will each pay Commission at the royalty rate of 5.5% of the then current F.O.B. pit price per ton, or \$2.00 per ton of coal, whichever the greater, for all coal mined and removed from the leases areas. The producers will also be required to maintain a minimum production of 200 tons per month under each of the proposed leases. Future rentals and royalties owed the Commission will first be debited from an existing \$298,880 royalty credit paid under previous leases until this sum is exhausted and thereafter deposited directly into the Game Fund.

The proposed mining will be conducted via existing abandoned and active deep mine entry portals. Surface disturbance will be limited to a maximum of 5 acres for each lease for a combined total of 15 acres. The proposed leases will include the standard performance bond and environmental protection standards. In addition, the proposed post mining land use will be revegetated as wildlife habitat in accordance with the Commission's recommendations.

In exchange for the proposed anthracite coal deep mining leases and other due consideration, Ladnar and Wiconisco will convey by deed of confirmation any and all right, title and interest or surface, surface support and subsurface it may have ever possessed in lands or mineral interests underlying and adjoining SGL 264, save for a 0.35 acre exception and reservation.

Mining will be regulated by the Commonwealth's Deep Mining Regulations and the Commission's standard deep mine leasing agreement.

Action:

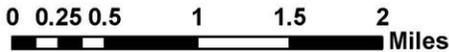


**Anthracite Coal Deep Mining Lease
Ladnar Tract
8.96 Acres**

SGL 264

**EXHIBIT OGM 2
State Game Land No. 264
Anthracite Coal Deep Mining Lease
Ladnar Tract
8.96 Acres**

Williams & Wiconisco Twps., Dauphin County
Southeast Region



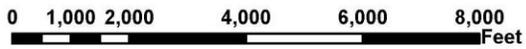
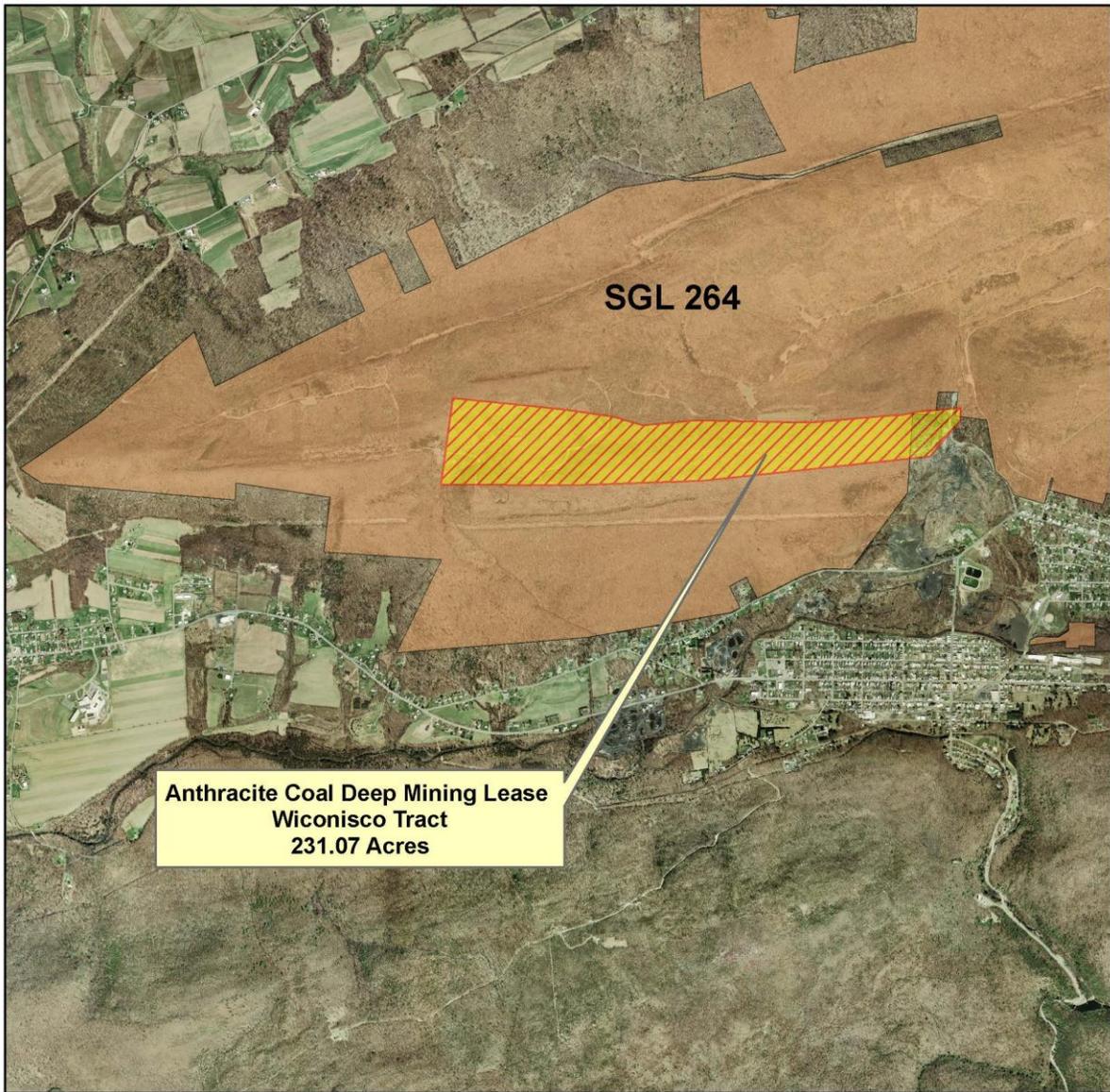


EXHIBIT OGM 3
State Game Land No. 264
Anthracite Coal Deep Mining Lease
Wiconisco Tract
231.07 Acres

Wiconisco Twp., Dauphin County
Southeast Region

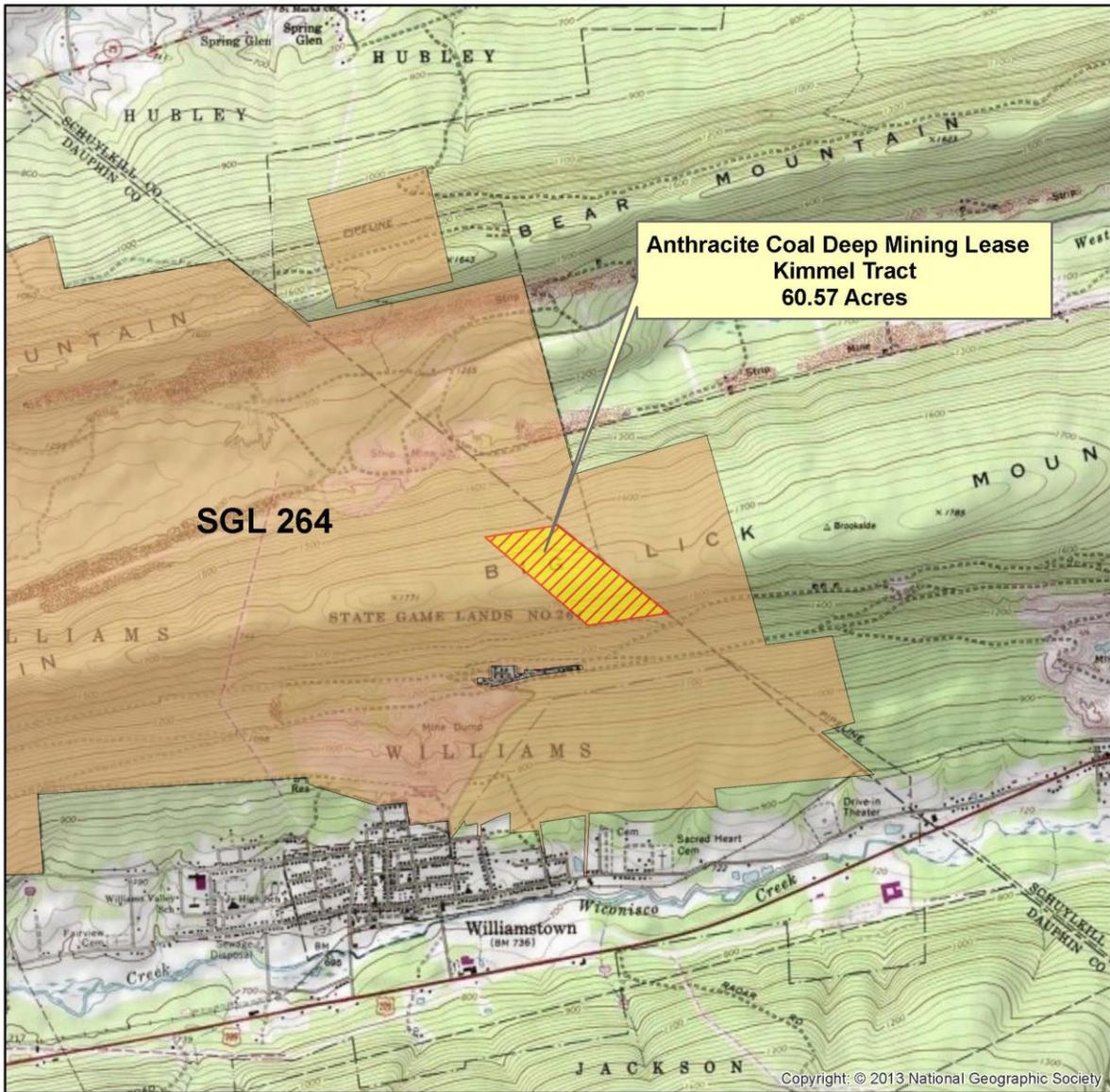
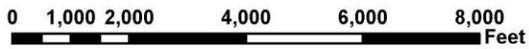


EXHIBIT OGM 4
State Game Land No. 264
Anthracite Coal Deep Mining Lease
Kimmel Tract
60.57 Acres

Williams Twp., Dauphin County
 Southeast Region



Other New Business

The September Commission Meeting will be held on September 22 and 23, 2014 in the SW Region in Delmont, PA. Does the Commission wish to proceed with these dates?

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

Adjournment

DRAFT