

CHAPTER 7

PROPERTY AND BUILDINGS

Cross References. Chapter 7 is referred to in section 2902 of this title.

SUBCHAPTER A

ACQUISITION AND IMPROVEMENTS

Sec. 701. Acquisition of property.

(a) General rule.--The commission may by purchase, gift, lease, eminent domain or otherwise acquire within this Commonwealth:

(1) Title to, or control of, lands, waters, buildings, oil, gas and minerals.

(2) Hunting or trapping rights, easements, rights-of-way or other interests in land and water which are suitable for:

(i) The protection, propagation and management of game or wildlife.

(ii) Public hunting or trapping and access thereto.

(iii) Administrative purposes.

(iv) Such other uses as are provided for in this (tab)title.

(b) Approval required.--All acquisitions of lands shall be made with the approval of a majority of the members of the commission that are present and voting at a public meeting.

(c) Tax delinquent lands and waters.--The commission may purchase tax delinquent lands, waters, oil, gas and minerals from the commissioners or treasurers of the various counties as provided by law.

Sec. 702. Improvements to property.

The commission may purchase, construct, repair and maintain buildings and other improvements on lands acquired for its use and under its control as may be necessary for their proper utilization, maintenance, protection, development, administration, propagation of game or wildlife, experimental or research activities, or any other purpose incident to game or wildlife, hunting, furtaking or functions of the commission.

Sec. 703. Rights-of-way and other rights.

The commission may lease or otherwise secure rights-of-way on and across public or private lands and waters or other rights which may be required to implement this title.

Sec. 704. Certification of title or title insurance.

The title records for lands acquired by the commission shall first be carefully searched and examined by the commission. When the commission is satisfied that a valid title can be secured, the commission shall obtain a certificate of title from an attorney at law employed by the commission or title insurance from a title company authorized to do business within this Commonwealth insuring the title to the commission of the lands being acquired.

Sec. 705. Price paid for acquisitions and improvements.

(a) Game lands.--The commission may pay for lands to be used as game lands what it considers a fair and reasonable price not to exceed \$400 per acre exclusive of Federal and other cost-sharing funds and consistent with the market value of land in the locality in which the game land is located.

(b) Game farms and other areas.--The commission may pay for lands known as indentures or lands located within existing game lands or for lands to be used as rights-of-way to existing game lands or for lands to be used as State game farms what it considers a fair and reasonable price.

(c) Purchase of outstanding rights.--The commission may pay what it considers a fair and reasonable price to purchase outstanding rights for timber, minerals, oil, gas or other purposes for lands which the commission owns or is about to acquire.

(d) Buildings and land.--The commission may purchase or construct buildings for administration, management or other purposes and may purchase land on which to construct the buildings at a price the commission considers fair and reasonable consistent with the purpose of the buildings or land.

Sec. 706. Title to property.

The title to any lands or waters acquired by purchase, gift, exchange or otherwise shall be taken in the name of the Commonwealth solely for the use of the commission.

Sec. 707. Designation of property.

The commission may designate lands which it secures title to, or partial control of, as required.

Sec. 708. Payments in lieu of taxes.

The commission shall make payments in lieu of taxes on all lands, waters or buildings to which title has been acquired in the name of or for the use of the commission, which payments shall be equal to the fixed charges as apply to and are imposed upon State forests pursuant to section 1 of the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law.

Sec. 709. Cooperative agreements relating to land.

The commission may enter into cooperative agreements with government agencies and with interstate compact agencies, singly or in concert, for impounding, managing, using, maintaining and operating lands and waters for game or wildlife management, public hunting and furtaking and may expend moneys from the Game Fund for the cost of their acquisition, construction, operation and maintenance. The commission may enter into similar agreements and undertake similar expenditures in conjunction with private or commercial interests for the same purposes.

SUBCHAPTER B

CONTROL, MANAGEMENT AND DISPOSITION

Sec. 721. Amended December 17, 1990, Act 170-1990.

Sec. 721. Control of property.

(a) General rule.--The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters. **The acquisition, use and management of such lands or waters owned, leased or otherwise controlled by the commission, including timber cutting and crop cultivation, shall not be subject to regulation by counties or municipalities.**

(b) Penalty.--A violation of regulations promulgated under subsection (a) is a summary offense of the fifth degree.

Sec. 722. Use of property.

(a) General rule.--Except as provided in section 723 (relating to exchange or sale), all or any part of the lands and waters to which title has been acquired for the use of the commission or which have been leased may be used only to create and maintain public hunting and furtaking, game or wildlife propagation areas, farms or facilities for the propagation of game or wildlife, special preserves as provided for in this title or other uses incidental to hunting, furtaking and game or wildlife resource management.

(b) Permits, licenses and leases.--Except as provided in subsection (c), the commission may issue permits and licenses and enter into leases for uses of its lands as it deems in the best interest of the commission at such charge as it deems reasonable. The commission shall not issue any permits or licenses and shall not enter into any lease which would permit the use of commission-owned or leased land for the disposal of any hazardous or toxic or radioactive waste of any nature.

(c) Limitation of mining.--The commission shall not permit the mining of uranium or any other radioactive minerals from any of its lands.

Sec. 723. Exchange or sale.

The commission may, by resolution adopted by a majority of the members present and voting at a public meeting:

(1) Authorize the exchange of all or part, including improvements and appurtenances, of any lands, waters or buildings to which title has been acquired in return for lands, waters or buildings having an equal or greater value when the exchange is in the best interests of the commission.

(2) Exchange timber, minerals, oil or gas to which the commission holds title for suitable lands having an equal or greater value.

(3) Sell lands to the Department of Environmental Resources for State forests or to the Federal Government for National Forests or National Wildlife Refuges when in the best interests of game or wildlife.

Cross References. Section 723 is referred to in section 722 of this title.

Sec. 724. Disposition of timber, minerals and other products.

The commission may dispose of, by lease, sale or otherwise, timber, buildings, other appurtenances, minerals, oil and gas, or rights therein, including natural gas storage, or any other product, on or under lands to which it has title.

Sec. 725. Rights-of-way, easements and licenses.

(a) General rule.--On and across lands to which title has been acquired for its use, the director may, at such charge or fee as the commission may establish, grant:

(1) Rights-of-way or licenses for roads, for pipe, electric and other utility lines and for telephone, telegraph and television lines or any other rights-of-way or licenses not inconsistent with the purpose of these lands.

(2) Water rights or other rights to maintain airway signals or forest fire observation towers when these rights will not adversely affect the game or wildlife resource or the use of the game or wildlife resource.

(3) Rights to erect, construct, maintain and operate antennas, towers, stations, cables and other devices and apparatus helpful, necessary or required for radio broadcasting, telecasting, transmission, relaying or reception of television.

(4) Rights to the Department of Transportation to establish roadside rests and highway maintenance facilities under regulations of the commission.

(5) Rights to any Federal or State agency or political subdivision to construct, maintain and operate water impoundments or flowage for flood control or recreational use.

(b) Charges.--The commission may charge for these grants remuneration and damages as it deems the conditions and circumstances warrant.

(c) Approval.--The director may approve the granting, lease or exchange of any easement, right-of-way or license for use of commission property.

Sec. 726. Leases.

Notwithstanding any other provision of law, the director, with the approval of the commission, may lease any land or interests in land over which the commission exercises title or control for a term not to exceed 25 years when the commission determines the lease will promote public hunting or furtaking or benefit the game or wildlife resource or will otherwise further the interests of the commission.

Sec. 727. Proceeds from sales and grants.

All proceeds from the sale of waters, timber, buildings, other appurtenances, oil, gas or minerals, leases of commission lands, waters or interests, rights from the production or sale of minerals, oil or gas or other products and from licenses or other rights granted by the commission shall be deposited in the Game Fund.

Sec. 728. Propagation areas.

(a) General rule.--The commission may set aside, in its discretion, areas as it may judge best for the protection and propagation of game or wildlife on any portion of lands under its control, either by title or lease, wherein game or wildlife shall not be hunted, pursued, disturbed, molested, killed or taken at any time except as authorized by the commission. The commission may promulgate regulations governing conduct on or within publicly or privately owned lands within this Commonwealth with the approval of the proper authorities or person or persons owning or controlling same.

(b) Penalty.--A person hunting, taking, killing or disturbing game or wildlife in a propagation area established under subsection (a) or violating any regulation adopted pursuant to subsection (a) commits a summary offense of the fifth degree. A person entering a propagation area commits a summary offense of the seventh degree.

Sec. 729. Public access projects.

The commission may cooperate with private landowners and others who desire to aid in the conservation of game or wildlife by creating and maintaining public access projects. The hunting rights for these lands shall be made available to the commission by written agreement. The commission may authorize the director to execute agreements, and the commission shall promulgate such regulations to govern these projects as it deems necessary.

Sec. 730. Amended by adding a new section April 4, 1996, Act No. 1996-19 and December 20, 2000, Act No. 2000-111, Effective February 18, 2001.

Sec. 730. Controlled goose hunting areas.

Applications are available in and must be submitted from the current edition of Digest of Pennsylvania Hunting and Trapping Regulations supplied with each hunting license. Applications shall contain requested information, including the applicant's current valid hunting license back tag number, including letter. **However, any person who has been selected to reserve use of a Special Wildlife Management Area shall be required to obtain a Pennsylvania Migratory Game Bird Hunting License prior to the date of reservation.** All other procedures shall be established by regulations promulgated by the commission.

SUBCHAPTER C

PROTECTION OF COMMISSION PROPERTY

Sec. 741. Commission actions for damage to buildings or property.

(a) Declaration of policy.--By virtue of the continued expenditure of its funds and its efforts to provide as much land as possible for recreational activities which are consistent with the intent of this title, the commission has sufficient interest in the maintenance and care of any lands, buildings, appurtenances, waters and the flora and fauna, minerals, oil or gas thereon to promulgate regulations which are necessary to preserve and protect the users, improvements, lands and buildings under its control.

(b) General rule.--The commission shall promulgate regulations to protect users, improvements, lands and buildings under its control. These regulations shall cover, but need not be limited to:

(1) Removal of any material.

(2) Damage of any kind.

(3) Any other regulations required to properly protect and preserve these lands for their intended use.

(c) Penalty.--A violation of regulations promulgated under this section is a summary offense of the fifth degree.

(d) Recovery of damages.--When any person causes damage to commission-controlled lands or buildings and a satisfactory settlement in the form of a donation to the Game Fund cannot be reached between the director's designee and the person responsible for the damages, the commission, as an agency of the Commonwealth authorized to protect and preserve lands under their control, may bring civil actions on behalf of the Commonwealth for the value of any damage done or materials of any kind removed from their lands or buildings. In addition, the commission is entitled to recover the costs of gathering the evidence, including testimony, in any civil action brought under this section where the defendant is found liable for damages.