

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.

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BRAD C. BECHTEL, ESQUIRE

PA Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110

Counsel for PA Game Commission

I N D E X

1		
2		
3	OPENING REMARKS	5 - 6
4	BUREAU OF WILDLIFE MANAGEMENT	
5	By Attorney Bechtel	6 - 14
6	BUREAU OF WILDLIFE PROTECTION	
7	By Attorney Bechtel	14 - 23
8	BUREAU OF WILDLIFE HABITAT MANAGEMENT	
9	By Attorney Bechtel	23 - 42
10	DISCUSSION AMONG PARTIES	42 - 48
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>Number</u>	<u>Description</u>	<u>Page</u> <u>Offered</u>	<u>Page</u> <u>Admitted</u>
---------------	--------------------	-------------------------------	--------------------------------

NONE OFFERED

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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?

1 COMMISSIONER MITRICK: Here.

2 PRESIDENT LAYTON: Can I get a motion
3 to approve the minutes of the meeting held September
4 25th, 2018?

5 COMMISSIONER HOOVER: So moved.

6 COMMISSIONER FREDERICKS: Second.

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

10 COMMISSIONER KNICK: All in favor?

11 (AYES RESPOND)

12 COMMISSIONER KNICK: Opposed? Eight
13 to zero.

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

18 The Commission has a fiduciary duty to
19 manage our wildlife and their habitat for present and
20 future generations. With this trust comes tough
21 decisions. Enhanced protection through listing of
22 these species is the right decision for Pennsylvania's
23 wildlife and the public we serve. Listing engages the
24 Commission in decisions that help avoid, minimize, or
25 mitigate impacts compounded by the primary causes of

1 decline. The endangered/threatened classification
2 recognizes the inherent value of each surviving member
3 of the species. The Commission is proposing to amend
4 Sections 133.21 and 133.41 to adjust the
5 Commonwealth's threatened and endangered species list
6 for the following species.

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

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

24 Red knot. Red knot subspecies rufa
25 was classified as federally threatened in 2014, with

1 Pennsylvania listed in the historic migratory range.
2 It was designated a Species of Greatest Conservation
3 Need in the Pennsylvania Wildlife Action Plan because
4 it is a rare migrant, found only at Presque Isle State
5 Park and Conejohela Flats, due to its federally
6 protected status, and because the population is highly
7 vulnerable to further declines based on the
8 Pennsylvania Game Commission and Pennsylvania Fish and
9 Boat Commission in 2015. Averting adverse impacts to
10 the species during migration contributes to the
11 range-wide conservation of this species. State
12 listing follows Title 58 in response to federal
13 listing in 133.4.

14 Bats. All hibernating bat species are
15 Species of Greatest Conservation Need in the
16 Pennsylvania Wildlife Action Plan due to their
17 catastrophic declines caused by White Nose Syndrome,
18 also based on the Pennsylvania Game Commission and
19 Pennsylvania Fish and Boat Commission in 2015. State
20 listing provides the best tool to protect the
21 remaining maternity sites and hibernacula to thwart
22 further declines, and hopefully prevent federal
23 listing through the environmental review process.
24 Tri-colored bat was recently petitioned to be
25 protected under the U.S. Endangered Species Act, with

1 a 90 day finding of warranted. The U.S. Fish and
2 Wildlife Service will evaluate all information as part
3 of the status review process. State listing of the
4 northern long-eared bat follows federal listing in
5 2016 by regulation. Declines in the little brown bat
6 and tri-colored bat are more severe in Pennsylvania
7 than that of the long-eared bat, and therefore call
8 for state listing. Protection of the few remaining
9 populations of these bats is critical to their
10 potential recovery. State listing triggers
11 protections through environmental review and proactive
12 measures to encourage recovery. Only recent
13 occurrence sites will be regulated.

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

16 COMMISSIONER FREDERICKS: So moved.

17 ATTORNEY BECHTEL: We have a motion.

18 Do we have a second?

19 COMMISSIONER MITRICK: Second.

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

23 COMMISSIONER KNICK: All in favor?

24 (AYES RESPOND)

25 COMMISSIONER KNICK: Opposed? Eight

1 to zero.

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

7 PRESIDENT LAYTON: Thank you.

8 ATTORNEY BECHTEL: Next, I have the
9 Proposed Rule Making to Amend 58 Pa. Code Section
10 139.4 relating to bag limits for the license year to
11 provide updated seasons and bag limits for the
12 2019-2020 license year. The 2019-2020 seasons and bag
13 limits have been amended to reflect current available
14 scientific data, population and harvest records, field
15 surveys and professional staff observations, as well
16 as recommendations received from staff, organized
17 sporting groups, members of the agricultural community
18 and others interested in the management of the
19 wildlife resources of this Commonwealth.

20 To provide an overall increase in
21 black bear hunting opportunity and harvest, and to
22 better align open seasons with dates when agricultural
23 producers are experiencing bear damage, staff are
24 proposing shifting the archery bear season to
25 mid-October and expanding the October muzzleloader and

1 special firearms seasons, previously limited to WMUs
2 on the periphery of the bear range statewide. Also,
3 to increase bear harvest and reduce regulations
4 complexity, the length of extended firearms bear
5 seasons is proposed to increase from four to six days
6 in several WMUs.

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

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

20 For Beaver, an increase in the season
21 bag limit from 20 to 40 is recommended for WMUs 2A and
22 2B in response to increasing nuisance complaints in
23 these units.

24 For Porcupine, a reduction in season
25 length is proposed to ensure population sustainability

1 those situations where we will go page by page. If we
2 have discussions or any questions, we can go off of
3 the page that we're on. So let's start with page
4 seven. Any questions? Any comments? Hearing none,
5 page eight? Page nine? Page 10? Page 11?

6 COMMISSIONER KNICK: Page 11 - no, 12.

7 PRESIDENT LAYTON: Page 12?

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

12 COMMISSIONER FREDERICKS: Second.

13 PRESIDENT LAYTON: We have a motion
14 and a second on the floor to - and let me just see if
15 I understand. The motion is to change the season
16 which is currently listed from October 19th to October
17 26th and make it October 28th to November 9th.

18 Is that correct?

19 COMMISSIONER KNICK: Correct.

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

23 COMMISSIONER KNICK: All in favor?

24 (AYES RESPOND.)

25 COMMISSIONER KNICK: Opposed? Eight

1 to zero.

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

8 COMMISSIONER KNICK: All in favor?
9 (AYES RESPOND.)

10 COMMISSIONER KNICK: Opposed? Eight
11 to zero.

12 ATTORNEY BECHTEL: The next item
13 coming from the Bureau of Wildlife Protection in terms
14 of adopted rule making is to Amend 58 Pa. Code Section
15 135.103 relating to registration for controlled goose
16 hunting areas to authorize persons who possess a
17 senior lifetime resident hunting license or a senior
18 lifetime resident combination hunting license and who
19 can provide documentation evidencing their eligibility
20 for the resident disabled veteran license or a reduced
21 fee resident disabled veteran license to apply to
22 participate in the Veterans with disabilities only
23 day. The text for this change is shown on page 16 of
24 your agenda.

25 PRESIDENT LAYTON: Do we have a

1 motion?

2 COMMISSIONER HOOVER: So moved.

3 PRESIDENT LAYTON: Second?

4 COMMISSIONER FREDERICKS: Second.

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

8 COMMISSIONER KNICK: All in favor?

9 (AYES RESPOND.)

10 COMMISSIONER KNICK: Opposed? Eight
11 to zero.

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

1 PRESIDENT LAYTON: Do we have a motion
2 to accept?

3 COMMISSIONER DALEY: So moved.

4 PRESIDENT LAYTON: Second?

5 COMMISSIONER FREDERICKS: Second.

6 PRESIDENT LAYTON: Any questions or
7 comments?

8 COMMISSIONER DALEY: I have one
9 comment.

10 PRESIDENT LAYTON: Go ahead.

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

19 PRESIDENT LAYTON: Thank you. Any
20 other comments?

21 MR. SHOUP: I agree it's a good move
22 to close that loophole and give - some kids who may
23 have not have parents that hunt to have an opportunity
24 to get out there and hunt, as Commissioner Daley said,
25 give it a test drive.

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

4 COMMISSIONER KNICK: All in favor?
5 (AYES RESPOND)

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

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

17 PRESIDENT LAYTON: Do I have a motion
18 to accept?

19 COMMISSIONER FREDERICKS: So moved.

20 PRESIDENT LAYTON: Second?

21 COMMISSIONER FOX: Second.

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

24 COMMISSIONER KNICK: All in favor?
25 (AYES RESPOND)

1 COMMISSIONER KNICK: Opposed? Passes
2 eight to zero.

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

19 The Commission is proposing to amend
20 Section 141.20, relating to protective material
21 required, to reduce the requirements for the wearing
22 of fluorescent orange protective material. While
23 representing a significant reduction to the current
24 requirements for fluorescent orange protective
25 material requirements, the proposed changes will still

1 maintain Pennsylvania's position as one of the more
2 restrictive states in the nation. The text is shown
3 on page 23 through 25 of your agenda.

4 PRESIDENT LAYTON: Do we have a motion
5 to accept?

6 COMMISSIONER HOOVER: So moved.

7 PRESIDENT LAYTON: Second?

8 COMMISSIONER FOX: Second.

9 PRESIDENT LAYTON: Any questions? Any
10 comments?

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

15 COMMISSIONER FREDERICKS: Second.

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

24 COMMISSIONER FORADORA: Correct. With
25 the - the discussion with that being a heavy emphasis

1 on we highly recommend.

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

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

6 COMMISSIONER HOOVER: During all
7 turkey seasons.

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

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

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

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

17 PRESIDENT LAYTON: Immediately below
18 that.

19 COMMISSIONER HOOVER: During all fall
20 turkey seasons.

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

23 PRESIDENT LAYTON: Okay.

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

1 Secretary?

2 COMMISSIONER KNICK: All in favor?

3 (AYES RESPOND)

4 COMMISSIONER DALEY: Did we have a
5 discussion?

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

8 PRESIDENT LAYTON: Okay.

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

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

25 The other thing is while I'm imitating

1 a game animal I may be working a box call, so now I've
2 added movement to that. That's what adds danger.
3 That's why turkey is different as well. We've always
4 had fluorescent orange requirements for turkey.
5 That's why I strongly disagree with the proposed
6 change to this regulation.

7 PRESIDENT LAYTON: Thank you,
8 Commissioner.

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

11 COMMISSIONER KNICK: All in favor?

12 (AYES RESPOND.)

13 COMMISSIONER KNICK: Opposed?

14 COMMISSIONER DALEY: No.

15 COMMISSIONER KNICK: Seven to one.

16 PRESIDENT LAYTON: So we just voted on
17 the amendments. So now we have to vote on the
18 proposal as it was amended. So Mr. Secretary, Would
19 you call that vote?

20 COMMISSIONER KNICK: All in favor?

21 (AYES RESPOND)

22 COMMISSIONER KNICK: Opposed?

23 COMMISSIONER DALEY: No.

24 COMMISSIONER KNICK: Passed seven to
25 one.

1 ATTORNEY BECHTEL: The next item under
2 the Bureau of Wildlife Habitat Management is
3 concerning donation of real estate, Contract number
4 L-3736, State Game Land number 148, Lawrence County.
5 The Estate of Mary Joan Pavlich is offering to donate
6 513 more or less acres of land in Taylor and Shenango
7 Townships, Lawrence County. The property is located
8 approximately 4.6 miles north of existing State Game
9 Land number 148 as shown on Exhibit RED 1. The oil,
10 gas, and minerals have been bequeathed to other
11 entities.

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

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

25 PRESIDENT LAYTON: Do we have a motion

1 to accept?

2 COMMISSIONER DALEY: So moved.

3 PRESIDENT LAYTON: Second?

4 COMMISSIONER HOOVER: Second.

5 PRESIDENT LAYTON: Any comments?

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

7 COMMISSIONER KNICK: All in favor?

8 (AYES RESPOND)

9 COMMISSIONER KNICK: Opposed? It
10 passes eight to zero.

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

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

25 Covenants, conditions, and

1 restrictions associated with the different funding
2 sources will be required to accept the property. The
3 tract has 18 acres of red oak mixed hardwoods with
4 seven acres in agricultural fields. An unnamed
5 tributary to South Branch French Creek flows through
6 the property.

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

12 PRESIDENT LAYTON: Is there a motion
13 to accept?

14 COMMISSIONER FREDERICKS: So moved.

15 PRESIDENT LAYTON: Second?

16 COMMISSIONER FORADORA: Second.

17 PRESIDENT LAYTON: Any comments? Any
18 questions?

19 MR. SUSSENBACH: Mr. President, if I
20 may just add - so looking at this donation, I have to
21 give a lot of credit to Jack Stefferud from the
22 National Lands Trust, but also all those partners are
23 involved in the acquisition and the funding and such.
24 When you look at this donation and the previous
25 donation, it really is a testimony to how people feel

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

2 COMMISSIONER KNICK: All in favor?

3 (AYES RESPOND.)

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

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

13 The option price is \$134,000 lump sum
14 to be paid with funds from third party commitments for
15 compensation of habitat and recreational losses which
16 occurred on state game lands from previously approved
17 projects.

18 The property is mostly mixed hardwood
19 forest with black cherry and maple dominant. Marsh
20 Run bisects the property. Access is from existing
21 State Game Land Number 122.

22 PRESIDENT LAYTON: Do we have a motion
23 to accept?

24 COMMISSIONER FREDERICKS: So moved.

25 PRESIDENT LAYTON: Second?

1 COMMISSIONER FORADORA: Second.

2 PRESIDENT LAYTON: Any comments?

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

4 COMMISSIONER KNICK: All in favor?

5 (AYES RESPOND)

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

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

15 The option price is \$400 per acre plus
16 \$27,512.11 from the Estate of Margaret Metcalfe,
17 totaling \$64,076.11. The funding is currently being
18 held by WPC.

19 At the June 28, 2011 Commission
20 Meeting, the Board approved contract L-3586 comprising
21 of 195 more or less acres of land in Cool Spring
22 Township, Mercer County, adjoining the State Game Land
23 Number 294 offered by WPC for \$90,000. Included in
24 the \$90,000 was \$27,512.11 from the Estate of Margaret
25 Metcalfe which was bequeathed to the Game Commission

1 dumping, or abandoning of any solid waste, rubbish,
2 debris or liquid waste or effluent shall occur on the
3 property. Five, except for parking and reasonable
4 access improvements, no building, structure, or
5 facility of a permanent nature shall be constructed or
6 installed on the property. Six, except for invasive
7 species control, the use of herbicides, pesticides,
8 fungicides, fertilizers and other agents are
9 prohibited unless approved by the WPC. Seven, WPC
10 will have the right to enter and inspect the property
11 for compliance with the requirements of these
12 restrictive covenants upon reasonable notice, in a
13 reasonable manner, and at reasonable times.

14 The property is mostly flat with
15 hardwood forest, reverting old fields, and wetlands
16 associated with floodplain habitat. French Creek
17 borders the southern boundary and several tributaries
18 to French Creek flowing through the property. Access
19 is from U.S. 6 and 19 known as Perry Highway and S.R.
20 1016, known as Miller Station Road.

21 PRESIDENT LAYTON: Do we have a motion
22 to accept?

23 COMMISSIONER HOOVER: So moved.

24 PRESIDENT LAYTON: Second?

25 COMMISSIONER DALEY: Second.

1 PRESIDENT LAYTON: Any comments?

2 COMMISSIONER FREDERICKS: Mr.

3 President, -

4 PRESIDENT LAYTON: Yes, sir.

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

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

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

20 PRESIDENT LAYTON: Very good.

21 Any other questions or comments?

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

25 MR. SUSSENBACH: That's correct.

1 These are the restrictions, so there are very
2 little -.

3 COMMISSIONER DALEY: Thank you.

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

6 COMMISSIONER KNICK: All in favor?

7 (AYES RESPOND)

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

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

17 The option price is \$53,000 lump sum
18 to be paid with funds from third party commitments for
19 compensation of habitat and recreational losses which
20 occurred on state game lands from previously approved
21 projects.

22 Approximately 46 acres are in
23 reverting old fields with the remaining 10 acres in
24 mixed hardwoods. Some apple trees and three varieties
25 of special concern plant species are located on the

1 tract. The property is located within the Akeley
2 Swamp Important Bird Area. Access is from Akeley
3 Road.

4 PRESIDENT LAYTON: Motion to accept?

5 COMMISSIONER HOOVER: So moved.

6 PRESIDENT LAYTON: Second?

7 COMMISSIONER FORADORA: Second.

8 PRESIDENT LAYTON: Any comments?

9 Questions?

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

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

19 PRESIDENT LAYTON: Very good.

20 Any other comments?

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

1 these additions is very much appreciated.

2 PRESIDENT LAYTON: Any other comments?

3 Mr. Secretary, call the vote.

4 COMMISSIONER KNICK: All in favor?

5 (AYES RESPOND)

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

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

15 The option price is \$1,650,000 lump
16 sum to be paid with funds from third party commitments
17 for compensation of habitat and recreational losses
18 which occurred on state game lands from previously
19 approved projects.

20 Northern hardwood forest dominates the
21 moderately steep mountain slope with numerous small
22 forest openings associated with old log landing
23 scattered over the property. Witch hazel,
24 serviceberry, and hornbeam are present in the
25 understory. Headwaters of Mill Creek and Little Mill

1 Creek flow down the side slopes. The Western
2 Pennsylvania Conservancy holds a preexisting
3 conservation easement on most of the acres which
4 limits development, surface mining, outdoor
5 advertising, disposal of solid and liquid wastes, and
6 certain types of forest management. Access is from
7 S.R. 271, Menoher Highway.

8 PRESIDENT LAYTON: Do we have a motion
9 to accept?

10 COMMISSIONER FORADORA: So moved.

11 PRESIDENT LAYTON: Second?

12 COMMISSIONER FOX: Second.

13 PRESIDENT LAYTON: Comment?

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

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

23 MR. SUSSENBACH: Yeah, absolutely.
24 And if we go back to yesterday, and we remember what
25 Lisa Williams spoke of with ruffed grouse in those

1 high elevation areas, those wooded areas, the
2 management in those areas hoping to kind of disconnect
3 the West Nile virus from the ruffed grouse in some of
4 those areas due to the elevation. And this ties
5 perfectly into that in the southwest region.

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

12 PRESIDENT LAYTON: Thanks, Pete.

13 Any other comments? Okay.

14 Mr. Secretary, call the vote.

15 COMMISSIONER KNICK: All in favor?

16 (AYES RESPOND)

17 COMMISSIONER KNICK: Opposed? Seven
18 ayes with one abstaining.

19 ATTORNEY BECHTEL: The next item
20 concerns Contract Number L-3742, State Game Land
21 Number 59, Potter County. Kenneth R. Comstock, Jr.,
22 and Janice G. Comstock are offering a road
23 right-of-way 33 feet wide by 4,752 feet in length
24 located across their property in Pleasant Valley
25 Township, Potter County, for access into a detached

1 parcel of State Game Land Number 59, which is shown on
2 Exhibit RED 7, page 40 of your agenda.

3 The option price is \$14,390 lump sum
4 to be paid with funds from third party commitments for
5 compensation of habitat and recreational losses, which
6 occurred on state game lands from previously approved
7 projects.

8 The Game Commission currently has an
9 existing road Right-of-way granted by the Comstocks by
10 a prior deed that was never developed and will be
11 abandoned by the Game Commission as part of this
12 agreement.

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

18 The new right-of-way will improve
19 access into the State Game Land Number 59 from S.R.
20 4001, Sartwell Creek Road. The right-of-way will be
21 for administrative purposes only and the Comstocks
22 reserve the right to use the right-of-way.

23 PRESIDENT LAYTON: Do we have a motion
24 to accept?

25 COMMISSIONER FREDERICKS: So moved.

1 PRESIDENT LAYTON: Second?

2 COMMISSIONER FOX: Second.

3 PRESIDENT LAYTON: Any comments?

4 COMMISSIONER DALEY: Just a question.

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

7 MR. SUSSENBACH: Correct.

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

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

23 COMMISSIONER DALEY: We just need to
24 look fo access when possible.

25 MR. SUSSENBACH: Sure. Absolutely.

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

3 COMMISSIONER KNICK: All in favor?
4 (AYES RESPOND)

5 COMMISSIONER KNICK: Opposed? Motion
6 passes eight to zero.

7 ATTORNEY BECHTEL: The next item for
8 the Commission is Contract Number L-3743, State Game
9 Land Number 224, in Luzerne County. Lynda Gail
10 Johnson is offering 99 more or less acres of land in
11 Union and Hunlock Townships, Luzerne County, adjoining
12 State Game Land Number 224, as shown on Exhibit RED 8
13 on page 42 of your agenda. The option price is \$400
14 per acre to be paid with funds from the Game Fund.
15 The property is mostly forested with mixed hardwoods
16 on a steep south facing slope with rock outcroppings
17 along the ridge.

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

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

24 PRESIDENT LAYTON: Motion to accept?

25 COMMISSIONER FREDERICKS: So moved.

1 position surrounding this portion of State Game Land
2 Number 223. Greylock has initiated unconventional
3 well drilling and development in the vicinity of the
4 proposed tract and has the ability to unitize and
5 develop the Commission's oil and gas reserves under
6 the proposed tract by horizontal drilling with no
7 surface use or disturbance to the current owners.

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

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

19 The bonus payment of approximately
20 \$70,916 may be deposited either into the Game Fund or
21 into an interest bearing escrow account to be used for
22 the future purchase of wildlife habitats, lands or
23 other uses incidental to hunting, furtaking and
24 wildlife resource management. Future rentals and
25 royalties owed the Commission shall be deposited

1 directly into the Game Fund.

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

6 PRESIDENT LAYTON: Do we have a motion
7 to accept?

8 COMMISSIONER FREDERICKS: So moved.

9 PRESIDENT LAYTON: Second?

10 COMMISSIONER FORADORA: Second.

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

13 COMMISSIONER KNICK: All in favor?

14 (AYES RESPOND)

15 COMMISSIONER KNICK: Opposed? Motion
16 passes eight to zero.

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

21 COMMISSIONER DALEY: Yeah, sure.

22 Yeah. On - I guess that would have
23 been Sunday - we had one of our officers represent the
24 FOP. So the way that our current retirement system is
25 set up, it doesn't match any of the other law

1 enforcement agencies and personnel within - it's
2 everything from, you know, wardens to Fish and Boat
3 and whatever. We just want to extend that to cover
4 our officers as well, because it allows them to retire
5 at an earlier age without being penalized. That's
6 what it's for.

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

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

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

1 default at age 60 or after 35 years of service.

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

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

23 And whereas since 2000, both Houses of
24 the General Assembly got together and introduced no
25 less than 17 legislative bills aimed at amending the

1 definition of enforcement officer to include game
2 wardens, Game Commission officers, and other
3 Commission law enforcement personnel employed by the
4 Pennsylvania Game Commission to bring these officers
5 in with the other forms of law enforcement officers
6 employed by the Commonwealth of Pennsylvania on
7 matters related to retirement.

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

11 Now, therefore, be it resolved that
12 the Board of Commissioners of the Pennsylvania Game
13 Commission does hereby support the General Assembly in
14 giving further consideration to this matter through
15 its future conduction of legislation aimed at amending
16 the definition of enforcement officer in Section 5102
17 of the State Employees' Retirement Code to include
18 Game Wardens, Game Commission Officers and other
19 Commission law enforcement personnel employed by the
20 Pennsylvania Game Commission. Given under the hand
21 and seal of the Board of Commissioners of the
22 Pennsylvania Game Commission on this 29th day of
23 January, 2019.

24 PRESIDENT LAYTON: Mr. Daley, would
25 you like to make a motion to accept the resolution?

1 COMMISSIONER DALEY: So moved.

2 PRESIDENT LAYTON: Second, please?

3 COMMISSIONER FREDERICKS: Second.

4 PRESIDENT LAYTON: Any comments from
5 the Commissioners?

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

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

15 COMMISSIONER KNICK: All in favor?

16 (AYES RESPOND)

17 COMMISSIONER KNICK: Opposed? Passed
18 eight to zero.

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

22 COMMISSIONER HOOVER: Yes, Mr.
23 President. At this time I would like to ask the staff
24 to prepare language to allow for the use of semi-
25 automatic rifle during the big game season. This

1 follows the addition of semi-automatic shotguns during
2 the 2018-'19 season, without incident.

3 COMMISSIONER FREDERICKS: Second.

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

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

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

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

22 PRESIDENT LAYTON: Thank you,
23 Commissioner Hoover.

24 The next working group meetings, we'll
25 have to get out there for everybody. They're upstairs

1 in the office. The Commission meetings are the same.
2 There will be an executive session immediately
3 following the press conference. If there is no
4 further business, this meeting is adjourned.

5 * * * * *

6 HEARING CONCLUDED AT 9:19 A.M.

7 * * * * *

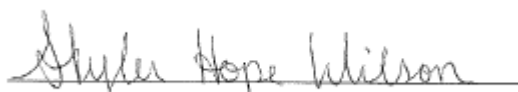
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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