

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
September 11, 2021**

Bryan Burhans
Bryan Burhans
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 Saturday, September 11, 2021, at 4820 Route 711 Bolivar, Pennsylvania 15923 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Stanley I. Knick, Jr., President
Michael F. Mitrick, Vice President
Kristen Schnepf-Giger, Secretary
Scott H. Foradora
Dennis R. Fredericks
Timothy S. Layton

Approval of Minutes of Commission Meeting held July 24, 2021.

BUREAU OF WILDLIFE MANAGEMENT

ADOPTED RULE MAKING

A. Amend 58 Pa. Code § 133.21

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its July 24, 2021, meeting amended § 133.21 (relating to classification of birds) to add the northern goshawk (*Accipiter gentilis*) to the Commonwealth's list of endangered birds. The Commission has also amended § 133.21 (relating to classification of birds) to remove the peregrine falcon (*Falco peregrinus*) from the Commonwealth's list of threatened birds.

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*)
 - (ii) Short-eared Owl (*Asio flammeus*)
 - (iii) Black Tern (*Chlidonias niger*)
 - (iv) Least Bittern (*Ixobrychus exilis*)
 - (v) Piping Plover (*Charadrius melodus*)
 - (vi) Loggerhead Shrike (*Lanius ludovicianus*)
 - (vii) American Bittern (*Botaurus lentiginosus*)
 - (viii) Great Egret (*Ardea alba*)
 - (ix) Yellow-crowned Night Heron (*Nycticorax violaceus*)
 - (x) Common Tern (*Sterna hirundo*)
 - (xi) Blackpoll Warbler (*Setophaga striata*)
 - (xii) Black-crowned Night-Heron (*Nycticorax nycticorax*)
 - (xiii) Dickcissel (*Spiza americana*)
 - (xiv) Sedge Wren (*Cistothorus platensis*)
 - (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
 - (xvi) Upland Sandpiper (*Batramia longicauda*)
 - (xvii) Northern Goshawk (*Accipiter gentilis*)
- (2) Threatened.

- (i) Northern Harrier (*Circus cyaneus*)
- (ii) Long-eared Owl (*Asio otus*)
- (iii) Red Knot (*Calidris canutus rufa*)

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 141.47

Commentary: The Commission historically required mandatory hunter orientation for all hunters that were successfully drawn for an elk license. The purpose of this orientation was to provide hunters with important information about this unique hunt. The Commission has since transitioned away from this in-person orientation training and instead provide hunters with all of the necessary instructions by mail with their licensing materials. Considering this change, the Commission is proposing to amend § 141.47 (relating to elk seasons) to eliminate the outdated reference to the elk season orientation.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§141.47. Elk seasons

(a) Archery elk season.

(1) *Permitted devices.* It is lawful to hunt elk during the archery elk season with any of the following devices:

* * * * *

(2) *Prohibitions.* While hunting elk during the archery elk season, it is unlawful to:

* * * * *

(iii) Fail to mark the kill site after lawful harvest in accordance with ~~[Commission]~~ instructions provided ~~[during the elk season orientation]~~ by the Commission.

* * * * *

(b) Regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License.

(1) *Permitted devices.* It is lawful to hunt elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License with any of the following devices:

* * * * *

(2) *Prohibitions.* While hunting elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License, it is unlawful to:

* * * * *

(iii) Fail to mark the kill site after lawful harvest in accordance with ~~[Commission]~~ instructions provided ~~[during the elk season orientation]~~ by the Commission.

* * * * *

Action:

ADOPTED RULE MAKING

B. Amend 58 Pa. Code § 131.8

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission at its July 24, 2021, meeting amended § 131.8 (relating to replacement costs for wildlife killed) to increase replacement costs for peregrine falcons from \$200 to \$2,500.

Action:

ANNEX “A”

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.8. Replacement costs for wildlife killed.

Under section 925(i) of the act (relating to jurisdiction and penalties), in addition to any fines and costs imposed for violations of the act and this title, any person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(1) *General class.*

- (i) Each threatened or endangered bird or mammal, \$5,000.
- (ii) Each bald eagle, golden eagle, osprey or peregrine falcon, \$2,500.
- (iii) Each elk or black bear, \$1,500.
- (iv) Each white-tailed deer, \$800.
- (v) Each bobcat or otter, \$500.
- (vi) Each wild turkey or beaver, \$300.
- (vii) Any other wildlife, \$200.

(2) *Trophy class.*

- (i) Each elk with a Boone and Crockett green score of 200 inches or more, \$5,000.
- (ii) Each white-tailed deer with a Boone and Crockett green score of 115 inches or more, \$5,000.
- (iii) Each black bear with a field dressed weight of 350 pounds or more, \$5,000.

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. L-3785, State Game Land No. 168, Northampton County

Commentary: Rodney and Judith Holzer are offering to donate a one-third interest in three tracts of land totaling 13.85+/- acres in Lehigh Township, Northampton County, adjoining and near State Game Land No. 168 (Exhibit RED 1). Access is from Timberland Road and one of the tracts is landlocked.

Action:

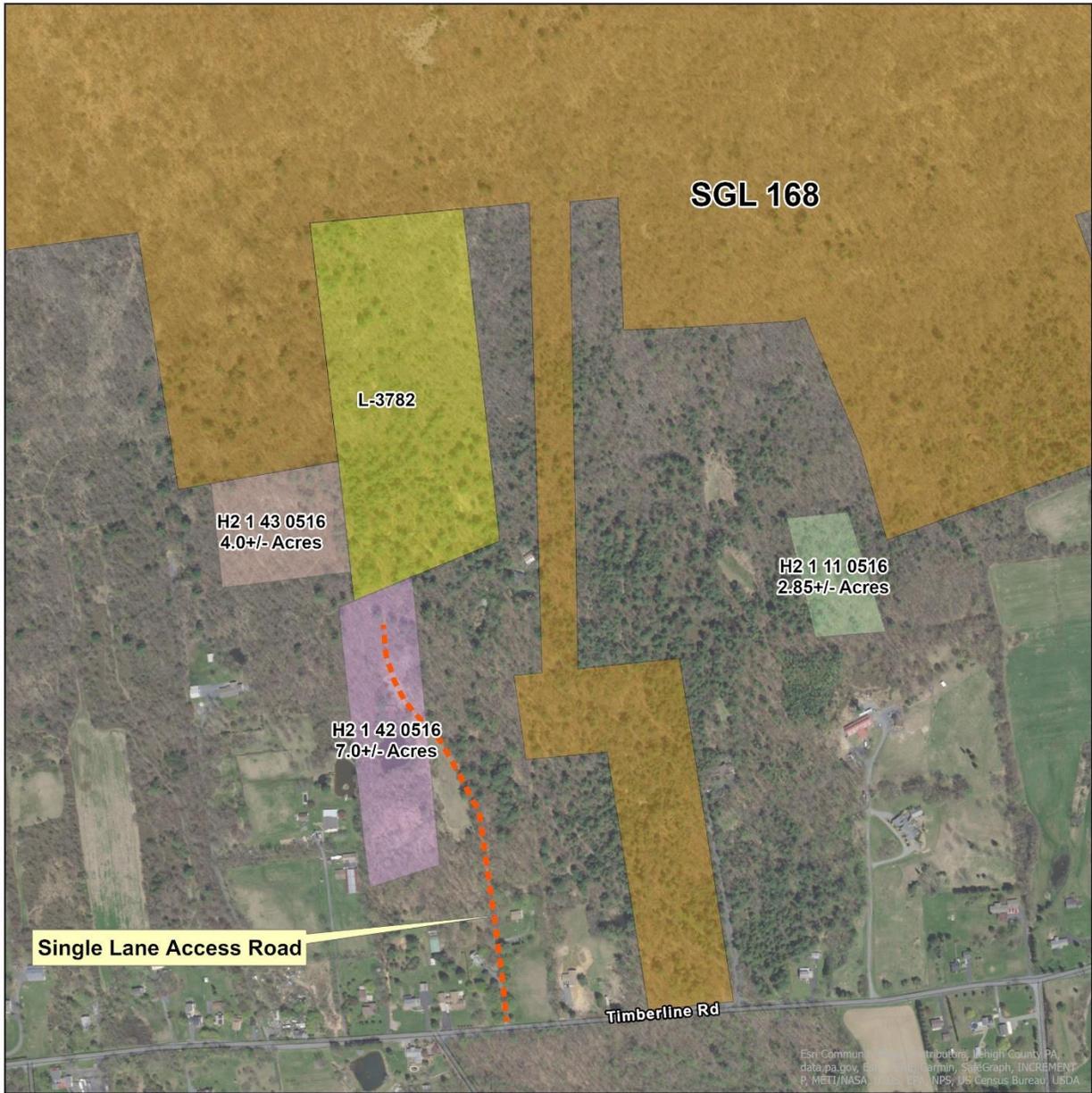


Exhibit RED 1
State Game Land No. 168
L-3785
Donation
Rodney & Judith Holzer Tracts
1/3 Interest
Total of 13.85+/- Acres

Lehigh Township
 Northampton County
 Southeast Region



B. Acquisition

Contract No. L-3786, State Game Land No. 48, Bedford County

Commentary: Western Pennsylvania Conservancy is offering 117.6+/- acres of land in Londonderry Township, Bedford County, adjoining State Game Land No. 48 (Exhibit RED 2). The option price is \$400 per acre to be paid from the Game Fund. Access is from Cove Road.

Action:

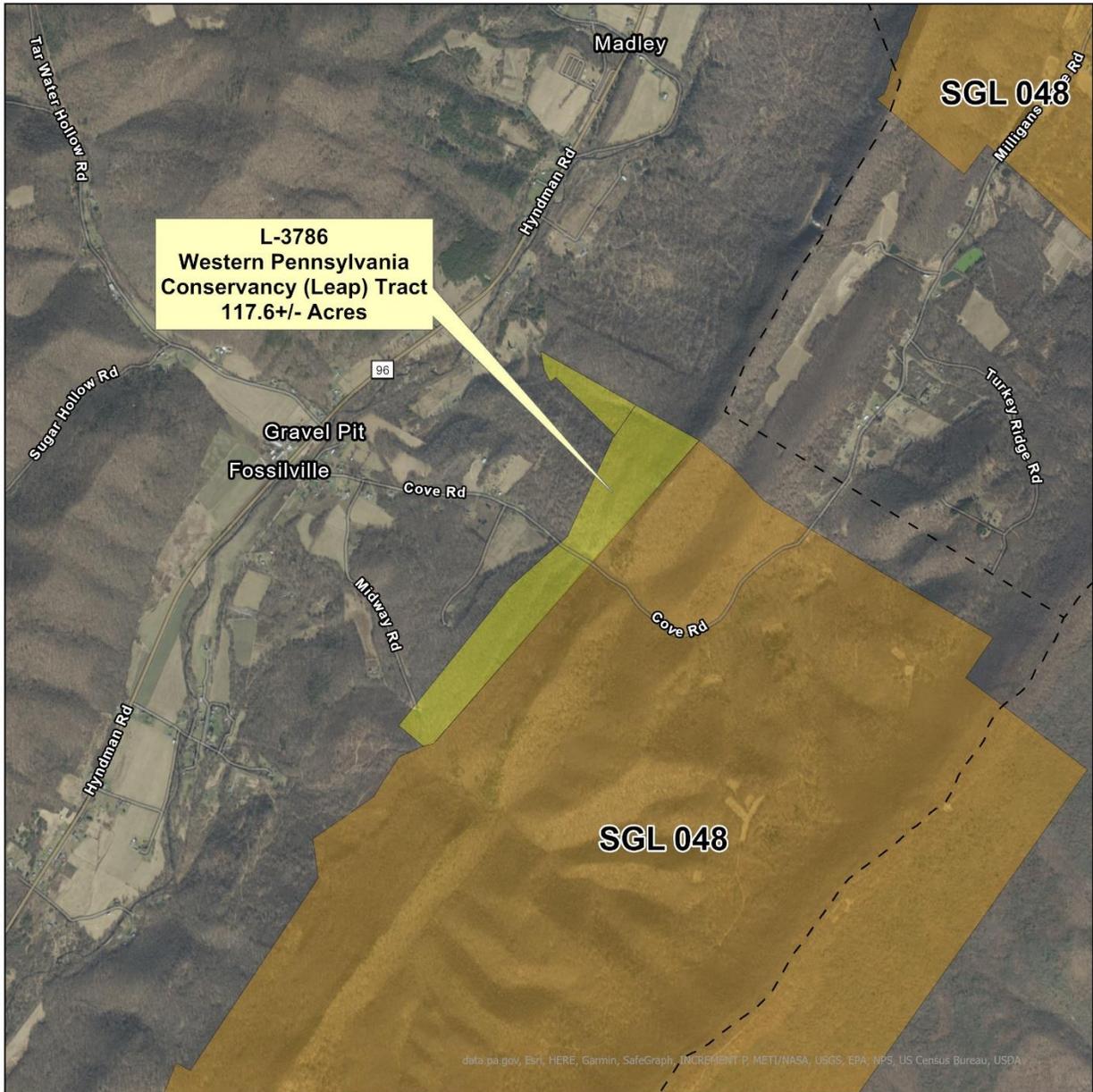


Exhibit RED 2

State Game Land No. 48

**L-3786
Western Pennsylvania Conservancy
(Leap) Tract
117.6+/- Acres**

**Londonderry Township
Bedford County
Southcentral Region**



C. Exchange

Contract No. L-3787, State Game Land No. 198, Cambria County

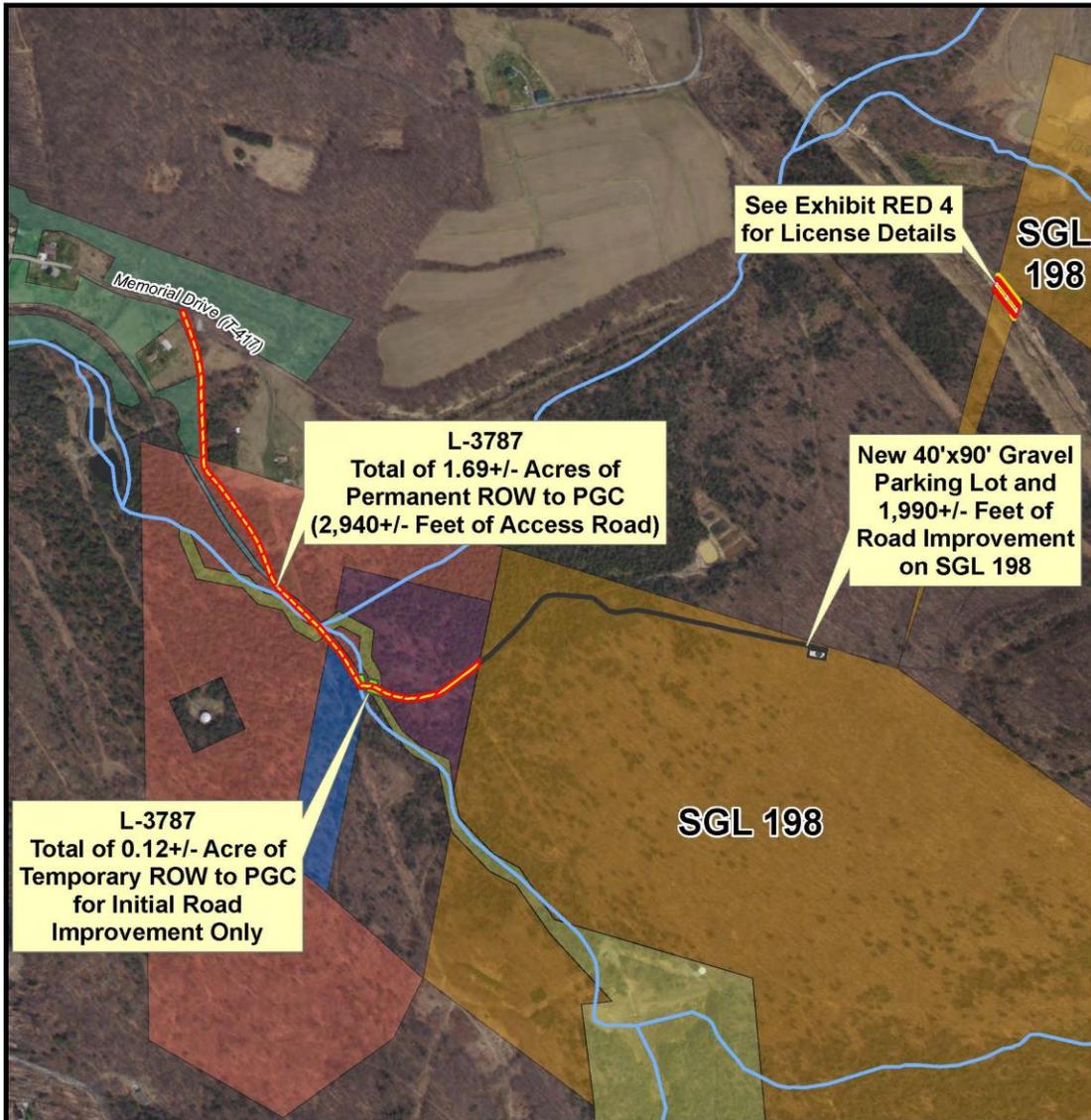
Commentary:

Sunoco Pipeline, L.P. (Sunoco) is offering to cause to convey a total of 1.69+/- acres of permanent right-of-way and a total of 0.12+/- acre of temporary construction right-of-way to provide a total of 2,940+/- linear feet of administrative and public road access into State Game Land No. 198 (SGL 198) from Memorial Drive (T-417) in Washington Township, Cambria County (Exhibit RED 3). Sunoco is offering these rights-of-way in order to fulfill their commitment under a 2016 Annual License for Right-of-Way (License) granting Sunoco the privilege of constructing, operating, maintaining and removing natural gas liquids pipelines on SGL 198 in Cresson and Washington Townships, Cambria County and Juniata Township, Blair County (Exhibit RED 4). The 25-foot-wide permanent rights-of-way and the temporary construction rights-of-way being offered by Sunoco will be granted as follows: (1) a total of 0.90+/- acre of permanent and a total of 0.04+/- acre of temporary rights-of-way from the Township of Washington on two separate parcels; (2) a total of 0.42+/- acre of permanent and 0.01+/- acre of temporary rights-of-way from Raymond C. Guzic, Jr. and Jenny R. Guzic; (3) 0.003+/- acre of permanent right-of-way from Richard R. Sweeney, John G. Sweeney and Daniel R. Sweeney; (4) 0.04+/- acre of permanent and a total of 0.06+/- acre of temporary rights-of-way from Highland Sewer and Water Authority; and (5) 0.33+/- acre of permanent and 0.01+/- acre of temporary rights-of-way from Richard R. Sweeney, Linda L. Sweeney, Daniel R. Sweeney and John G. Sweeney.

Sunoco will also cause to complete significant improvements to the existing roads, create a new parking lot to further improve public access, and acquire all necessary permits to allow for these improvements and their future operation and maintenance by the Commission.

The License authorized a total of 11,066+/- feet of 16-inch and a total of 11,083+/- feet of 20-inch natural gas liquids pipelines in a 50-foot-wide right-of-way, along with a total of 6.07+/- acres of temporary workspace and a total of 6,532+/- feet of temporary access road use for construction and reclamation of the pipelines. In addition to causing to convey the permanent and temporary rights-of-way and causing to complete the improvements as outlined above, Sunoco also paid the Commission's standard habitat, surface and timber damages at the time of License execution and has paid and will continue to pay the Commission's standard annual license fee so long as the License remains active.

Action:



Legend

- 1a. Washington Township
- 1b. Washington Township
- 2. Raymond C. Guzic, Jr. and Jenny R. Guzic
- 3. Richard R. Sweeney, John G. Sweeney and Daniel R. Sweeney
- 4. Highland Sewer & Water Authority
- 5. Richard R. Sweeney, Linda L. Sweeney, Daniel R. Sweeney and John G. Sweeney

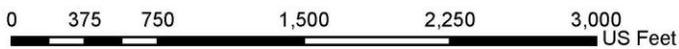


Exhibit RED 3

State Game Land No. 198

**ROW License/Land Exchange
L-3787**

**Total of 1.69+/- Acres of Permanent
ROW to PGC**

**Total of 0.12+/- Acre of Temporary
ROW to PGC**

**Washington Township
Cambria County
Southcentral Region**



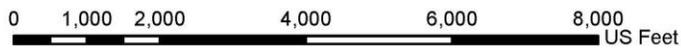
Exhibit RED 4

State Game Land No. 198

ROW License/Land Exchange
L-3787

Annual License for Right-of-Way to Sunoco
Pipeline, L.P., Dated October 21, 2016

Cresson & Washington Townships
Cambria County
Juniata Township
Blair County
Southcentral Region



OTHER NEW BUSINESS

Next Commission Meeting – January 14-15, 2022

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

Adjournment