COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION
* * * * * * * * *
QUARTERLY COMMISSIONERS MEETING
* * * * * * * * *

BEFORE: GREGORY J. ISABELLA, President
James J. Delaney, Jr., Vice President
Ron A. Weaner, Secretary
Thomas E. Boop, Commissioner
David W. Scheffler, Commissioner
David J. Putnam, Commissioner
Robert W. Schlemmer, Commissioner
Ralph A. Martone, Commissioner

HEARING: Tuesday, October 6, 2009
8:38 a.m.

LOCATION: Holiday Inn Philadelphia Stadium
900 Packer Avenue
Philadelphia, PA 19148

WITNESSES: Jim Grace, Bill Capouillez

Reporter: Gina M. Brower

Any reproduction of this transcript is prohibited
without authorization by the certifying agency
Sargent’s Court Reporting Service, Inc.
(814) 536-8908
APPEARANCES

KATHLEEN A. WILSON, Executive Secretary
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA  17110

BRAD BECHTEL, ESQUIRE
Chief Counsel
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA  17110
Counsel for Pennsylvania Game Commission
INDEX

TESTIMONY
By Mr. Grace 5 - 6

DISCUSSION AMONG PARTIES 6 - 33

TESTIMONY
By Mr. Capouillez 33 - 36

DISCUSSION AMONG PARTIES 36 - 41
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
</tr>
</tbody>
</table>

**Exhibits**

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>NONE OFFERED</td>
</tr>
</tbody>
</table>
PRESIDENT ISABELLA:

Good morning, ladies and gentleman, and welcome to the Quarterly Commissioners meeting. We just want to have --- just offer an opportunity for public comment again one more time. And at this time, I’d liked call Jim Grace. He’s the Deputy Secretary for Parks and Forestry for DCNR; Jim. Jim, there’s no time limit, so you can talk as long as you want.

MR. GRACE:

I’ll be very quick. I’m here just to reinforce or encourage approval of one your pieces of business this morning, which is the land exchange between DCNR and the Game Commission involving lands at Pymatuning State Park, which will be going to the Game Commission lands along the Clarion River, which will be coming over to DCNR.

I think this is a win-win for both agencies. Staff from both agencies have been working over the last year. I think we’ve interacted well and come up with a very positive agreement. Since the Pennsylvania Fish and Boat Commission also has a facility in the area, we’ve included them in part of their discussions, although they’re not formally part
of it. But we have interacted with their staff, and we think we’ve met all of their needs as well. And the University of Pittsburgh also has a facility at the Pymatuning site, and I think we’ve taken care of their needs. So I think this is a very, very positive thing for both agencies. I think we’ve been working cooperatively at Pymatuning for over 60 years. I think this change in ownership just makes sense in the proper management of that area.

And more recently, we’ve been working very cooperatively along Clarion River. We see that site as one with increased recreation and access to the river, and I think we both agree that it probably make more sense for us to manage that along with the State Park and the State Forest system. So I will be here to answer any questions that you have when you bring up that piece of business. But I very much hope you’ll endorse it, and it’s been a pleasure working with your staff to get to this point.

PRESIDENT ISABELLA:

Any questions for the Secretary, Commissioners?

NO RESPONSE

PRESIDENT ISABELLA:

Thank you. Any other public comment?
All right. With that, we’re going to call to order the business meeting for the Pennsylvania Game Commission. And with that, let’s stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

Mr. Secretary, roll call, please?

Mr. President, all eight Commissioners are present.

Thank you, Mr. Secretary. At this time, I would like to --- I’d like a motion for approval of the minutes.

So moved.

So moved.

Commission Schlemmer, seconded by Commissioner Delaney; any discussion? All in favor signify by saying aye.

AYES RESPOND
PRESIDENT ISABELLA:
Opposed?

NO RESPONSE

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary. At this time, I would like to call on Agency Counsel, Brad.

ATTORNEY BECHTEL:
Yes, sir. Your first item today comes from the Bureau of Information and Education. It’s on page two of your Agenda. It concerns Prize Money for Working Together for Wildlife and Waterfowl Management Stamp Art Contest.

In addition to their high visibility and the attention and goodwill they create, sales from the Working Together for Wildlife and Waterfowl Management Stamp programs now generate annual revenues, monies the Agency uses to help fund important land acquisition and habitat management programs. Continued success of both fine-art print programs is very much dependent on the availability of top quality wildlife paintings from Pennsylvania’s finest wildlife artists.
In the past, only those artists whose paintings were selected as first place winners, and whose paintings became the property of the Commission received compensation. More than ten years ago, fees were added for first --- or for second through fifth places. The fees have not been adjusted since then. If we are to continue receiving saleable, quality entries in the Working Together for Wildlife and Waterfowl Management Stamp fine-art programs, then we need to continue to provide reasonable financial incentives.

After careful study on the wildlife fine-art market, and in consultation with recognized artists and gallery operators, the Staff recommends that on an annual basis for one-time publication rights only, the following cash awards be made to other placing entries in both contests; specifically Second Place Award, $750; Third Place Award, $500; Fourth Place Award, $400; and Fifth Place Award, $250. Thank you.

PRESIDENT ISABELLA:

Thank you, Brad. You heard the reading of the commentary. Is there a motion?

MR. BOOP:

So moved.
MR. SCHREFFLER:
So moved.

PRESIDENT ISABELLA:
Commissioner Boop, seconded by Commissioner Schreffler. Discussion? There’s no discussion. All in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item to come before the Commission is Adopted Rule Making. The adoption of proposed amendments to Chapter 143 by adding Section 413.203a.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its July 9, 2009 meeting proposed the following changes. Amend Chapter 143 by adding Section 143.203a relating to the special elk conservation license auction and license issuance process.
The Executive Director and Staff recommend Final Adoption of this amendment to 58 Pa. Code as shown in Exhibit A on page four of your agenda.

PRESIDENT ISABELLA:
Thank you, Brad. You heard the reading of the commentary; is there a motion?

MR. WEANER:
So moved.

PRESIDENT ISABELLA:
 Commissioner Weaner? Second?

MR. SCHREFFLER:
Second.

PRESIDENT ISABELLA:
 Commissioner Schreffler. Discussion?

All those in favor signify by saying aye.

AYES RESPONSE

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item proposed on page five of your Agenda, and it is also an adoption of proposed new amendments to Chapter 141, Section 141.20, and Chapter 147, Sections 147.101 through 147.112a.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its July 9th, 2009 meeting proposed the following changes. Amend Section 141.20 relating to protective material required for falconry, and Sections 147.101 through 147.112a relating to falconry, to meet the new Federal standards, as well as simplify, reorganize and enhance current state regulations pertaining to falconry. The Executive Director and Staff recommend Final Adoption of these amendments to 58 Pa. Code as shown on Exhibit B, on page 6 through 19 of your Agenda.

PRESIDENT ISABELLA:

Commissioners, you heard the commentary. Is there a motion?

MR. DELANEY:

I’ll make that motion.

PRESIDENT ISABELLA:

Commissioner Delaney. Is there a second?

MR. WEANER:

Second.
PRESIDENT ISABELLA:
Commissioner Weaner. Discussion?

Commissioners, at this time, I’d like to introduce an amendment. It’s been passed out as Exhibit B. It’s in the blue flyer that we had passed out. I want to make sure everybody has that. Any discussion on the amendment? Okay. Can I have a Second? Second, Commissioner Schreffler. Any discussion?

NO RESPONSE

PRESIDENT ISABELLA:
With that vote, all those in favor of the amended motion, signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes on the amendment.

PRESIDENT ISABELLA:
Okay. Thank you, Mr. Secretary. Now, we’re going to vote on the amended motion. All those in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?
MR. WEANER:
The vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. President (sic).

ATTORNEY BECHTEL:
The next item appears on page 20 of your Agenda. It concerns the adoption of proposed amendments to Chapter 147 by adding Section 147.558a.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its July 9th, 2009 meeting, proposed the following change. To Amend Chapter 147, by adding Section 147.588a relating to political subdivisions as applicants to authorize political subdivisions to make application for an agricultural deer control permit for the limited purpose of managing the agricultural deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision.

The Executive Director and Staff recommend Final Adoption of this amendment to 58 Pa. Code as shown on Exhibit C on page 21 of your Agenda.

PRESIDENT ISABELLA:
Thank you, Brad. Commissioners, you
heard the reading of the commentary; is there a motion?

MR. SCHREFFLER:
So moved.

PRESIDENT ISABELLA:
Commissioner Schreffler. Second?

MR. WEANER:
Second.

PRESIDENT ISABELLA:
Commission Weaner. Discussion? If no discussion, all in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item concerns Proposed Rule Making. This rule would amend 58 Pa. Code, Section 137.1. Currently, Section 137.1 prohibits the importation of certain species of exotic and native wildlife determined to be dangerous or injurious to
the public, native wildlife or native wildlife habitat, such as nutria, bears and primates.

This prohibition applies to all persons, including those currently possessing exotic wildlife dealer permits, exotic wildlife possession permits and menagerie permits. The Commission has recently been approached by a number of menagerie permit holders who have alleged that these importation restrictions unnecessarily restrict their ability to import and possess certain popular wildlife, and thus limit their ability to gain a livelihood. These menagerie permit holders have formally requested relief from these importation and possession restrictions.

To this end, the Commission is proposing to amend Section 137.1 to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from the possession and importation prohibitions of this section. The text is shown on page 22. The Executive Director and Staff recommend the Commission approve this change to 58 Pa. Code, Section 137.1

PRESIDENT ISABELLA:

Thank you, Brad. Commissioners, you heard that reading of the commentary. Do I have a
motion?

MR. SCHLEMMER:
So moved.

PRESIDENT ISABELLA:
Commissioner Schlemmer. Second?

MR. WEANER:
Second.

PRESIDENT ISABELLA:
Commissioner Weaner. Discussion?

Commissioner Boop?

MR. BOOP:
I just would like to commend Staff for resolving this issue. I know that this was a concern that a number of people felt very passionately about. And I’m just pleased that it’s been resolved, apparently to the satisfaction of all of the interested parties.

PRESIDENT ISABELLA:
Thank you, Commissioner. Any other comments? With that, all in favor signify by saying aye?

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:

Thank you, Commissioner.

ATTORNEY BECHTEL:

The next item also concerns proposed rulemakings to amend 58 Pa. Code, Section 141.22.

In recent years, the Commission has been moving towards a comprehensive restructuring of the regulations attending the Code. The goals of the restructuring of the regulations are primarily focused on simplifying and making the language more understandable to its users.

In January 2009, the Commission completed its efforts to rewrite the regulatory structures relating to the big game seasons. The Commission intends to carry the theme set forth in these changes to other chapters of the regulations to establish clear correlations between related seasonal information.

In an effort to promote consistency and clarity in the regulations pertaining to small game seasons, as well as expand opportunity and increase participation in small game hunting within this Commonwealth, the Commission is proposing to amend
Section 141.22 as shown on pages 23, 24 and 25 of your Agenda. The Executive Director and Staff recommend the Commission approve these changes to 58 Pa. Code, Section 141.22.

PRESIDENT ISABELLA:
Thank you, Brad. Commissioners, is there a motion?

MR. WEANER:
So moved.

PRESIDENT ISABELLA:
Commissioner Weaner. Second?

MR. SCHREFFLER:
Second.

PRESIDENT ISABELLA:
Commissioner Schreffler. Any discussion?

MR. DELANEY:
President Isabella, I’d like to make a motion to amend this proposal.

PRESIDENT ISABELLA:
All right, Commissioner. We have an amendment on the floor. Is there a Second?

MR. BOOP:
I’ll second.

MR. DELANEY:
It should read the amendment is to change
the references on page 24, to .22 caliber under permitted devices, subparagraph One and prohibitions subparagraph One to reflect .23 caliber.

COMMISSIONER BOOP:
I’ll second Commissioner Delaney’s amendment.

PRESIDENT ISABELLA:
Seconded by Commissioner Boop. Any discussion? With that, all in favor of the amendment signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote on the amendment is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary. Now, Commissioners, we’re going to vote on the amended motion. All in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

COMMISSIONER WEANER:
Mr. President, the vote on the motion is
also unanimously yes.

PRESIDENT ISABELLA:

Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item concerns amendment of 58 Pa. Code, Sections 147.902 and 147.904.

In July 2009, the Commission added Subchapter Y to Chapter 147 to relocate, consolidate and more clearly define the permitting process for persons interested in guiding other hunters or trappers for certain designated species. The Commission has recently been approached by a number of houndsmen who have formally requested the expansion of this newly created subchapter to authorize commercial coyote guiding activities on State game lands.

The Commission is proposing to amend Sections 147.902 and 147.904 to specifically authorize property permitted individuals to engage in commercial coyote guiding activities on State game lands. The text appears on page 26 of your Agenda. The Executive Director and Staff recommend the Commission approve these changes to 58 Pa. Code, Sections 147.902 and 147.904.

PRESIDENT ISABELLA:

Thank you, Brad. Commissioners, is there
a motion?

MR. BOOP:
So moved.

PRESIDENT ISABELLA:
Commissioner Boop. Second?

MR. SCHLEMMER:
Second.

PRESIDENT ISABELLA:
Commissioner Schlemmer. Any discussion?

All in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item concerns hunting license revocations for convictions. Proposed recommendations to revoke the hunting and fur-taking privileges of the individuals convicted of violating the Game and Wildlife Code.

The Commission, under authority of the
Game and Wildlife Code, may revoke any hunting license and fur-taker's license and deny any person the right to secure a license or to hunt and fur-take anywhere in the Commonwealth, with or without a license, if said licensee or person has been convicted, or signed an acknowledgement of violating any provision of the Game and Wildlife Code. The Commission may revoke such licenses for a period of not to exceed three years for the first offense; for a second or subsequent offense, for such period of time as the Commission shall determine.

Persons denied the right to hunt or fur-take in the Commonwealth through this action, are notified by Certified Mail that revocation will commence July 1, 2010, and continue for such period of time as set forth following the individual’s name. The symbol RA means the revocation was added to an existing revocation.

In accordance with the Administrative Agency Law, the person placed on revocation have the opportunity for an Administrative Hearing concerning the hunting license revocation. If an Administrative Hearing is requested, a petition for review must be filed at the Commission Headquarters within 30 days from the date of the notice. Unless deemed in the
best interest of the Commission by the Director or a
designee, hearings shall be conducted at the central
office. Hearings are conducted in accordance with the
General Rules of Administrative Practice and
Procedure, and the hearing itself is conducted in
accordance with Chapter 35 of the Rules and Chapter
145 of the Pennsylvania Code.

The Executive Director and the Wildlife
Protection Director recommend that the Commission
revoke the hunting and fur-taking license privileges
of the persons named by the Bureau of Wildlife
Protection. Such revocation shall become effective
July 1, 2010, and shall continue for such period of
time and under the conditions set forth following each
individual’s name.

PRESIDENT ISABELLA:
Thank you, Brad. Commissioners, you
heard the commentary. Is there a motion?

MR. DELANEY:
So moved.

PRESIDENT ISABELLA:
Commissioner Delaney. Second?

MR. WEANER:
Second.

PRESIDENT ISABELLA:
Commissioner Weaner. Any discussion?

This item here also includes this supplemental that we’ve received, the blue copy. Does every Commissioner have it?

MR. WEANER:
Yes.

MR. DELANEY:
Yes.

PRESIDENT ISABELLA:
Okay. Any discussion on that?

NO RESPONSE

PRESIDENT ISABELLA:
All in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The first item to come before the Commission with regard to real estate is the report on an Executive Session that was held September 3rd,
2009. The Board of Commissioners met on September 3rd of 2009 and discussed an auction of a tract of land consisting of 71 plus or minus acres of land on State Game Land Number 118 in Walker Township, Huntingdon County offered by Beverly Beeper (phonetic). Staff was approved to bid at the auction to purchase the property.

The property is entirely forested over gently rolling terrain and is accessed by a 16-foot purported right-of-way into the property. Acquiring this property would provide vital access into this portion of the State game lands 118, which is currently inaccessible due to physical constraints and no legal access. The Bureau of Wildlife Habitat Management attended the auction on September 30th, 2009, and was successful in acquiring the property for $250,000.

The next item for real estate concerns acquisition. This would be Contract Number 3557, State Game Lands Number 211, Dauphin County.

The Harrisburg Authority has offered the Game Commission two easements across property owned by the Authority in Rush Township, Dauphin County to allow administrative and public access into State Game Lands Number 211 as shown on Exhibit RED-1 on page 29.
of your Agenda. The price of the easement is $13,000 lump sum. The easements begin at State Route 325 and end at State Game Land Number 211. One of the easements will be approximately 2,000 feet by 50 feet for 2.3 acres, and the second will be approximately 2,600 feet by 50 feet totaling, or 2.98 acres.

The purpose of the easements is to allow lawful access purposes, including habitat management and timber hauling, law enforcement and lawful hunting, fur-taking and recreation pursuant to the Game and Wildlife Code. The Harrisburg Authority shall retain the right of ingress, egress and regress over the easements. Each party shall be responsible for any maintenance. Any damage shall be the responsibility of the party causing the damage. The right-of-ways will provide vital access to portions of State Game Lands Number 211 previously inaccessible due to physical terrain and lack of legal access.

The Executive Director and Staff recommend the contract listed above be accepted, and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the acquisition of these easements.

PRESIDENT ISABELLA:

Thank you, Brad. Commissioners, you
heard the reading of the commentary. Is there a motion?

MR. BOOP:
So moved.

PRESIDENT ISABELLA:
Commissioner Boop. Second?

MR. SCHREFFLER:
Second.

PRESIDENT ISABELLA:
Commissioner Schreffler. Is there any discussion?

NO RESPONSE

PRESIDENT ISABELLA:
Okay. All in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item concerns a land exchange of
For years, the Pennsylvania Game Commission and the Department of Conservation and Natural Resources, two of the largest landowners in the Commonwealth, have acquired lands for public use, but have differing primary objectives and uses for these lands. As land has been acquired, situations have arisen over the years in which contrasting land use policies and regulations that cause confusion for the general public, and a decreased ability for each agency to meet its management and public recreational goals.

As part of a decade-long discussion, the two agencies have prepared the following series of exchanges aimed at easing conflicts while enhancing the two separate agencies’ abilities to meet their independent objectives. In fact, since 1987, the two agencies have been working collaboratively through a cooperative agreement on management of a large portion of the Pymatuning Wildlife Management Area, in which portions are designated as State Game Land Number 214 and Pymatuning State Park. Likewise, the two agencies
recently have been working collaboratively on the management of DCNR surface ownership of State Game Land Number 283 where the PGC has easement ownership rights.

In addition to the two major exchanges involving portions of Pymatuning State Park and the State Game Land Number 283, the two agencies are taking time to address other smaller exchanges that will also enhance the ability of each agency to address recreational infrastructure needs, which also will benefit the general public’s use of these lands.

A breakdown of each exchange is as follows. DCNR agrees to cause to be conveyed to the Game Commission, a tract of land, which is a portion of Pymatuning State Park in North Shenango, Sadsbury and Pine Townships, Crawford County, adjacent to State Game Land Number 214, containing 4,248 acres as shown on Exhibit RED-2 on page 32 of your agenda, conditioned by DCNR and the Game Commission to allow for potential trail use agreement on the abandoned railroad grade located to the north of the property.

In addition, a two-acre tract of land more or less adjacent to State Game Land Number 54 in Heath Township, Jefferson County as shown on Exhibit RED-3 on page 33 will also be conveyed to the Game
Commission. DCNR will retain currently-owned interior infrastructure such as the septic sand mounds, the house, the garage, the stowaway, the Spillway, the bowl area, the sluice gates, the water well and the picnic areas as shown on Exhibits RED-4 and RED-5, on pages 34 and 35 of your Agenda.

The Game Commission and DCNR agree to a shared use of the existing water well, septic sand mound and related infrastructure. But each agency is retaining a protective right for future use in the event that either agency abandons their respective future use. DCNR will retain ownership of the lands currently leased to the University of Pittsburgh and the Pennsylvania Fish and Boat Commission to include the Linesville State Fish Hatchery and its affiliated infrastructure, as well as the land 100 feet perpendicular from the shore into the sanctuary water, commencing at and including the Linesville Creek as shown on Exhibit RED-6 on page 36.

In exchange, the Game Commission agrees to cause to be conveyed to DCNR, five tracts of land or surface easement rights constituting a part of State Game Land Number 283 in Farmington, Highland and Mill Creek Townships, Clarion County, containing 4,573 plus or minus acres, accepting a right-of-way 50 feet
in width to the Game Commission as shown on Exhibit Red Seven on page 37. In addition to partaking number 54 in Heath Township, Jefferson County calculated that 181 acres shown on Exhibit Red Eight on page 38, a part of state game land number 62 in Hamlin Township in Keane County containing ten acres, accepting a right-of-way of access into the Game Commission on state game land number 62 through Kinzua Bridge State Park, Exhibit Red Nine on page 39, and a part of state game land number 44 in Spring Creek Township, Elk County calculated at 52 acres shown on Exhibit Red 10 on page 40 will be conveyed to DCNR. The lands being transferred to DCNR will remain open to public funding and partaking in perpetuity to the extent allowed by law. The Executive Director and Staff recommend the contract listed above to be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with these exchanges.

PRESIDENT ISABELLA:
Thank you, Brad. Commissioners, you heard the reading of the commentary. Is there a motion?

COMMISSIONER DELANEY:
Mr. President, I'll make that motion.

PRESIDENT ISABELLA:
Commissioner Delaney. Second?

COMMISSIONER MARTONE:
I'll second it.

PRESIDENT ISABELLA:
Commissioner Martone. Discussion? Bill, can you just expand on what Brad said in the commentary and just give a little historical of where we are today?

MR. CAPOUILLEZ:
Sure, I'd be happy to. This exchange, pontooning land at the park area, there's a water fountain management project in the program that's gone on here for years. We've worked cooperatively with DCNR. A lot of the area is open water for water fountain management. There are some draw down opportunities there for water fountain management. But there's other uses that are going on there, along with the Linesville Hatchery or the wall, as well as some of the recreational uses for DCNR. They have a carp feeding station there that is well-known and publicly prestigious in that area.

There's been a lot of opportunity with regard to doing management. But having that land and having that acquisition ability has been an issue both with us and DCNR for our mission, as well as for
theirs. And Clarion River, where a lot of these lands owned from the Game Commission go into DCNR; you heard Jim Grace speak earlier as far as recreational uses, there's canoeing, horseback riding, camping, those types of things. A lot of stuff that are secondary uses on game lands that in some instances aren't even permitted with regard to Title 34.

Now there's an opportunity for the general public to be able to reap those recreational benefits, and for both agencies to actually meet their objectives as far as management. The Kinzua Bridge State Park area, that parcel allows for DCNR to drill some water wells which are needed for some of that infrastructure. And then Ford Island, which has been a big issue and the opportunity, we have an I&E building up on Ford Island. We don't own the land; DCNR owns the land. Our ability to put more money into preparing that and fixing that building up, you know, again, is conducive that we own the land. So just a lot of issues that have been ongoing for years, just as lands have been acquired and management goals have been in the area. This just cleans everything up. And it's certainly a win-win and a benefit for everyone.

PRESIDENT ISABELLA:
Commissioners, any other questions?

Commissioner Delaney?

COMMISSIONER DELANEY:

Bill, this land exchange, as far as I can see, is probably one of the biggest land changes the Game Commission has ever done. I have the Deputy Secretary here with us today. I absolutely --- I'm thrilled to see the cooperative effort that both agencies have done on this to, first of all, create better wildlife habitat and create more opportunities for our sportsmen and sportswomen. So I commend DCNR and your staff, the entire staff here for trying to make this happen. I realize that this has been years in the working, and it seems like it's finally coming to some fruition. So I appreciate the work that you have done, that your staff has done and the Deputy Secretary with DCNR.

MR. CAPOUILLEZ:

Thank you.

PRESIDENT ISABELLA:

Commissioners, any further questions?

Commissioner Schlemmer.

COMMISSIONER SCHLEMMER:

I have one comment. And I'd just like to for the benefit of sportsmen, reemphasize the fact
that all these lands that are being transferred to DCNR will remain open to the public hunting and fur taking in the future. So they're not losing any rights.

MR. CAPOUILLEZ:
That's correct.

PRESIDENT ISABELLA:
Anymore comments, Commissioners? With that, let's end this long saga. All those in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item also concerns an exchange of contract number 3559, State game land number 40 in Carbon County, some State game land number 221 in Monroe County. MFT Real Estate, LLC has proposed a land exchange of three acres of State game land number 40, the east side borough of Carbon County, for


expansion of their adjoining business as shown on Exhibit Red 11 on page 42. This particular three acres is detached from State game land number 40 by PA Route 534.

In exchange for the aforesaid three acres, MFT Real Estate, LLC has agreed to transfer 50 acres more or less of land located in Barrett Township, Monroe County. The property is an indenture into State game land number 221 and is shown on Exhibit Red 12 on page 43. The gently sloping track is forested with mixed oats and low bush blueberries in the understory. The Executive Director and Staff recommend the contract listed above be accepted, and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with this exchange.

PRESIDENT ISABELLA:
Thank you, Brad. Commissioners, you've read the commentary. Is there a motion?

COMMISSIONER SCHLEMMER:
So moved.

PRESIDENT ISABELLA:
Commissioner Schlemmer. Second?

COMMISSIONER BOOP:
Second.

PRESIDENT ISABELLA:
Commissioner Boop. Any discussion? No discussion. All in favor signify by saying aye.

AYES RESPOND

PRESIDENT ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously yes.

PRESIDENT ISABELLA:
Thank you, Mr. Secretary. Ladies and gentlemen, that concludes our business end.

Commissioners, any new business?

MR. ROE:
I don't have any new business. I would just like to say something if I could.

PRESIDENT ISABELLA:
Yes, Commissioner.

MR. ROE:
Are you about finished?

PRESIDENT ISABELLA:
Yes.

MR. ROE:
This isn't really new business but, you know, it's the beginning of October; this is our time, folks. I mean, it's a great year out there this year.
And I just would encourage everybody to get in the outdoors; you know? As I have an opportunity to travel around the country and in Canada, and we talk to outfitters and we talk to guides, and they love Pennsylvania hunters. I mean, we have --- we’ve got one of the best hunting cultures certainly in the lower 48, and a great agency. And we're not going to get these days back for the next five months, so don't miss out. You know, a friend of mine has a sign in his hunting cabin; if you're too busy to go hunting, you're just too busy. So let's get our Ned Smith is gone for the day signs out, and let's get out there and enjoy it this year. I hope everybody has a safe and enjoyable hunting season.

PRESIDENT ISABELLA:

Thank you, Commissioner. I have some new business. And since Cal is not here, I guess it ... to you.

ATTORNEY BECHTEL:

Absolutely.

PRESIDENT ISABELLA:

What I would like is the Wildlife Management and I guess Wildlife Protection Bureaus to look into the feasibility of extending the late archery season to end on January 23rd. That should
coincide with the ending of flintlock season, which ends on January 23rd.

ATTORNEY BECHTEL:
You're talking about 2010-2011 season?
PRESIDENT ISABELLA:
Yes, Commissioner. Yes ---.
ATTORNEY BECHTEL:
I got it.
PRESIDENT ISABELLA:
Commissioners, any other new business?
MR. SCHLEMMER:
Just commentary.
PRESIDENT ISABELLA:
Commissioner.
MR. SCHLEMMER:
Thank you for hosting us here in Philadelphia.
PRESIDENT ISABELLA:
Thank you. I'm glad nobody got mugged.
MR. SCHLEMMER:
And thank you most by the southeast division for this treat --- the officers, so forth.
PRESIDENT ISABELLA:
Any other comments from the Commissioners? That's it; adjournment. Oh, I'm
sorry. Yes, our next Commission meeting is January 24th, 25th and 26th, 2010 in Harrisburg. Is that date okay with the Commissioners? Okay, that’s --- we got that squared away. So we will proceed with those dates. Adjournment. Can I have a motion for adjournment?

MR. BOOP:
So moved.

PRESIDENT ISABELLA:
Commissioner Boop, so moved. This meeting is adjourned.

* * * * * * *

HEARING CONCLUDED AT 9:08 A.M.

* * * * * * *

CERTIFICATE
I hereby certify that the foregoing proceedings, meeting held before Gregory Isabella was reported by me on 10/06/2009 and that I Gina M. Brower read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

[Signature]
Court Reporter