COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

IN RE: QUARTERLY MEETING

BEFORE: Timothy S. Layton, President
James R. Daley, Vice President
Stanley I. Knick, Jr., Secretary
Scott H. Foradora, COMMISSIONER
Charlie E. Fox, COMMISSIONER
Dennis R. Fredericks, COMMISSIONER
Brian H. Hoover, COMMISSIONER
Michael F. Mitrick, COMMISSIONER
Bryan Burhans
Thomas Grohol
Richard Palmer
Bradley Bechtel, Chief Counsel

HEARING: Tuesday, January 29, 2019
8:30 a.m.

LOCATION: PA Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110

SPEAKERS: Matthew Schnupp, Pete Sussenbach, Randy Shoup
Reporter: Skylar Hope Wilson

Any reproduction of this transcript is prohibited without authorization by the certifying agency.
APPARENCES

BRAD C. BECHTEL, ESQUIRE
PA Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110

Counsel for PA Game Commission
INDEX

OPENING REMARKS 5 - 6
BUREAU OF WILDLIFE MANAGEMENT
  By Attorney Bechtel 6 - 14
BUREAU OF WILDLIFE PROTECTION
  By Attorney Bechtel 14 - 23
BUREAU OF WILDLIFE HABITAT MANAGEMENT
  By Attorney Bechtel 23 - 42
DISCUSSION AMONG PARTIES 42 - 48
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Offered</th>
<th>Admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NONE OFFERED</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
P R O C E E D I N G S

PRESIDENT LAYTON: I would call the meeting of the Pennsylvania Game Commission to order. Would you all please rise and join me in the pledge of allegiance?

---

(WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS HELD.)

---

PRESIDENT LAYTON: Mr. Secretary, would you please call the roll?

COMMISSIONER KNICK: Mr. Layton?

PRESIDENT LAYTON: Present.

COMMISSIONER KNICK: Mr. Daley?

VICE PRESIDENT DALEY: Present.

COMMISSIONER KNICK: Mr. Hoover?

COMMISSIONER HOOVER: Present.

COMMISSIONER KNICK: Mr. Fox?

COMMISSIONER FOX: Present.

SECRETARY KNICK: Mr. Fredericks?

COMMISSIONER FREDERICKS: Present.

COMMISSIONER KNICK: Mr. Foradora?

COMMISSIONER FORADORA: Present.

COMMISSIONER KNICK: Commissioner Mitrick?

Mitrick?
COMMISSIONER MITRICK: Here.

PRESIDENT LAYTON: Can I get a motion to approve the minutes of the meeting held September 25th, 2018?

COMMISSIONER HOOVER: So moved.

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: We've got a motion and a second. Mr. Secretary, would you please call the vote?

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? Eight to zero.

ATTORNEY BECHTEL: The first item we note for the Commission today is the Bureau of Wildlife Management's Adopted Rule Making, Amend 58 Pa. Code, Sections 133.21 and 133.41.

The Commission has a fiduciary duty to manage our wildlife and their habitat for present and future generations. With this trust comes tough decisions. Enhanced protection through listing of these species is the right decision for Pennsylvania's wildlife and the public we serve. Listing engages the Commission in decisions that help avoid, minimize, or mitigate impacts compounded by the primary causes of
decline. The endangered/threatened classification recognizes the inherent value of each surviving member of the species. The Commission is proposing to amend Sections 133.21 and 133.41 to adjust the Commonwealth's threatened and endangered species list for the following species.

Peregrine falcon, upgrading from endangered to threatened reflects steady statewide population recovery as specified in the Board-approved Peregrine Falcon Management Plan. The recovery metrics for upgrading species status to threatened have been achieved.

Piping plover, upgrading from extirpated to endangered recognizes the return of a breeding bird to Pennsylvania and follows the regulatory process in Section 133.4. We are celebrating the return of a native bird species to our state after more than 60 years' absence, in which pairs have successfully nested at Presque Isle State Park in 2017 and 2018, with reasonable expectation that they will return in the future. Presque Isle is the only regular location in which this species occurs in PA.

Red knot. Red knot subspecies rufa was classified as federally threatened in 2014, with
Pennsylvania listed in the historic migratory range. It was designated a Species of Greatest Conservation Need in the Pennsylvania Wildlife Action Plan because it is a rare migrant, found only at Presque Isle State Park and Conejohela Flats, due to its federally protected status, and because the population is highly vulnerable to further declines based on the Pennsylvania Game Commission and Pennsylvania Fish and Boat Commission in 2015. Averting adverse impacts to the species during migration contributes to the range-wide conservation of this species. State listing follows Title 58 in response to federal listing in 133.4.

Bats. All hibernating bat species are Species of Greatest Conservation Need in the Pennsylvania Wildlife Action Plan due to their catastrophic declines caused by White Nose Syndrome, also based on the Pennsylvania Game Commission and Pennsylvania Fish and Boat Commission in 2015. State listing provides the best tool to protect the remaining maternity sites and hibernacula to thwart further declines, and hopefully prevent federal listing through the environmental review process. Tri-colored bat was recently petitioned to be protected under the U.S. Endangered Species Act, with
a 90 day finding of warranted. The U.S. Fish and Wildlife Service will evaluate all information as part of the status review process. State listing of the northern long-eared bat follows federal listing in 2016 by regulation. Declines in the little brown bat and tri-colored bat are more severe in Pennsylvania than that of the long-eared bat, and therefore call for state listing. Protection of the few remaining populations of these bats is critical to their potential recovery. State listing triggers protections through environmental review and proactive measures to encourage recovery. Only recent occurrence sites will be regulated.

The text shows on pages four and five of your agenda. Do we have a motion to accept?

COMMISSIONER FREDERICKS: So moved.

ATTORNEY BECHTEL: We have a motion.

Do we have a second?

COMMISSIONER MITRICK: Second.

ATTORNEY BECHTEL: We have a motion and a second. Any discussion? Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? Eight
to zero.

MR. SCHNUPP: Commissioner, if I could add something. I just want to thank the Board for your thoughtful consideration in moving this forward, which is a great step. So I very much appreciate it on behalf of myself and the team from Presque Isle.

PRESIDENT LAYTON: Thank you.

ATTORNEY BECHTEL: Next, I have the Proposed Rule Making to Amend 58 Pa. Code Section 139.4 relating to bag limits for the license year to provide updated seasons and bag limits for the 2019-2020 license year. The 2019-2020 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

To provide an overall increase in black bear hunting opportunity and harvest, and to better align open seasons with dates when agricultural producers are experiencing bear damage, staff are proposing shifting the archery bear season to mid-October and expanding the October muzzleloader and
special firearms seasons, previously limited to WMUs on the periphery of the bear range statewide. Also, to increase bear harvest and reduce regulations complexity, the length of extended firearms bear seasons is proposed to increase from four to six days in several WMUs.

For Elk, addition of a September archery season and a January antlerless season are proposed to address hunter crowding issues during the regular season while simultaneously reducing Elk habituation toward humans and residential areas, and improving the agency's ability to respond to elk-human conflicts and to potential future CWD infection.

Expansions of Bobcat hunting and trapping opportunity to WMU 4B, and of fisher trapping opportunity to WMU 4A, are recommended in light of population indices in these units that are comparable to those in other WMUs where harvest is occurring sustainably.

For Beaver, an increase in the season bag limit from 20 to 40 is recommended for WMUs 2A and 2B in response to increasing nuisance complaints in these units.

For Porcupine, a reduction in season length is proposed to ensure population sustainability
given significant uncertainty about the impacts of
harvest on this species.

To increase hunting opportunities for
younger deer hunters, a Saturday opener for rifle deer
season is being proposed. Changing the historic
opening day from the Monday following Thanksgiving to
the Saturday following Thanksgiving represents a
significant change in tradition. However, retaining
our younger hunters is important to preserving our
hunting heritage. By shifting the opening day to a
Saturday this change will create more hunting
opportunity by selecting a day which better fits the
working/school schedule of youth and young adults.
Minor changes are also proposed for small game and
turkey hunting season closing dates to accommodate the
one-day shift in the opening of deer rifle season.

The text is shown on page 7 through 14
of your agenda.

PRESIDENT LAYTON: Do we have a motion
to accept the whole proposed rule making?

COMMISSIONER DALEY: So moved.

PRESIDENT LAYTON: Do we have a
second?

COMMISSIONER HOOVER: Second.

PRESIDENT LAYTON: This is one of
those situations where we will go page by page. If we have discussions or any questions, we can go off of the page that we're on. So let's start with page seven. Any questions? Any comments? Hearing none, page eight? Page nine? Page 10? Page 11?

COMMISSIONER KNICK: Page 11 - no, 12.

PRESIDENT LAYTON: Page 12?

COMMISSIONER KNICK: Page 12, I'd like to change bear archery season from October 28th to November 9th to October 19th to the 26th. I'd like to make a motion on that.

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: We have a motion and a second on the floor to - and let me just see if I understand. The motion is to change the season which is currently listed from October 19th to October 26th and make it October 28th to November 9th. Is that correct?

COMMISSIONER KNICK: Correct.

PRESIDENT LAYTON: We have a motion and a second. Any discussion on that? Mr. Secretary, would you call the vote?

COMMISSIONER KNICK: All in favor?

(AYES RESPOND.)

COMMISSIONER KNICK: Opposed? Eight
to zero.

PRESIDENT LAYTON: Any other conversation on page 12, page 13, page 14? Any other discussion? Any further discussion of seasons and bag limits? So we have a motion on the floor to accept the amended proposed seasons and bag limits. Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND.)

COMMISSIONER KNICK: Opposed? Eight to zero.

ATTORNEY BECHTEL: The next item coming from the Bureau of Wildlife Protection in terms of adopted rule making is to Amend 58 Pa. Code Section 135.103 relating to registration for controlled goose hunting areas to authorize persons who possess a senior lifetime resident hunting license or a senior lifetime resident combination hunting license and who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license to apply to participate in the Veterans with disabilities only day. The text for this change is shown on page 16 of your agenda.

PRESIDENT LAYTON: Do we have a
motion?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: So a motion and a second. Do we have any discussion? Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND.)

COMMISSIONER KNICK: Opposed? Eight to zero.

ATTORNEY BECHTEL: The next item before the Commission today is Amendment 58 Pa. Code Sections 147.802 through 147.804. It's relating to definitions, application and general to, one, expand the mentored youth program to include youth up 16 years of age. Two, expand the mentored adult program to include persons 17 years of age or older. Three, limit participation in the mentored junior and mentored adult program to three years total. And four, set mentored junior permit fees at $5 for resident applicants and $40 for nonresident applicants, plus any applicable transactional and issuing agent fees. The text is shown on pages 18 through 19 of your agenda.
PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER DALEY: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: Any questions or comments?

COMMISSIONER DALEY: I have one comment.

PRESIDENT LAYTON: Go ahead.

COMMISSIONER DALEY: I think that this is a great move on the part of our Board because what it does is it closes what we kind of considered a doughnut hole. So if somebody wanted to test drive hunting, then they could do it as a mentored youth. They could do it as a mentored adult. There’s been a middle ground for this, where before they couldn’t test drive it, so to speak. This closes that hole.

PRESIDENT LAYTON: Thank you. Any other comments?

MR. SHOUP: I agree it’s a good move to close that loophole and give - some kids who may have not have parents that hunt to have an opportunity to get out there and hunt, as Commissioner Daley said, give it a test drive.
PRESIDENT LAYTON: Thank you, sir.

Any other comments? Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? So amended, eight to zero.

ATTORNEY BECHTEL: The next item concerns a proposed rule making to amend 58 Pa. Code Section 141.4. The Commission is proposing to amend Section 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2019-2020 hunting/trapping license year. The text is below on page 20 and on pages 21 and 22 of your agenda.

PRESIDENT LAYTON: Do I have a motion to accept?

COMMISSIONER FREDERICKS: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FOX: Second.

PRESIDENT LAYTON: Any comments? Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)
COMMISSIONER KNICK: Opposed? Passes eight to zero.

ATTORNEY BECHTEL: The next item is to amend 58 Pa. Code Section 141.20. Requirements for the wearing of fluorescent orange protective material within Pennsylvania are complex and make up a significant number of violations detected each year by State Game Wardens. On a national scale, the requirements for fluorescent orange protective material varies from state-to-state. Those regulations include 11 states, such as Texas and New York, which do not require any fluorescent orange protective material to be worn, 10 states only requiring it to be worn when hunting big game, 20 states only requiring it to be worn when hunting big game with a firearm, and nine states, including Pennsylvania, having a mixture of instances in which it is required.

The Commission is proposing to amend Section 141.20, relating to protective material required, to reduce the requirements for the wearing of fluorescent orange protective material. While representing a significant reduction to the current requirements for fluorescent orange protective material requirements, the proposed changes will still
maintain Pennsylvania's position as one of the more restrictive states in the nation. The text is shown on page 23 through 25 of your agenda.

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FOX: Second.

PRESIDENT LAYTON: Any questions? Any comments?

COMMISSIONER FORADORA: I'd like to move to amend. Just for discussion, I'd like to take point three, move about or relocate while wearing a hat, that language, and strike it.

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: So we have a motion on the floor to amend the regulation and strike the words - again, I'm just trying to verify - strike the words move about or relocate while wearing a hat containing a minimum of 100 square inches of solid daylight fluorescent orange-colored material on the head and only be stationary without wearing the required orange colored material.

COMMISSIONER FORADORA: Correct. With the - the discussion with that being a heavy emphasis
on we highly recommend.

PRESIDENT LAYTON: So we have a motion on the floor with a second.

COMMISSIONER MITRICK: Yeah, but that says during all fall turkey seasons.

COMMISSIONER HOOVER: During all turkey seasons.

PRESIDENT LAYTON: So we're striking during all fall turkey seasons? Is that part of your motion?

COMMISSIONER DALEY: That's not what's in my publication.

COMMISSIONER FORADORA: Where are you seeing that? I'm sorry.

COMMISSIONER DALEY: You said it's - I don't - three does not say what seasons.

PRESIDENT LAYTON: Immediately below that.

COMMISSIONER HOOVER: During all fall turkey seasons.

COMMISSIONER FORADORA: I see that. I'll amend to strike that as well.

PRESIDENT LAYTON: Okay.

So we have a motion and a second on the floor to amend the fluorescent orange. Mr.
Secretary?

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER DALEY: Did we have a discussion?

PRESIDENT LAYTON: You have to ask for a discussion. My apologies.

PRESIDENT LAYTON: Okay.

So we have a motion, we have a second. Discussion, please?

COMMISSIONER DALEY: Well, if no one else will, I certainly will. You know, it's kind of funny when you look at anything you do that is safety related, whether it's, you know, daylight running lights on cars, you try to prevent incidents when you can. When I look at taking away fluorescent orange for turkey hunting currently in almost the entire state, you need 250 square inches while you're moving, and you need at least a band around the tree that you're stationed on. But why is turkey different? Turkey is different because I sit there and actually make turkey sounds with turkey calls. So in many ways, I'm imitating the game animal that I'm trying to pursue.

The other thing is while I'm imitating
a game animal I may be working a box call, so now I've
added movement to that. That's what adds danger.
That's why turkey is different as well. We've always
had fluorescent orange requirements for turkey.
That's why I strongly disagree with the proposed
change to this regulation.

PRESIDENT LAYTON: Thank you,
Commissioner.

Any other comments? Hearing none now,
Mr. Secretary, call the vote for the amendment.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND.)

COMMISSIONER KNICK: Opposed?
COMMISSIONER DALEY: No.
COMMISSIONER KNICK: Seven to one.
PRESIDENT LAYTON: So we just voted on
the amendments. So now we have to vote on the
proposal as it was amended. So Mr. Secretary, Would
you call that vote?

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed?
COMMISSIONER DALEY: No.
COMMISSIONER KNICK: Passed seven to
one.
ATTORNEY BECHTEL: The next item under the Bureau of Wildlife Habitat Management is concerning donation of real estate, Contract number L-3736, State Game Land number 148, Lawrence County. The Estate of Mary Joan Pavlich is offering to donate 513 more or less acres of land in Taylor and Shenango Townships, Lawrence County. The property is located approximately 4.6 miles north of existing State Game Land number 148 as shown on Exhibit RED 1. The oil, gas, and minerals have been bequeathed to other entities.

The Game Commission will be responsible to pay any outstanding unpaid property taxes and most likely will need to pay inheritance tax on the property.

Approximately 330 acres of the property is in mixed northern hardwoods, interspersed with 182 acres in shrub land and reverting old fields, plus a one-acre pond creating a diversity of transitional habitats. McKee Run and two unnamed tributaries traverse the property. Access is via multiple public roadways including S.R. 168, West Pittsburgh Road, S.R. 2001, Savanna Road, S.R. 2012, Union Valley Road and T-429, Denny Drive.

PRESIDENT LAYTON: Do we have a motion
to accept?

    COMMISSIONER DALEY: So moved.

    PRESIDENT LAYTON: Second?

    COMMISSIONER HOOVER: Second.

    PRESIDENT LAYTON: Any comments?

Hearing none, Mr. Secretary, call the vote.

    COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

    COMMISSIONER KNICK: Opposed? It passes eight to zero.

    ATTORNEY BECHTEL: The next item concerns contract L-3737, State Game Land Number 43, in Chester County. Natural Lands Trust, Inc. or Natural Lands, is offering to donate 28 more or less acres of land in West Nantmeal Township, Chester County, adjoining State Game Land Number 43 as shown on Exhibit RED 2 on page 30 of your agenda.

    Natural Lands was successful in securing funding through numerous partnership grants provided by the Department of Conservation and Natural Resources, the Highlands Conservation Act administered through the U.S. Fish and Wildlife Service, Chester County, the Open Space Institute, and the William Penn Foundation.

    Covenants, conditions, and
restrictions associated with the different funding sources will be required to accept the property. The tract has 18 acres of red oak mixed hardwoods with seven acres in agricultural fields. An unnamed tributary to South Branch French Creek flows through the property.

The property lies within an Important Bird Area referenced as the Hay-Creek-French Creek Forest Block and a federally listed endangered species is within close proximity. Access is from S.R. 23, locally known as Ridge Road.

PRESIDENT LAYTON: Is there a motion to accept?

COMMISSIONER FREDERICKS: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FORADORA: Second.

PRESIDENT LAYTON: Any comments? Any questions?

MR. SUSSENBACH: Mr. President, if I may just add - so looking at this donation, I have to give a lot of credit to Jack Stefferud from the National Lands Trust, but also all those partners are involved in the acquisition and the funding and such. When you look at this donation and the previous donation, it really is a testimony to how people feel
about the agency and the trust that they place in us to make sure that we're creating and maintaining wildlife habitat in perpetuity. The previous one was a 500 acre donation from the Pavlich estate. You just have to think that maybe there was connection at some point in time to the state agency, probably locally, maybe interactions with the local game warden or somebody that led them down the path that this would be a great idea to bequeath property to the agency.

And this, with the trust built between the region, the southeast and Dennis Neideigh of the real estate division, it was - it was - and to bring us down there to show us this property in the heart of the southeast, and then to put enough funding together to acquire it without us having to put anything into it is really tremendous on their part. So I just want to just give kudos to them and their staff.

PRESIDENT LAYTON: Well, thank you. Any other comments?

COMMISSIONER DALEY: You know, I contacted the officers of the Lawrence County Council of Conservation Clubs. They are very appreciative of the 513 acres, as you know.

PRESIDENT LAYTON: Thank you. Any
other comments? Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND.)

COMMISSIONER KNICK: Opposed? The ayes have it eight to zero.

ATTORNEY BECHTEL: The next item concerns an acquisition, Contract Number L-3738, State Game Land Number 122, Crawford County. Theodore J. and Pamela L. Weaver are offering 55 more or less acres of land in Steuben Township, Crawford County, an indenture into State Game Land number 122 as shown on Exhibit RED 3 on page 32 of your agenda.

The option price is $134,000 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 property is mostly mixed hardwood forest with black cherry and maple dominant. Marsh Run bisects the property. Access is from existing State Game Land Number 122.

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER FREDERICKS: So moved.

PRESIDENT LAYTON: Second?
COMMISSIONER FORADORA: Second.

PRESIDENT LAYTON: Any comments?

Hearing none, Mr. Secretary, please call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? The motion passes eight to zero.

ATTORNEY BECHTEL: The next item concerns Contract Number L-3739, State Game Land Number 277, Crawford County. Western Pennsylvania Conservancy or the WPC is offering 91.41 more or less acres of land in Cambridge Township, Crawford County, adjoining State Game Land Number 277, referenced to as the Halliday tract. That's shown on Exhibit RED 4.

The option price is $400 per acre plus $27,512.11 from the Estate of Margaret Metcalfe, totaling $64,076.11. The funding is currently being held by WPC.

At the June 28, 2011 Commission Meeting, the Board approved contract L-3586 comprising of 195 more or less acres of land in Cool Spring Township, Mercer County, adjoining the State Game Land Number 294 offered by WPC for $90,000. Included in the $90,000 was $27,512.11 from the Estate of Margaret Metcalfe which was bequeathed to the Game Commission.
for the exclusive purpose to acquire public hunting lands. WPC was unsuccessful in acquiring the 195 more or less acres associated with L-3586 and has held the funds until suitable replacement lands became available.

Therefore, WPC will apply $64,076.11 of the original $90,000 towards the cost of acquiring the Halliday tract, leaving a remaining balance of $25,923.89 for future land acquisition. To cover the difference between the appraised value for the Halliday tract and the Game Commission's $64,076.11 applied to its purchase, WPC utilized a special funding source designated to acquire natural areas. WPC also partnered with Ducks Unlimited to apply for grant funding through the North American Wetlands Conservation Act.

Due to this special funding source, the following restrictive covenants will be placed on the property and be held by WPC. One, no timber harvesting or tree cutting unless, one, approved by the WPC or two, for habitat management for native species. Two, unless it is done with native species no farm crops or food plots shall be conducted or permitted on the property. Three, the creation of impoundments is prohibited. Four, no depositing,
dumping, or abandoning of any solid waste, rubbish, debris or liquid waste or effluent shall occur on the property. Five, except for parking and reasonable access improvements, no building, structure, or facility of a permanent nature shall be constructed or installed on the property. Six, except for invasive species control, the use of herbicides, pesticides, fungicides, fertilizers and other agents are prohibited unless approved by the WPC. Seven, WPC will have the right to enter and inspect the property for compliance with the requirements of these restrictive covenants upon reasonable notice, in a reasonable manner, and at reasonable times.

The property is mostly flat with hardwood forest, reverting old fields, and wetlands associated with floodplain habitat. French Creek borders the southern boundary and several tributaries to French Creek flowing through the property. Access is from U.S. 6 and 19 known as Perry Highway and S.R. 1016, known as Miller Station Road.

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER DALEY: Second.
PRESIDENT LAYTON: Any comments?

COMMISSIONER FREDERICKS: Mr. President, -

PRESIDENT LAYTON: Yes, sir.

COMMISSIONER FREDERICKS: - due to my association with WPC, I'll be abstaining on this issue. Please let the record show this, Mr. Secretary.

PRESIDENT LAYTON: So if I may, there are a lot of restrictions on the property. You want to talk a little bit about how that's going to affect management positively and/or negatively?

MR. SUSSENBACH: Sure. Through conversation with the WPC and staff both at the regional and the Harrisburg level, we came up with everybody being okay with what we see here. Pretty much what we see here is how we manage all of our State Game Lands. So there's really no change for how we would normally take care of any our state lands.

PRESIDENT LAYTON: Very good.

Any other questions or comments?

COMMISSIONER DALEY: Pete, the only thing I didn't see in the restrictions, so I assume it's allowed, would be - prescribed fire.

MR. SUSSENBACH: That's correct.
These are the restrictions, so there are very little -.

**COMMISSIONER DALEY:** Thank you.

**PRESIDENT LAYTON:** Any others? Mr. Secretary, call a vote.

**COMMISSIONER KNICK:** All in favor?

(AYES RESPOND)

**COMMISSIONER KNICK:** Opposed? The motion passes with seven with one abstaining.

**ATTORNEY BECHTEL:** The next item is Contract Number L-3740, State Game Land Number 282, Warren County. The Estate of Ruth M. Horner is offering 56 more or less acres of land in Pine Grove Township, Warren County, adjoining State Game Land Number 282, which is shown on Exhibit RED 5 page 36 of your agenda.

The option price is $53,000 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.

Approximately 46 acres are in reverting old fields with the remaining 10 acres in mixed hardwoods. Some apple trees and three varieties of special concern plant species are located on the
tract. The property is located within the Akeley Swamp Important Bird Area. Access is from Akeley Road.

PRESIDENT LAYTON: Motion to accept?
COMMISSIONER HOOVER: So moved.
PRESIDENT LAYTON: Second?
COMMISSIONER FORADORA: Second.
PRESIDENT LAYTON: Any comments?
Questions?

MR. SUSSENbach: Mr. President, if I may add, so the northern border of this property is New York State actually. And this access point will provide greater access to the northern portion of the game lands.

And also, in the center of your photograph there, you'll see a seasonal ephemeral wetland, so that adds a lot of value to the habitat we're protecting over the Horner estate as well.

PRESIDENT LAYTON: Very good.
Any other comments?

COMMISSIONER DALEY: You know, many of these have been in the northwest, so I want to thank you for that, first of all. Second, because the northwest - I mean, we have game lands but we don't have the big tracts like in north central. Any of
these additions is very much appreciated.

PRESIDENT LAYTON: Any other comments?

Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? The motion passes eight to zero.

ATTORNEY BECHTEL: The next item is Contract Number L-3741, State Game Land Number 42, Cambria County. Brookville Wood Products, Inc. is offering 2,166 more or less acres of land in Lower Yoder and Upper Yoder Townships, Cambria County, adjoining State Game Land Number 42, as shown on Exhibit RED 6 on page 38 of your agenda.

The option price is $1,650,000 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.

Northern hardwood forest dominates the moderately steep mountain slope with numerous small forest openings associated with old log landing scattered over the property. Witch hazel, serviceberry, and hornbeam are present in the understory. Headwaters of Mill Creek and Little Mill
Creek flow down the side slopes. The Western Pennsylvania Conservancy holds a preexisting conservation easement on most of the acres which limits development, surface mining, outdoor advertising, disposal of solid and liquid wastes, and certain types of forest management. Access is from S.R. 271, Menoher Highway.

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER FORADORA: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FOX: Second.

PRESIDENT LAYTON: Comment?

COMMISSIONER FREDERICKS: Mr. President, I'll need to abstain from this one as well.

PRESIDENT LAYTON: Thank you. I know there was a lot of work done involved in this. Dennis did a lot of the legwork. We certainly appreciate what he did. And everybody in your Bureau, the hard work that they put into this. And the region, the region worked hard for this. So it was a good job by everybody.

MR. SUSSENbach: Yeah, absolutely.

And if we go back to yesterday, and we remember what Lisa Williams spoke of with ruffed grouse in those
high elevation areas, those wooded areas, the
management in those areas hoping to kind of disconnect
the West Nile virus from the ruffed grouse in some of
those areas due to the elevation. And this ties
perfectly into that in the southwest region.

And the other part of this acquisition
is there's some additional funding that comes to the
agency through various grant programs so that we're
targeting a lot effort, both commercial and
non-commercial in and around this area in support of
grouse and other species.

PRESIDENT LAYTON: Thanks, Pete.

Any other comments? Okay.

Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? Seven
ayes with one abstaining.

ATTORNEY BECHTEL: The next item
concerns Contract Number L-3742, State Game Land
Number 59, Potter County. Kenneth R. Comstock, Jr.,
and Janice G. Comstock are offering a road
right-of-way 33 feet wide by 4,752 feet in length
located across their property in Pleasant Valley
Township, Potter County, for access into a detached
parcel of State Game Land Number 59, which is shown on Exhibit RED 7, page 40 of your agenda.

The option price is $14,390 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 Game Commission currently has an existing road Right-of-way granted by the Comstocks by a prior deed that was never developed and will be abandoned by the Game Commission as part of this agreement.

The new right-of-way is a fully developed gravel roadway, and by acquiring it, the Game Commission will avoid the cost and significant environmental disturbance of developing a new road where none currently exists.

The new right-of-way will improve access into the State Game Land Number 59 from S.R. 4001, Sartwell Creek Road. The right-of-way will be for administrative purposes only and the Comstocks reserve the right to use the right-of-way.

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER FREDERICKS: So moved.
PRESIDENT LAYTON: Second?
COMMISSIONER FOX: Second.

PRESIDENT LAYTON: Any comments?

COMMISSIONER DALEY: Just a question.

Pete, this looks like it's a pretty improved roadway; is that right, gravel and everything?

MR. SUSSENBACK: Correct.

COMMISSIONER DALEY: My question I guess is because it does provide access to the state game lands 59 would it be worth trying to get approval to not only use it for administrative purposes, but for handicapped access? Because it seems like it's already a good road that would support that kind of access.

MR. SUSSENBACK: Right. On discussions to replace it with the Comstocks, Dave Gustafson was actually part of that negotiation. And they were very willing to allow us access for administrative purposes, however, they did want full blown public access whether it was disabled or otherwise. So they wanted to limit it to administrative use.

COMMISSIONER DALEY: We just need to look for access when possible.

MR. SUSSENBACK: Sure. Absolutely.
PRESIDENT LAYTON: Any other comments?
Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? Motion passes eight to zero.

ATTORNEY BECHTEL: The next item for the Commission is Contract Number L-3743, State Game Land Number 224, in Luzerne County. Lynda Gail Johnson is offering 99 more or less acres of land in Union and Hunlock Townships, Luzerne County, adjoining State Game Land Number 224, as shown on Exhibit RED 8 on page 42 of your agenda. The option price is $400 per acre to be paid with funds from the Game Fund.

The property is mostly forested with mixed hardwoods on a steep south facing slope with rock outcroppings along the ridge.

There are two acres of forest openings and two acres of shrub land located on the tract.

The property lies within Important Mammal Area Number 29, Wyoming Valley, created for critical need bat habitat. Access is from existing State Game Land Number 224.

PRESIDENT LAYTON: Motion to accept?

COMMISSIONER FREDERICKS: So moved.
PRESIDENT LAYTON: Second?

COMMISSIONER FOX: Second.

PRESIDENT LAYTON: Any questions? Any comments? Hearing none, Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? Motion passes eight to zero.

ATTORNEY BECHTEL: The next item of concern is an Amendment to Non-Surface Use Oil and Gas Cooperative Agreement Tract 223A-18, State Game Land Number 223, Greene County. Greylock Production, LLC or Greylock, requested that the Commission offer its oil and gas rights under a 23.6398 more or less acre tract which the Commission owns 75 percent of the oil and gas rights, but does not own the surface.

The proposed tract consists of 17.729 net oil and gas acres and will be amended to the Tract 223A-18 Agreement consisting of approximately 724 more or less surface acres, 537.61 more or less oil and gas acres, located in Whiteley Township, Greene County as shown on Exhibit OGM 1 on page 44 of your agenda. The total oil and gas acres for this agreement will then be 561.2498 more or less acres.

Greylock has a strong oil/gas lease
position surrounding this portion of State Game Land Number 223. Greylock 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 reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the current owners.

The OGM staff has negotiated the proposed terms of the agreement with Greylock to prudently develop the Commission's oil and gas reserves and simultaneously protect the wildlife resources and recreational use of State Game Land Number 223.

The terms of the Agreement are a five year Non-Surface Use Oil and Gas Agreement, a $4,000 per net oil and gas acre bonus payment and 18 percent royalty for all oil, gas, and other liquids or condensates produced and sold from the proposed tract.

The bonus payment of approximately $70,916 may be deposited either into the Game Fund or into 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 deposited
directly into the Game Fund.

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

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER FREDERICKS: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FORADORA: Second.

PRESIDENT LAYTON: Questions or comments? Hearing none, Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? Motion passes eight to zero.

PRESIDENT LAYTON: Mr. Daley, would you care to introduce the resolution that we're about to propose? Attorney Bechtel will read it if you will just introduce it.

COMMISSIONER DALEY: Yeah, sure.

Yeah. On - I guess that would have been Sunday - we had one of our officers represent the FOP. So the way that our current retirement system is set up, it doesn't match any of the other law
enforcement agencies and personnel within - it's everything from, you know, wardens to Fish and Boat and whatever. We just want to extend that to cover our officers as well, because it allows them to retire at an earlier age without being penalized. That's what it's for.

PRESIDENT LAYTON: Okay. Thank you.
Attorney Bechtel, would you read the resolution for me?

ATTORNEY BECHTEL: The Commonwealth of Pennsylvania, Pennsylvania Game Commission, Resolution of the Board of Commissioners. Whereas the state Employee Retirement Code, 71 Pa. CS Section 5101, as set, governs the administration and operation of the Pennsylvania State Employees Retirement System, one of the nation's oldest and largest statewide retirement plans for public employees.

And whereas Section 5102 of the State Employees Retirement Code, 71 Pa. CS Section 5102 relating to definitions, defines the terms of superannuation age, state police officer, corrections officer, and enforcement officer in a manner to allow certain types of Commonwealth law enforcement personnel to retire at ages 50 or 55, whichever may be applicable after 20 years of service, rather than
default at age 60 or after 35 years of service.

And whereas the types of Commonwealth law enforcement personnel who are eligible for the early retirement includes any member of the Pennsylvania State Police, corrections officers employed by the Department of Corrections or the Department of Human Services, formerly the Department of Public Welfare, Delaware River Port Authority policeman, park rangers employed by the Department of Conservation and Natural Resources, capitol police officers, certain officers and investigators in the Pennsylvania Liquor Control Board, certain agents and employees of the Office of Attorney General, certain agents of the Pennsylvania Board of Probation and Parole, and also waterways conservation officers and other Commission law enforcement personnel employed by the Pennsylvania Fish and Boat Commission.

And whereas the types of Commonwealth law enforcement personnel eligible for the early retirement allowances does not currently include game wardens and other Commission law enforcement personnel employed by the Pennsylvania Game Commission.

And whereas since 2000, both Houses of the General Assembly got together and introduced no less than 17 legislative bills aimed at amending the
definition of enforcement officer to include game
wardens, Game Commission officers, and other
Commission law enforcement personnel employed by the
Pennsylvania Game Commission to bring these officers
in with the other forms of law enforcement officers
employed by the Commonwealth of Pennsylvania on
matters related to retirement.

And whereas, despite steadfast and
widespread support, such legislation has not yet
received successful passage in the law.

Now, therefore, be it resolved that
the Board of Commissioners of the Pennsylvania Game
Commission does hereby support the General Assembly in
giving further consideration to this matter through
its future conduction of legislation aimed at amending
the definition of enforcement officer in Section 5102
of the State Employees' Retirement Code to include
Game Wardens, Game Commission Officers and other
Commission law enforcement personnel employed by the
Pennsylvania Game Commission. Given under the hand
and seal of the Board of Commissioners of the
Pennsylvania Game Commission on this 29th day of

PRESIDENT LAYTON: Mr. Daley, would
you like to make a motion to accept the resolution?
COMMISSIONER DALEY: So moved.

PRESIDENT LAYTON: Second, please?

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: Any comments from the Commissioners?

COMMISSIONER DALEY: This really does address parity for our officers. There’s been 17 different times that this has come forward in the legislature. We need to make it happen. We need to get this to the legislature and see if we can make it happen.

PRESIDENT LAYTON: Thank you.

Any other comments? Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

(AYES RESPOND)

COMMISSIONER KNICK: Opposed? Passed eight to zero.

PRESIDENT LAYTON: Commissioners, make sure you sign the resolution before you leave today, please. Any other new business?

COMMISSIONER HOOVER: Yes, Mr. President. At this time I would like to ask the staff to prepare language to allow for the use of semi-automatic rifle during the big game season. This
follows the addition of semi-automatic shotguns during
the 2018-'19 season, without incident.

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: We don't need to
move on that. Thank you, Commissioner Hoover.

Any other new business? So at this
time, I'm going to turn the meeting over to
Commissioner Hoover, who was asked to be the chairman
of the Nominations Committee for the election of
officers.

COMMISSIONER HOOVER: I appreciate the
opportunity. I have spoken with all of the
Commissioners to come up with a slate of candidates
for this year, and from that conversation Tim Layton
for president, Jim Daley for vice president and Stan
Knick for secretary.

Are there any other nominations from
the Board at this time? Being that there are no other
nominations, there is no need for a vote and the
candidates and the officers will remain as the slate
that is currently in effect.

PRESIDENT LAYTON: Thank you,
Commissioner Hoover.

The next working group meetings, we'll
have to get out there for everybody. They're upstairs
in the office. The Commission meetings are the same.

There will be an executive session immediately following the press conference. If there is no further business, this meeting is adjourned.

* * * * * *

HEARING CONCLUDED AT 9:19 A.M.

* * * * * *
CERTIFICATE

I hereby certify that the foregoing proceedings, was reported by me on 01-29-19 and that I, Skyler Hope Wilson, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 25th of February, 2019

Skyler Hope Wilson,

Court Reporter