

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

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FORMAL MEETING

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BEFORE: MEMBERS OF THE BOARD:

MICHAEL MITRICK, PRESIDENT

Kristen Schnepf-Giger, Vice President

Dennis R. Fredericks, Secretary

Allen J. DiMarco, Commissioner

Scott H. Foradora, Commissioner

Stanley I. Knick, Jr., Commissioner

Todd A. Pride, Commissioner

Haley J. Sankey, Commissioner

Robert C. Schwalm, Commissioner

Bryan Burhans, Executive Director

MEETING: January 28, 2023 1:33 p.m.

LOCATION: PA Game Commission

Reporter: Victoria Lantz

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A P P E A R A N C E S

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JASON A. RAUP, ESQUIRE

PA Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110

Counsel for Pennsylvania Game Commission

ALSO PRESENT:

MATTHEW SCHNUPP

DAVID GUSTAFSON

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DISCUSSION AMONG PARTIES

4 - 67

P R O C E E D I N G S

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PRESIDENT MITRICK: I would like to call this meeting to order, please. With that we will start with the Pledge of Allegiance.

(Pledge of Allegiance.)

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

COMMISSIONER FREDERICKS: Michael Mitrick?

PRESIDENT MITRICK: Present.

COMMISSIONER FREDERICKS: Kristen Giger?

COMMISSIONER SCHNEPP-GIGER: Present.

COMMISSIONER FREDERICKS: Dennis Fredericks, I'm here. Allen DiMarco?

COMMISSIONER DIMARCO: Present.

COMMISSIONER FREDERICKS: Scott Foradora?

COMMISSIONER FORADORA: Present.

COMMISSIONER FREDERICKS: Stanley Knick?

COMMISSIONER KNICK: Present.

COMMISSIONER FREDERICKS: Todd Pride?

1 COMMISSIONER PRIDE: Present.

2 COMMISSIONER FREDERICKS: Haley

3 Sankey?

4 COMMISSIONER SANKEY: Present.

5 COMMISSIONER FREDERICKS: And Mr.

6 Robert Schwalm?

7 COMMISSIONER SCHWALM: Present.

8 COMMISSIONER FREDERICKS: Mr.

9 President, you have a quorum.

10 PRESIDENT MITRICK: Thank you very
11 much. Can I have an approval of the Minutes for
12 September 24th, 2022?

13 COMMISSIONER SCHNEPP-GIGER: So moved.

14 PRESIDENT MITRICK: Is there a second?

15 COMMISSIONER FREDERICKS: Second.

16 PRESIDENT MITRICK: All in favor?

17 AYES RESPOND

18 PRESIDENT MITRICK: The motion passes.

19 Next up is proposed rulemaking with Jason Raup.

20 ATTORNEY RAUP: Thank you, Mr.

21 President. The first item up for consideration is
22 from the Bureau of Wildlife Management. It concerns
23 the Proposed Rulemaking to amend 58 Pa. Code Sections
24 143.41 through 143.45 and to remove 143.48 through
25 143.56.

1 Historically, the County Treasurers
2 have been the only class of issuing agents that were
3 legally authorized to issue antlerless deer licenses.
4 This limited authority structure necessitated the use
5 of an inflexible and outdated mail-in antlerless deer
6 application process that generated inconsistent
7 distribution results from year to year and from
8 county to county. The Act of November 3rd, 2022, Act
9 148, expanded the Commission's authority to designate
10 additional classes of issuing agents that are now
11 authorized to issue antlerless deer licenses. This
12 legislation became effective January 2nd, 2023.

13 Under this new legislation, the
14 Commission is now able to designate any or all
15 issuing agent classes as authorized to issue
16 antlerless licenses. With these expanded issuing
17 agent opportunities, the Commission is now able to
18 implement full use of all of the PALS license sales
19 system services for antlerless licenses that have
20 been available for other license types for many
21 years, including online and over-the-counter sales.
22 The Commission does not anticipate that this
23 modernization sales process will result in a
24 significantly different license purchasing experience
25 for most antlerless deer license applicants as it

1 expects that many of these purchases will be combined
2 with other licenses, other license product purchases
3 a la carte at the beginning of the license year.

4 The Commission is proposing to amend
5 Sections 143.41 through 143.45 and removing 143.48
6 through 143.56 to eliminate the mail-in process and
7 replace it with an online and over-the-counter
8 process. These amendments will make two notable
9 changes to the antlerless deer license regulations.
10 First, eligibility criteria for the issuance of
11 antlerless deer licenses outside of allocations
12 established for WMUs have been slightly expanded to
13 include additional eligibility for disabled veteran
14 and landowner licenses. Second, antlerless deer
15 license consecutive sales rounds timelines have been
16 advanced a few weeks as a result of the elimination
17 of the slower mail-in procedures.

18 The remaining amendments to the
19 regulatory text reorganize and reconstitute existing
20 procedures and requirements for the distribution of
21 antlerless deer licenses. The Commission will
22 continue to accept applications for antlerless deer
23 licenses allocated to each WMU on a first-come
24 first-served basis through one or more sales rounds
25 that will continue to supply the licenses until

1 they're exhausted for each unit. This process will
2 remain similiar in the three round application
3 process that limits the distribution of one
4 antlerless deer license per round followed by a
5 fourth round of continuous over-the-counter sales for
6 those WMUs with remaining allocations.

7 The text of these amendments can be
8 found on pages 3 through 11 of your agenda.

9 PRESIDENT MITRICK: May I have a
10 motion for approval please?

11 COMMISSIONER KNICK: So moved.

12 COMMISSIONER FREDERICKS: Second.

13 PRESIDENT MITRICK: Any comments? Any
14 discussion? Mr. Secretary, would you call for a
15 vote, please?

16 COMMISSIONER FREDERICKS: All those in
17 favor, say aye.

18 AYES RESPOND

19 COMMISSIONER FREDERICKS: Opposed?

20 The ayes have it, Mr. President.

21 PRESIDENT MITRICK: Thank you.

22 ATTORNEY RAUP: The next item up for
23 your consideration concerns the Proposed Rulemaking
24 to amend 58 Pa. Code 139.17. A uniform system of
25 wildlife management units was implemented in 2003 to

1 replace the system of multiple, species-specific
2 management units. The primary objective of this new
3 wildlife management unit system was intended to
4 develop and implement wildlife management decisions
5 on a system of more homogenous units based on
6 physiography, land cover, use, and human population
7 density and land ownership.

8 Wildlife management boundaries were
9 defined using readily-recognizable features on the
10 landscape rather than hard-to-identify political
11 boundaries. WMUs have undergone periodic reviews and
12 evaluations. And following a recent evaluation in
13 WMU 2H, which was separated out of the footprint of
14 the WMU 2G in 2013, it was determined that WMU 2H is
15 too small to effectively collect adequate wildlife
16 and hunter data for big game species. Furthermore,
17 WMU 2H remains similar to WMU 2G in deer harvests and
18 forest habitat measures. As a result, the Commission
19 is proposing to amend 139.17 to eliminate WMU 2H and
20 return WMU 2G to its original boundary. The proposed
21 change to the WMU boundary line is shown on the
22 attached map on page 13.

23 PRESIDENT MITRICK: We had an
24 excellent presentation on this yesterday at the - can
25 I have a motion for approval?

1 COMMISSIONER FREDERICKS: So moved.

2 PRESIDENT MITRICK: Second?

3 COMMISSIONER SCHNEPP-GIGER: Second.

4 PRESIDENT MITRICK: Discussion?

5 Hearing none, Mr. Secretary, if you'd call for a
6 vote, please.

7 COMMISSIONER FREDERICKS: All those in
8 favor, say aye.

9 AYES RESPOND

10 COMMISSIONER FREDERICKS: Opposed?

11 The ayes have it, Mr. President.

12 PRESIDENT MITRICK: Thank you.

13 ATTORNEY RAUP: We're now starting on
14 page 14. The next item up for consideration concerns
15 the Proposed Rulemaking to amend 58 Pa. Code 139.4.

16 You will note that there is a
17 replacement page for page 14 that is shown on green
18 paper in replacement for what is currently present
19 within the printed agenda.

20 To effectively manage the wildlife
21 resources and provide hunting and trapping
22 opportunities in the Commonwealth during the upcoming
23 license year, the Commission is proposing to amend
24 Section 139.4 relating to seasons and bag limits for
25 the license year to provide updated seasons and bag

1 limits for the 2023-2024 license year. The 2023-24
2 seasons and bag limits have been amended to reflect
3 the current available scientific data, population,
4 and harvest records, field surveys, and professional
5 staff observations, as well as recommendations
6 received from staff, organized sporting groups,
7 members of the agricultural community, and others
8 interested in the management of the wildlife
9 resources of this Commonwealth.

10 For small game, a significant
11 expansion of opportunity for put-and-take hunting of
12 captive-reared bobwhite quail in most of Pennsylvania
13 is proposed via an earlier season opening date, later
14 season closing date, and removal of the daily bag
15 limit. Also, adjustments to crow season dates and
16 addition of Thursdays as hunting days are proposed to
17 shift hunting opportunity from the peak breeding
18 season to the fall and winter months.

19 For black bear, five WMUS, 1B, 2C, 4A,
20 4B, and 4D are proposed to be removed from the
21 extended firearms of black bear season because of
22 declining trends in nuisance complaints and hunter
23 success rates.

24 For furbearers, WMUS 3B and 4E are
25 proposed to be opened to river otter trapping because

1 habitat and population data indicate that these units
2 can support sustainable otter harvest. Also, several
3 furbearers are proposed for an addition to the list
4 of species that are legal for falconry harvest.

5 For elk, the proposed archery season
6 is a week later in 2022 - than was in 2022-23 to
7 provide an additional time between the license
8 drawing and the beginning of the season.

9 For falconry, an expansion of falconry
10 opportunities, to include the period of overlap with
11 the regular firearms deer season, is proposed for
12 these species for which falconry is a legal means of
13 take. This expansion fully implements the intended
14 effect of recent amendments to Section 141.3 relating
15 to hunting hours made by the Commission at its
16 July 9th, 2022 meeting.

17 No substantive changes are proposed
18 for white-tailed deer or wild turkey seasons,
19 although the 2024 youth and regular spring turkey
20 seasons are proposed to open five days later than in
21 2023. This is a normal fluctuation that occurs every
22 several years for consistency with the wild turkey
23 management plan guideline of opening the regular
24 season the Saturday closest to May 1st.

25 The text of these amendments can be

1 found on pages 15 through 25 of your agenda.

2 PRESIDENT MITRICK: So then we're
3 going to go through each page and ask for approval of
4 that page before taking a roll - we're going to take
5 a vote for each page, okay? So on page 15, can I
6 have a motion for approval?

7 COMMISSIONER KNICK: So moved.

8 PRESIDENT MITRICK: Second?

9 COMMISSIONER FREDERICKS: Second.

10 PRESIDENT MITRICK: Discussion? Mr.
11 Secretary?

12 COMMISSIONER FREDERICKS: All those in
13 favor, say aye for page 15.

14 AYES RESPOND

15 COMMISSIONER FREDERICKS: Opposed?
16 The ayes have it, Mr. President.

17 PRESIDENT MITRICK: Thank you. Page
18 16, motion for approval?

19 COMMISSIONER SCHNEPP-GIGER: So moved.

20 PRESIDENT MITRICK: Second?

21 COMMISSIONER FREDERICKS: Second.

22 PRESIDENT MITRICK: Discussion? Mr.
23 Secretary, would you call for a vote, please?

24 COMMISSIONER FREDERICKS: Page 16, all
25 those in favor say aye.

1 AYES RESPOND

2 COMMISSIONER FREDERICKS: Opposed?

3 The ayes have it, Mr. President.

4 PRESIDENT MITRICK: Thank you. Page
5 17, motion for approval?

6 COMMISSIONER SCHNEPP-GIGER: So moved.

7 COMMISSIONER FORADORA: Second.

8 PRESIDENT MITRICK: All for
9 discussion? Mr. Secretary.

10 COMMISSIONER FREDERICKS: Page 17, all
11 those in favor say aye.

12 AYES RESPOND

13 COMMISSIONER FREDERICKS: Opposed?

14 The ayes have it, Mr. President.

15 PRESIDENT MITRICK: Again, thank you.
16 Page 18, motion for approval?

17 COMMISSIONER KNICK: So moved.

18 PRESIDENT MITRICK: Second?

19 COMMISSIONER FREDERICKS: Second.

20 PRESIDENT MITRICK: Discussion? Mr.
21 Secretary.

22 COMMISSIONER FREDERICKS: All those in
23 favor of page 18, say aye.

24 AYES RESPOND

25 COMMISSIONER FREDERICKS: Opposed?

1 The ayes have it, Mr. President.

2 PRESIDENT MITRICK: Again, thank you.

3 Page 19, motion for approval.

4 COMMISSIONER DIMARCO: So moved.

5 COMMISSIONER FREDERICKS: Second.

6 PRESIDENT MITRICK: Discussion? Mr.

7 Secretary.

8 COMMISSIONER FREDERICKS: Page 19.

9 All those in favor, say aye.

10 AYES RESPOND

11 COMMISSIONER FREDERICKS: Opposed?

12 The ayes have it, Mr. President.

13 PRESIDENT MITRICK: Thank you. Page

14 20, motion for approval?

15 COMMISSIONER KNICK: So moved.

16 COMMISSIONER SANKEY: Second.

17 PRESIDENT MITRICK: Discussion? Mr.

18 Secretary.

19 COMMISSIONER FREDERICKS: Page 20, all

20 those in favor, say aye.

21 AYES RESPOND

22 COMMISSIONER FREDERICKS: Opposed?

23 The ayes have it, Mr. President.

24 PRESIDENT MITRICK: Thank you. Page

25 21, motion for approval?

1 COMMISSIONER KNICK: So moved.

2 PRESIDENT MITRICK: Second?

3 COMMISSIONER FREDERICKS: Second.

4 PRESIDENT MITRICK: Discussion?

5 COMMISSIONER SCHNEPP-GIGER: If I may
6 Mr. President, we have a floor amendment for this
7 page. And I think it's noteworthy to point out that
8 the change on the floor amendment for page 21
9 includes utilizing all mentored permit holders to be
10 able to harvest antlerless deer during that October
11 19th, 20th, and 21st firearm season. Previously that
12 was for juniors and seniors and active-duty military
13 only. And this will enable our mentored adults to
14 participate in that special season as well.

15 PRESIDENT MITRICK: Okay. Thank you.
16 Mr. Secretary, would you call for a
17 vote?

18 COMMISSIONER FREDERICKS: Those in
19 favor of the proposed amendment by Commissioner
20 Giger, say aye.

21 AYES RESPOND

22 COMMISSIONER FREDERICKS: Opposed?
23 The ayes have, are in favor of the amendment, Mr.
24 President.

25 PRESIDENT MITRICK: Thank you. Now

1 can we have a motion for approval of page 21 now
2 complete?

3 COMMISSIONER FREDERICKS: So moved.

4 PRESIDENT MITRICK: Second? Do we
5 have a second on that?

6 COMMISSIONER FORADORA: Second.

7 COMMISSIONER KNICK: Second.

8 PRESIDENT MITRICK: Any further
9 comment? Secretary.

10 COMMISSIONER FREDERICKS: All those in
11 favor of page 21 as amended, say aye.

12 AYES RESPOND

13 COMMISSIONER FREDERICKS: Opposed?
14 The ayes have it, Mr. President.

15 PRESIDENT MITRICK: Thank you. Page
16 22, motion for approval.

17 COMMISSIONER FREDERICKS: So moved.

18 PRESIDENT MITRICK: Do we have a
19 second?

20 COMMISSIONER FORADORA: Second.

21 PRESIDENT MITRICK: Discussion?

22 COMMISSIONER SCHNEPP-GIGER: Mr.

23 President, I'll chime in here again that with the
24 discussion we just had, adding mentored adults to
25 that early firearms antlerless deer season. That

1 season coincides with the bear special firearms deer
2 season. So the floor amendment for page 22 of your
3 agenda will also include mentored adult permit
4 holders to be able to participate in that season as
5 well.

6 PRESIDENT MITRICK: Any other
7 comments? Mr. Secretary.

8 COMMISSIONER FREDERICKS: All those in
9 favor of the - the amendment set forward by
10 Commissioner Giger, say aye.

11 AYES RESPOND

12 COMMISSIONER FREDERICKS: Opposed?
13 The amendment's approved, Mr. President.

14 PRESIDENT MITRICK: Thank you. Now
15 we'll need a vote for page 22, the complete page.
16 Can I have a motion for approval?

17 COMMISSIONER SANKEY: I move.

18 COMMISSIONER FORADORA: Second.

19 PRESIDENT MITRICK: Any further
20 comments? Mr. Secretary.

21 COMMISSIONER FREDERICKS: All those in
22 favor of page 22 as amended, say aye.

23 AYES RESPOND

24 COMMISSIONER FREDERICKS: Opposed?
25 The ayes have it, Mr. President.

1 PRESIDENT MITRICK: Okay, thank you.
2 Page 23, Mr. Raup do you want to say
3 anything about that?

4 ATTORNEY RAUP: Only that page 23 also
5 has a replacement page. No special vote to amend
6 this into the agenda is necessary. It reflects the
7 updated commentary that was already read to the
8 Board.

9 PRESIDENT MITRICK: Motion for
10 approval for page 23.

11 COMMISSIONER FREDERICKS: So moved.

12 COMMISSIONER KNICK: So - second.

13 PRESIDENT MITRICK: Comments? Mr.
14 Secretary.

15 COMMISSIONER FREDERICKS: All those in
16 favor of the replacement page 23, say aye.

17 AYES RESPOND

18 COMMISSIONER FREDERICKS: All those
19 opposed?

20 The ayes have it, Mr. President.

21 PRESIDENT MITRICK: Thank you. Page
22 24, motion for approval?

23 COMMISSIONER FREDERICKS: So moved.

24 COMMISSIONER FORADORA: Second.

25 PRESIDENT MITRICK: Comments? May I

1 have a vote, Mr. Secretary?

2 COMMISSIONER FREDERICKS: All those in
3 favor of page 24, say aye.

4 AYES RESPOND

5 COMMISSIONER FREDERICKS: All those
6 opposed?

7 Page 24 is approved, Mr. President.

8 PRESIDENT MITRICK: Thank you. Page
9 25, motion for approval.

10 COMMISSIONER FREDERICKS: So moved.

11 PRESIDENT MITRICK: Second?

12 COMMISSIONER FORADORA: Second.

13 PRESIDENT MITRICK: Any comments? Mr.
14 Secretary.

15 COMMISSIONER FREDERICKS: All those in
16 favor of page 25, say aye.

17 AYES RESPOND

18 COMMISSIONER KNICK: There's an
19 amendment on 25 right there.

20 PRESIDENT MITRICK: There is.

21 COMMISSIONER KNICK: There's an
22 amendment on 25.

23 PRESIDENT MITRICK: The amendment is
24 on the bottom. It includes mentored youth and
25 mentored adults with a valid mentored hunter permit

1 issued under Chapter 147, Subchapter 10, relating to
2 special permits, mentored hunting program permit. So
3 we have to take a vote on the amended page first, for
4 page 25.

5 COMMISSIONER KNICK: I'll make a
6 motion for the amendment.

7 COMMISSIONER FREDERICKS: Second.

8 PRESIDENT MITRICK: Comments? All in
9 favor.

10 AYES RESPOND

11 PRESIDENT MITRICK: Mr. Secretary, I'm
12 sorry. I'm taking your job, Mr. Secretary.

13 COMMISSIONER FREDERICKS: All those in
14 favor, page 25 as amended, say aye.

15 AYES RESPOND

16 COMMISSIONER FREDERICKS: Opposed?
17 Page 25 as amended, Mr. President.

18 PRESIDENT MITRICK: Page 26, Jason.

19 ATTORNEY RAUP: All right.

20 The next item up for consideration
21 concerns the proposed rulemaking to amend 58 Pa. Code
22 Section 133.21.

23 The Commission is proposing to amend
24 Section 133.21 relating to classification of birds to
25 update the scientific names of the Yellow-crowned

1 Night-heron, Sedge Wren, and Northern Harrier on the
2 Commonwealth's lists of threatened and endangered
3 birds with current and accepted taxonomic
4 nomenclature. The scientific name for the
5 Yellow-crowned Night-heron was changed from
6 *Nycticorax violaceus* to *Nyctanassa violacea* as part
7 of the splitting of the genera published in the 37th
8 supplement to the American Ornithologists' Union
9 Checklist of North American Birds. The Sedge Wren
10 was split from Grass Wren, a non-migratory Mexican
11 and South American population, that retained the
12 *Cicstothorus platensis* scientific name. And the
13 scientific name for the Sedge Wren was - migratory
14 population and the Pennsylvania endangered breeding
15 species is now *Cicstothorus stellaris*.

16 The Northern Harrier has been split
17 from its old world relative the Hen Harrier. The Hen
18 Harrier retained the original scientific name *Circus*
19 *Cyaneus* as the older described species, and the
20 Northern Harrier received the new scientific name
21 *Circus hudsonius*. And these changes do not affect
22 the protection, management, or common names of these
23 species, but will keep Pennsylvania's lists
24 consistent with the current accepted taxonomic
25 nomenclature.

1 The text of these amendments can be
2 found on pages 26 and 27 of your agenda.

3 PRESIDENT MITRICK: May I have a
4 motion for approval?

5 COMMISSIONER SCHNEPP-GIGER: So moved.

6 COMMISSIONER FREDERICKS: Second.

7 COMMISSIONER DIMARCO: Second.

8 PRESIDENT MITRICK: Discussion? Mr.
9 Secretary.

10 COMMISSIONER FREDERICKS: All those in
11 favor, say aye.

12 AYES RESPOND

13 COMMISSIONER FREDERICKS: Opposed?
14 The ayes have it, Mr. President.

15 PRESIDENT MITRICK: Thank you.

16 ATTORNEY RAUP: The next item up for
17 your consideration concerns the Proposed Rulemaking
18 to amend 58 Pa. Code 137.35.

19 Current Chronic Wasting Disease, or
20 CWD, regulations restrict movement of high-risk
21 cervid parts from being imported or removed from any
22 Disease Management or Established Area, DMA OR EA,
23 created within this Commonwealth. These restrictions
24 directly impact and limit where successful hunters
25 can take cervids for processing and taxidermy. In an

1 effort to provide hunters with more options, the
2 Commission established cooperating processors and
3 taxidermists who are authorized to receive high-risk
4 cervid parts at their facilities. These cooperators
5 were approved based upon their compliance with proper
6 disposal requirements for high-risk cervid parts to
7 help limit human-assisted spread of CWD. Currently,
8 cooperators are specific to a current DMA and do not
9 allow access to cooperators associated with other
10 DMAs, regardless of proximity. The Commission has
11 determined that limiting public access to DMA-
12 specific cooperators adds unnecessary complexity and
13 confusion for cooperators and hunters alike.

14 In an effort to simplify CWD
15 regulations and enhance protections against
16 human-assisted spread of CWD, the Commission is
17 proposing to amend Section 137.35 to authorize, one
18 to authorize a statewide CWD cooperator program.
19 Two, authorize any statewide cooperator the ability
20 to accept high-risk cervid parts imported into
21 Pennsylvania from other states, Canadian provinces or
22 other locations or exported from a DMA within
23 Pennsylvania. Three, prohibit the placement of
24 high-risk parts on the landscape anywhere within the
25 Commonwealth that are derived from any cervid

1 harvested, taken, or killed outside of the
2 Commonwealth or within a DMA or Established Area.

3 This new structure will allow hunters
4 to use any cooperating processor or taxidermist
5 within the Commonwealth rather than limiting hunters
6 to cooperators associated only with a particular DMA.
7 This new structure will also allow for a limited
8 controlled authorization for hunters to import
9 high-risk cervid parts into this Commonwealth.

10 The text of these amendments can be
11 found on pages 28 through 31 of your agenda.

12 PRESIDENT MITRICK: Can I have a
13 motion for approval, please?

14 COMMISSIONER KNICK: So moved.

15 COMMISSIONER FREDERICKS: Second.

16 PRESIDENT MITRICK: We have discussion
17 on this? Matthew, do you want to say anything?

18 COMMISSIONER FREDERICKS: All those in
19 favor of the motion, say aye.

20 AYES RESPOND

21 PRESIDENT MITRICK: Matthew was going
22 to say something.

23 DR. SCHNUPP: No, I'm good. I just
24 appreciate the chance to talk and, you know, we all
25 saw the information yesterday. How important it is

1 that we maintain diligence with CWD. In reality,
2 also living with the disease and managing it and
3 engaging and keeping our hunters engaged. And so we
4 appreciate all that they're doing to help us during
5 this battle. So we hope that this will help them, and
6 then ultimately decrease the amount of high-risk
7 parts that are out on the landscape.

8 PRESIDENT MITRICK: Thank you, all
9 right.

10 Mr. Secretary, would you call for a
11 vote again?

12 COMMISSIONER FREDERICKS: All those in
13 favor of the motion, say aye.

14 AYES RESPOND

15 COMMISSIONER FREDERICKS: Opposed?
16 The ayes have it, Mr. President.

17 PRESIDENT MITRICK: Thank you.

18 ATTORNEY RAUP: All right.

19 The next item up for consideration
20 concerns the Adopted Rulemaking to amend 58 Pa. Code
21 147.701.

22 To effectively manage the wildlife
23 resources of the Commonwealth, the Commission at its
24 September 24th, 2022 meeting amended Section 147.701
25 to create a universal reporting period of 48 hours

1 for bobcat, fisher and otter harvests. The
2 amendments to section 147.701 will not take effect
3 until the 2023-2024 license year. For the 2022-23
4 license year, otter reporting will be taken by
5 HuntFishPA, the same method used for reporting bobcat
6 and fisher harvest and CITES tags will be mailed in a
7 similar manner as bobcat CITES tags.

8 The text of these amendments can be
9 found on page 33 of your agenda.

10 PRESIDENT MITRICK: Can we have a
11 motion for approval, please?

12 COMMISSIONER FREDERICKS: So moved.

13 PRESIDENT MITRICK: Second?

14 COMMISSIONER SCHNEPP-GIGER: Second.

15 PRESIDENT MITRICK: Discussion? Mr.
16 Secretary.

17 COMMISSIONER FREDERICKS: All those in
18 favor, say aye.

19 AYES RESPOND

20 COMMISSIONER FREDERICKS: Opposed?

21 The ayes have it, Mr. President.

22 PRESIDENT MITRICK: Thank you.

23 ATTORNEY RAUP: All right.

24 The next item up for your
25 consideration concerns the Adopted Rulemaking to

1 amend 58 Pa. Code Section 141.6.

2 To effectively manage the wildlife
3 resources of this Commonwealth, the Commission at its
4 September 24th, 2022 meeting amended Section 141.6 to
5 allow the use of body-gripping traps with a spread
6 larger than six-and-one-half inches by six-and-one-
7 half inches for river otters.

8 The text of these amendments can be
9 found on page 35 of your agenda.

10 PRESIDENT MITRICK: Motion for
11 approval?

12 COMMISSIONER FREDERICKS: So moved.

13 PRESIDENT MITRICK: Second?

14 COMMISSIONER PRIDE: Second.

15 PRESIDENT MITRICK: Any discussion?

16 Mr. Secretary.

17 COMMISSIONER FREDERICKS: All those in
18 favor, say aye.

19 AYES RESPOND

20 COMMISSIONER FREDERICKS: Opposed.

21 (NO RESPONSE)

22 COMMISSIONER FREDERICKS: The ayes
23 have it, Mr. President.

24 PRESIDENT MITRICK: Thank you.

25 ATTORNEY RAUP: The next item up for

1 consideration is from the Bureau of Wildlife
2 Protection, and it concerns the Proposed Rulemaking
3 to amend 58 Pa. Code Section 147.282.

4 A menagerie has approached the
5 Commission to request that its safety regulations
6 concerning public exposure with certain wildlife be
7 relaxed. The Commission has reviewed the applicable
8 regulations and determined that changes can be made
9 to the regulation without exposing the public to
10 unnecessary danger or harm. A menagerie is defined
11 as any place where one or more wild birds or wild
12 animals, or one or more birds or animals which have
13 similar characteristics in appearance to birds or
14 animals wild by nature, are kept in captivity for the
15 evident purpose of exhibition or with or without
16 charge.

17 The Commission is proposing to amend
18 Section 147.282 relating to safety to classify
19 wildlife into categories that match an associated
20 level of exposure and public contact appropriate for
21 that category of wildlife. These changes will
22 authorize menageries to remove additional species of
23 wildlife from caging and directly exposed them to the
24 public, including wallabies, nonhuman primates, and
25 all other wildlife outside of the families Ursidae,

1 Felidae, and Canidae.

2 The text of these amendments can be
3 found on pages 36 and 37 of your agenda.

4 PRESIDENT MITRICK: May I have a
5 motion for approval, please?

6 COMMISSIONER SANKEY: I move.

7 COMMISSIONER FREDERICKS: Second.

8 PRESIDENT MITRICK: Any discussion on
9 the topic?

10 COMMISSIONER SCHNEPP-GIGER: Mr.
11 President, this is a fantastic example of the Agency
12 taking action on a non-game related matter, and
13 another area of responsibility under the purview of
14 this Agency. So, you know, we have a ton of public
15 comment in here today primarily about, you know when
16 we should open-up firearms deer season. But the
17 reality of it is that's one of several topics, you
18 know, that we have to deal with and consider. And it
19 took a member of the public coming and standing at
20 that podium and requesting this change, and we heard
21 them. And that's why this is on the agenda today.

22 So I appreciate the public comment
23 that comes in, and you know, I don't know that much
24 about menageries. So I'm glad whenever they bring
25 something like this to our attention, we, as a Board,

1 are more than happy to accommodate requests that make
2 good sense.

3 PRESIDENT MITRICK: Thank you. Any
4 other comments? Mr. Secretary.

5 COMMISSIONER FREDERICKS: All those in
6 favor, say aye.

7 AYES RESPOND

8 COMMISSIONER FREDERICKS: Opposed?
9 The ayes have it, Mr. President.

10 PRESIDENT MITRICK: Thank you sir.

11 ATTORNEY RAUP: The next item up for
12 consideration concerns the Proposed Rulemaking to
13 amend 58 Pa. Code Section 141.4.

14 The Commission is proposing to amend
15 Section 141.4 relating to hunting hours to replace
16 the current hunting hours table and migratory bird
17 hunting hours table to accurately reflect the dates
18 and hours of legal hunting for the 2023 to 2024
19 hunting/trapping license year.

20 The text of these amendments can be
21 found on page 39 and 40 of your agenda.

22 PRESIDENT MITRICK: May I have a
23 motion for approval, please?

24 COMMISSIONER PRIDE: So moved.

25 COMMISSIONER FORADORA: Second.

1 PRESIDENT MITRICK: Discussion? Mr.
2 Secretary.

3 COMMISSIONER FREDERICKS: All those in
4 favor, say aye.

5 AYES RESPOND

6 COMMISSIONER FREDERICKS: Opposed?
7 The ayes have it, Mr. President.

8 PRESIDENT MITRICK: Thank you.

9 ATTORNEY RAUP: The next item up for
10 consideration concerns the proposed rulemaking to
11 mend 58 Pa. Code Section 141.67.

12 Members of the falconry community have
13 recently requested an expansion of the hunting
14 seasons for falconry to include certain mink,
15 muskrat, fox, opossum, raccoon, striped skunk, and
16 weasel. The Commission has reviewed this request and
17 preliminarily included the addition of these species
18 in the 2023-24 seasons and bag limits proposal for
19 consideration above, or prior to this vote. If
20 approved, this falconry season species expansion will
21 require the addition of falcons to the list of lawful
22 devices that may be used to harvest any furbearer
23 having an open season.

24 A similar provision was added to
25 Section 141.22(a)(7) relating to small game seasons

1 to accommodate this similar purpose. The Commission
2 is proposing to amend Section 141.67 relating to
3 furbearer seasons to expand the list of devices that
4 are permitted to be used to hunt and take furbearers
5 having an open falconry season.

6 The text of these amendments can be
7 found on page 41 of your agenda.

8 PRESIDENT MITRICK: May I have a
9 motion for approval, please?

10 COMMISSIONER KNICK: So moved.

11 PRESIDENT MITRICK: Second?

12 COMMISSIONER FREDERICKS: Second.

13 PRESIDENT MITRICK: Discussion? Mr.
14 Secretary.

15 COMMISSIONER FREDERICKS: All those in
16 favor, say aye.

17 AYES RESPOND

18 COMMISSIONER FREDERICKS: Opposed?
19 The ayes have it, Mr. President.

20 PRESIDENT MITRICK: Thank you.

21 ATTORNEY RAUP: All right.

22 The next item up for consideration
23 comes from the Bureau of Wildlife Habitat Management,
24 and it concerns the Proposed Rulemaking to Amend 58
25 Pa. Code sections 135.101 through 135.107.

1 The Commission's Middle Creek and
2 Pymatuning Wildlife Management Areas are a prime
3 destination for wildlife and people who care about
4 wildlife and wild places. The Commission built these
5 special wildlife management areas at a time when
6 Canada geese were in less-than-desirable numbers
7 within the Commonwealth, particularly in the east.
8 But over time the Middle Creek and Pymatuning
9 Wildlife Management Areas have become so much more
10 for a myriad of wildlife species and countless
11 Pennsylvanians and tourists. The Commission has
12 determined that the regulation governing the use and
13 access of these special wildlife management areas are
14 needlessly complex, redundant, outdated, and simply
15 inconsistent with the current available technologies,
16 particularly as it relates to the management of the
17 controlled hunts. The Commission is proposing to
18 amend Sections 135.101 through 107 to simplify,
19 reorganize, and modernize these special wildlife
20 management area regulations.

21 The text of these amendments can be
22 found on pages 42 through 53 of your agenda.

23 PRESIDENT MITRICK: May I have a
24 motion for approval, please?

25 COMMISSIONER FREDERICKS: So moved.

1 PRESIDENT MITRICK: Second?
2 COMMISSIONER KNICK: Second.
3 PRESIDENT MITRICK: Any discussion?

4 Mr. Secretary.

5 COMMISSIONER FREDERICKS: All those in
6 favor, say aye.

7 AYES RESPOND

8 COMMISSIONER FREDERICKS: Opposed?
9 The ayes have it, Mr. President.

10 PRESIDENT MITRICK: Thank you.

11 ATTORNEY RAUP: The next item up for
12 consideration concerns the Adopted Rulemaking to
13 amend 58 Pa. Code Sections 131.2 and 135.41.

14 To effectively manage the wildlife
15 resources of this Commonwealth, the Commission, at
16 its September 24th, 2022 meeting, amended Sections
17 131.2 and 135.41 to restrict the operation of boats
18 propelled by electric motors on waterways owned or
19 controlled by the Commission to slow, no-wake speed.

20 The text of these amendments can be
21 found on pages 55 and 56 of your agenda.

22 PRESIDENT MITRICK: Motion for
23 approval.

24 COMMISSIONER PRIDE: So moved.

25 COMMISSIONER FREDERICKS: Second.

1 PRESIDENT MITRICK: Discussion? Mr.
2 Secretary.

3 COMMISSIONER FREDERICKS: All those in
4 favor, say aye.

5 AYES RESPOND

6 COMMISSIONER FREDERICKS: Opposed?
7 The ayes have it, Mr. President.

8 PRESIDENT MITRICK: Thank you.

9 ATTORNEY RAUP: The next item up for
10 consideration concerns Contract Number L-3805
11 involving State Game Land Number 105 in Armstrong
12 County.

13 The heirs of Ethel R. Snyder are
14 offering to donate 54 more-or-less acres of land in
15 Sugarcreek Township, Armstrong County near State Game
16 Land 105 as shown on Exhibit RED 2 on page 61 of your
17 agenda. The property offers excellent forested
18 habitat and has the potential to connect State Game
19 Land Number 105 with future acquisitions. The
20 Grantors are reserving the oil, gas, and mineral
21 rights. There are currently no public access to the
22 property.

23 PRESIDENT MITRICK: Dave, did you want
24 to comment on this at all?

25 MR. GUSTAFSON: Just to say this is an

1 example of folks that look at the mission, the Game
2 Commission, and appreciate what we do. This is how
3 some of these lands end up coming donated to us that
4 we otherwise maybe wouldn't target because it's
5 currently disconnected. But it may provide future
6 opportunities to connect to Game Lands. So we always
7 look at those as potential special opportunities. So
8 we're thankful the folks that bring donations like
9 this to us.

10 PRESIDENT MITRICK: Motion for
11 approval?

12 COMMISSIONER FREDERICKS: So moved.

13 COMMISSIONER PRIDE: Second.

14 PRESIDENT MITRICK: Discussion? All
15 in favor - Mr. Secretary.

16 COMMISSIONER FREDERICKS: All in
17 favor, say aye.

18 AYES RESPOND

19 COMMISSIONER FREDERICKS: Opposed?
20 The ayes have it, Mr. President.

21 PRESIDENT MITRICK: Thank you.

22 ATTORNEY RAUP: The next item up for
23 consideration concerns Contract Number L-3806
24 involving State Game Land 332 in Indiana County.

25 Amerikohl Mining, Incorporated is

1 offering to donate 12 more-or-less acres of land in
2 Young Township, Indiana County adjoining State Game
3 Land Number 332 as shown on Exhibit RED 3 on page 63
4 of your agenda. Amerikohl will retain a right of way
5 to their adjacent land. The oil-and-gas rights have
6 been accepted and reserved by prior owners. The
7 parcel will offer improved access to State Game Land
8 332 from State Route 286.

9 PRESIDENT MITRICK: Motion for
10 approval?

11 COMMISSIONER FREDERICKS: So moved.

12 PRESIDENT MITRICK: Second?

13 COMMISSIONER FORADORA: Second.

14 PRESIDENT MITRICK: Any discussion?

15 Mr. Secretary.

16 COMMISSIONER FREDERICKS: All those in
17 favor, say aye.

18 AYES RESPOND

19 COMMISSIONER FREDERICKS: Opposed?

20 The ayes have it, Mr. President.

21 PRESIDENT MITRICK: Thank you.

22 ATTORNEY RAUP: The next item up for
23 consideration concerns Contract Number L-3807
24 involving State Game Land 197 in Warren County.

25 Western Pennsylvania Conservancy is

1 offering 108.5 more-or-less acres of land in Columbus
2 Township, Warren County, adjoining State Game Land
3 Number 197, as shown on Exhibit RED 4 on page 65 of
4 your agenda. The option price is \$43,400 lump sum.
5 A portion of the funding is being held by WPC. At
6 the June 28th, 2011 Commission Meeting, this Board
7 approved contract L-3586 comprising 195 more-or-less
8 acres of land in Cool Spring Township, Mercer County,
9 adjoining State Game Land Number 294, offered by WPC
10 for \$90,000. WPC was unsuccessful in acquiring the
11 195 more-or-less acres associated with L-3586 and has
12 held the funds until suitable replacement lands have
13 become available. A portion of the funds was used to
14 acquire the Halliday tract under contract L-3739,
15 leaving \$25,923.89 to be applied to this acquisition.
16 The balance of \$17,476.11 will be paid from the Game
17 Fund.

18 The property will be subject to deed
19 restrictions pursuant to a grant from the
20 Pennsylvania Department of Conservation and Natural
21 Resources. WPC has also partnered with Ducks
22 Unlimited to apply for grant funding through the
23 North American Wetlands Conservation Act. Access is
24 from Plank Road.

25 PRESIDENT MITRICK: Motion for

1 approval.

2 COMMISSIONER KNICK: So moved.

3 PRESIDENT MITRICK: Second?

4 COMMISSIONER SCHWALM: Second.

5 COMMISSIONER PRIDE: Second.

6 PRESIDENT MITRICK: Discussion?

7 COMMISSIONER FREDERICKS: Mr.

8 President, I need for the record to say that I need
9 to recuse myself from this vote because of my Board
10 position with the WPC.

11 PRESIDENT MITRICK: Thank you. Any
12 other comments? Yes sir.

13 MR. GUSTAFSON: If I can just add, I
14 think this is an example of things that rarely occur
15 but sometimes happen. And if you notice, there was a
16 previous approval by this Board in 2011 for lands
17 that actually never ended up coming to the
18 Commission. For everybody's awareness, the Board
19 approves these acquisitions and on rare occasions
20 sometimes they don't actually happen. We don't
21 actually end up bringing that land to the Game
22 Commission.

23 So this is a great example of
24 partnerships where they continue to work and continue
25 to find other suitable lands. And here we are 11,

1 almost 12 years later now finally bringing something
2 back to the Board. So just for everybody out there
3 listening, we've got an aggressive agenda here for
4 land acquisition projects. And once the Board - the
5 Board approves don't actually always end up becoming
6 Game Lands. There's still a process that has to
7 occur after that.

8 PRESIDENT MITRICK: Thank you. Any
9 other discussion? Mr. Secretary.

10 COMMISSIONER FREDERICKS: All those in
11 favor, say aye.

12 AYES RESPOND

13 COMMISSIONER FREDERICKS: Opposed?
14 The ayes have it, Mr. President, except for my
15 recusal of Dennis Fredericks. Thank you.

16 PRESIDENT MITRICK: Thank you.

17 ATTORNEY RAUP: The next item up for
18 consideration concerns Contract Number L-3808
19 involving State Game Lands 331 in Clearfield County.

20 Cherry Timber Associates, Incorporated
21 is offering 72 more-or-less acres of land in Huston
22 Township, Clearfield County, adjoining State Game
23 Land Number 331, as shown on Exhibit RED 5, on page
24 67 of your agenda. The option price is \$750 per acre
25 to be paid from the Game Fund. The parcel is an

1 indenture to the State Game Land and, therefore, the
2 Commission may exceed \$400-per-acre limitation under
3 Section 705(b) of the Game and Wildlife Code. Access
4 is through the existing State Game Land Number 331.

5 PRESIDENT: Motion for approval.

6 MR. KNICK: So moved.

7 PRESIDENT MITRICK: Second?

8 COMMISSIONER FREDERICKS: Second.

9 PRESIDENT MITRICK: Discussion? Mr.
10 Secretary.

11 COMMISSIONER FREDERICKS: All those in
12 favor, say aye.

13 AYES RESPOND

14 COMMISSIONER FREDERICKS: Opposed?

15 The ayes have it, Mr. President.

16 PRESIDENT MITRICK: Thank you.

17 ATTORNEY RAUP: I would reflect that
18 we are now on page 68, which includes a replacement
19 page that is gold in color for everyone who has
20 acquired a copy. So the next item up for
21 consideration concerns Contract Number L-3809,
22 involving State Game Land 44 in Elk County.

23 The Estate of William R. Mehall, Brent
24 J. Salvadori, Mario J. Salvadori, Susan M. Ford,
25 Ernest R. Linane and Judith R. Milligan are offering

1 100 more-or-less acres of land in Horton Township,
2 Elk County, adjoining State Game Land 44, as shown in
3 Exhibit RED 6 on page 69 of your agenda. The option
4 price is \$230,000 lump sum to be paid from the Game
5 Fund. The parcel is an indenture to the State Game
6 Land and, therefore, the Commission may exceed the
7 \$400-per-acre limitation under Section 705(b) of the
8 Game and Wildlife Code.

9 The Commission will be subject to a
10 life estate in favor of Brent J. Salvadori, who shall
11 have a right to occupy the house located on the
12 premises for the duration of his natural life. Mr.
13 Salvadori will be responsible for all maintenance,
14 real estate taxes on the improvements, utilities, and
15 insurance on his personal property. Access is from
16 State Route 219.

17 PRESIDENT MITRICK: May I have a
18 motion for approval, please?

19 COMMISSIONER SANKEY: So moved.

20 COMMISSIONER FORADORA: Second.

21 PRESIDENT MITRICK: Discussion? Mr.
22 Secretary.

23 COMMISSIONER FREDERICKS: All those in
24 favor of replacement page 68, say aye.

25 AYES RESPOND

1 COMMISSIONER FREDERICKS: Opposed?

2 The ayes have it, Mr. President.

3 PRESIDENT MITRICK: Thank you.

4 ATTORNEY RAUP: All right.

5 The next item up for consideration
6 concerns Contract Number L-3810, involving State Game
7 Land 323 in Centre County.

8 Linda L. Kraft and James M. Lucas are
9 offering 57 more-or-less acres in Marion Township,
10 Centre County, adjoining State Game Land Number 323
11 as shown on Exhibit RED 7 on page 71 of your agenda.

12 The option price is \$135,000 lump sum to be paid
13 from the Pennsylvania Game Commission's restricted
14 account, representing funds from third-party
15 commitments for compensation of habitat and
16 recreational losses which occurred on State Game
17 Lands from previously approved projects.
18 Acquisitions using this account may exceed \$400 per
19 acre. Access is through existing State Game Land
20 number 323.

21 PRESIDENT MITRICK: Motion for
22 approval?

23 COMMISSIONER KNICK: So moved.

24 PRESIDENT MITRICK: Second?

25 COMMISSIONER PRIDE: Second.

1 PRESIDENT MITRICK: Discussion? Mr.
2 Secretary.

3 COMMISSIONER FREDERICKS: All those in
4 favor, say aye.

5 AYES RESPOND

6 COMMISSIONER FREDERICKS: Opposed?
7 The ayes have it, Mr. President.

8 PRESIDENT MITRICK: Thank you.

9 ATTORNEY RAUP: The next item up for
10 consideration concerns Contract Number L-3811,
11 involving State Game Land 323 in Centre County.

12 Alan S. Fisher is offering 57 more-or-
13 less acres of land in Boggs and Spring Townships,
14 Centre County, adjoining State Game Land Number 323
15 as shown on Exhibit RED 8 on page 73 of your agenda.

16 The option price is \$2,500 per acre to be paid from
17 the Game Fund. This parcel is an indenture to the
18 State Game Land and, therefore, the Commission may
19 exceed \$400 per acre under Section 705(b) of the Game
20 and Wildlife Code. Access is through existing State
21 Game Land Number 323.

22 PRESIDENT MITRICK: Motion for
23 approval?

24 COMMISSIONER SCHNEPP-GIGER: So moved.

25 COMMISSIONER FORADORA: Second.

1 PRESIDENT MITRICK: Any discussion?

2 Mr. Secretary.

3 COMMISSIONER FREDERICKS: All those in
4 favor, say aye.

5 AYES RESPOND

6 COMMISSIONER FREDERICKS: Opposed?

7 The ayes have it, Mr. President.

8 PRESIDENT MITRICK: Thank you.

9 ATTORNEY RAUP: The next item up for
10 consideration concerns Contract Number 3812,
11 involving State Game Land 141 in Carbon County.

12 Wildlands Conservancy is offering 588
13 more-or-less acres of land in Penn Forest Township,
14 Carbon County, adjoining and connecting two tracts of
15 State Game Land Number 141 as shown on Exhibit RED 9
16 on page 75 of your agenda. The Game Commission has
17 committed to providing up to \$1,200,000 towards the
18 acquisition and has applied to the U.S. Fish and
19 Wildlife Service for the use of Pittman-Robertson
20 funds to acquire the property. The required 25
21 percent state match for the PR grant will come from
22 the Wildlands Conservancy's own grant award from the
23 Pennsylvania Department of Conservation and Natural
24 Resources. The property will be subject to deed
25 restrictions pursuant to both of these funding

1 sources. Access is from Drakes Creek Road.

2 The Commission must provide the U.S.
3 Fish and Wildlife Service award amount to Wildlands
4 Conservancy from the Commission's restricted revenue
5 account to set up through the Treasury for Other Cost
6 Sharing Funds, and then directly accept the federal
7 reimbursement amount back into the restricted revenue
8 account. This has the double benefit of being
9 efficient, as well as ensuring federal dollars can be
10 tracked directly to the acquisition project as
11 intended by the U.S. Fish and Wildlife Service. The
12 net effect of the restricted revenue account or the
13 Game Fund is zero dollars. To accomplish this, the
14 Board of Commissioners must approve the use of the
15 restricted revenue account, payment from the account,
16 and the subsequent acceptance of the federal
17 Pittman-Robertson funds deposited into the account.

18 PRESIDENT MITRICK: Motion for
19 approval?

20 COMMISSIONER KNICK: So moved.

21 COMMISSIONER FREDERICKS: Second.

22 PRESIDENT MITRICK: Discussion on the
23 motion? Mr. Secretary.

24 COMMISSIONER FREDERICKS: All those in
25 favor, say aye.

1 AYES RESPOND

2 COMMISSIONER FREDERICKS: Opposed?

3 The ayes have it, Mr. President.

4 PRESIDENT MITRICK: Thank you again.

5 ATTORNEY RAUP: All right.

6 The next item up for consideration
7 concerns Contract Number L-3813, involving State Game
8 Land 57 in Wyoming County.

9 Land Water Forest, LLC is offering 437
10 more-or-less acres of land in Forkston Township,
11 Wyoming County, adjoining State Game Land Number 57
12 as shown on Exhibit RED 10 on page 77 of your agenda.

13 The option price is \$285,000 lump sum to be paid
14 from the Game Commission's restricted account,
15 representing funds from third-party commitments for
16 compensation of habitat and recreational losses which
17 occurred on State Game Lands from other previously
18 approved projects. Acquisitions using the account
19 may exceed \$400 per acre. Land Water Forest, LLC is
20 accepting and reserving the oil, gas, and mineral
21 rights, but not the right to use the surface of the
22 property for any future oil-and-gas development.
23 Access is from Windy Mountain Road.

24 PRESIDENT MITRICK: Motion for
25 approval please?

1 COMMISSIONER KNICK: So moved.

2 COMMISSIONER FORADORA: Second.

3 PRESIDENT MITRICK: Discussion? Mr.
4 Secretary.

5 COMMISSIONER FREDERICKS: All those in
6 favor, say aye.

7 AYES RESPOND

8 COMMISSIONER FREDERICKS: Opposed?
9 The ayes have it, Mr. President.

10 PRESIDENT MITRICK: Thank you.

11 ATTORNEY RAUP: The next item up for
12 consideration concerns Contract Number 3814,
13 involving State Game Land 57 in Wyoming County.

14 Land Water Forest, LLC is offering 229
15 more-or-less acres of land in Forkston Township,
16 Wyoming County, near State Game Land Number 57 as
17 shown on Exhibit RED 11 on page 79 of your agenda.
18 The option price is \$400 per acre to be paid from the
19 Game Fund. Land Water Forest, LLC is accepting and
20 reserving the oil, gas, and mineral rights, but not
21 the right to use the surface of the property for any
22 future oil-and-gas development. Access is from
23 Mountain Road.

24 PRESIDENT MITRICK: Motion for
25 approval.

1 COMMISSIONER KNICK: So moved.

2 PRESIDENT MITRICK: Second?

3 COMMISSIONER FREDERICKS: Second.

4 PRESIDENT MITRICK: Discussion on the
5 motion? Yes.

6 MR. GUSTAFSON: Just one comment on
7 this one. If you see by your map there on page 79,
8 this piece looks pretty far disconnected from the
9 Game Lands. This was part of a package deal with the
10 one on the previous page, same landowner if you
11 notice. This one, the reason it was separated is
12 because this disconnected piece we're getting at that
13 \$400-per-acre price and also negotiated with the
14 owners that they won't use the surface even though
15 they're reserving the oil and gas.

16 So sometimes these projects come to us
17 with a lot of different moving parts and pieces. And
18 we end up accepting pieces like this at a respectable
19 price that we're getting them for. So you can't
20 really see it on the map, but they kind - they're
21 only about one air-mile-apart. So just thought I'd
22 add that.

23 PRESIDENT MITRICK: Thank you. Any
24 other discussion? Mr. Secretary.

25 COMMISSIONER FREDERICKS: All those in

1 favor, say aye.

2 AYES RESPOND

3 COMMISSIONER FREDERICKS: Opposed?

4 The ayes have it, Mr. President.

5 PRESIDENT MITRICK: Thank you.

6 ATTORNEY RAUP: The next item up for
7 consideration concerns Contract Number 3815,
8 involving State Game Lands 116, Pike County.

9 The Nature Conservancy is offering 130
10 More-or-less acres of land in Shohola Township, Pike
11 County, adjoining State Game Land 116, as shown in
12 Exhibit RED 12 on page 81 of your agenda. The option
13 price is \$205,200 lump sum to be paid from the Game
14 Fund. The parcel is an indenture to the State Game
15 Land and, therefore, the Commission may exceed the
16 \$400-per-acre limitation under Section 705(b) of the
17 Game and Wildlife Code. The Nature Conservancy's
18 acquisition of the property is contingent upon them
19 receiving funding through a partnership grant with
20 the Pennsylvania Department of Conservation and
21 Natural Resources. Covenants, conditions and
22 restrictions associated with this funding will be
23 required to accept the property. Access is through
24 existing State Game Land 116.

25 PRESIDENT MITRICK: Motion for

1 approval?

2 COMMISSIONER KNICK: So moved.

3 COMMISSIONER FORADORA: Second.

4 PRESIDENT MITRICK: Discussion? Mr.
5 Secretary.

6 COMMISSIONER FREDERICKS: All those in
7 favor, say aye.

8 AYES RESPOND

9 COMMISSIONER FREDERICKS: Opposed?

10 The ayes have it, Mr. President.

11 PRESIDENT MITRICK: Thank you again.

12 ATTORNEY RAUP: The next item up for
13 consideration concerns Contract Number 3816,
14 involving State Game Land 139 in Bucks County.

15 Natural Lands is offering 28 more-or-less
16 acres of land in East Rockhill Township, Bucks County
17 near State Game Land Number 139 as shown on Exhibit
18 RED 13 on page 83 of your agenda. The option price
19 is \$400 per acre to be paid from the Game Fund.

20 Natural Lands' acquisition of the property is
21 contingent upon them receiving funding through
22 partnership grants provided by the Pennsylvania
23 Department of Conservation and Natural Resources and
24 the United States Fish and Wildlife Service through
25 the Highlands Conservation Act. Covenants,

1 conditions, and restrictions associated with these
2 funding sources will be required to accept the
3 property. Access is from the Rockhill Road.

4 Because the HCA funds are payable to
5 the Commonwealth only as a reimbursement, the
6 Commonwealth has determined that the most expeditious
7 way to move forward is for the Commission to accept
8 the subaward for the federal funds from DCNR, provide
9 HCA the award amount to Natural Highlands from the
10 Commission's restricted revenue account set up
11 through Treasury for Other Cost Sharing Funds, and
12 then directly accept the HCA federal reimbursement
13 amount back into the restricted revenue account.

14 This has the double benefit of being
15 efficient, as well as ensuring federal dollars can be
16 tracked directly to the acquisition project as
17 intended by the HCA. The net effect to the
18 restricted revenue account or the Game Fund is zero
19 dollars. To accomplish this, the Board of
20 Commissioners must approve the use of the restricted
21 revenue account, payment from that account, and the
22 subsequent acceptance of the federal HCA funds
23 deposited into the account.

24 PRESIDENT MITRICK: Motion for
25 approval, please.

1 COMMISSIONER DIMARCO: So moved.

2 PRESIDENT MITRICK: Second?

3 COMMISSIONER PRIDE: Second.

4 PRESIDENT MITRICK: Discussion? Mr.

5 Secretary.

6 COMMISSIONER FREDERICKS: All those in
7 favor, say aye.

8 AYES RESPOND

9 COMMISSIONER FREDERICKS: Opposed?

10 The ayes have it, Mr. President.

11 PRESIDENT MITRICK: Thank you.

12 ATTORNEY RAUP: The next item up for
13 consideration concerns Contract Number 3818 (sic),
14 involving State Game Land 168 in Northampton County.

15 Barbara Diefenderfer is offering 5
16 more-or-less acres of land in Lehigh Township,
17 Northampton County, adjoining State Game Land Number
18 168 as shown on Exhibit RED 18 on page 85 of your
19 agenda. The option price is \$17,000 lump sum to be
20 paid from the Game Fund. The parcel is an interior
21 to the State Game Land and therefore the Commission
22 may exceed the \$400-per-acre limitation under Section
23 705(b) of the Game and Wildlife Code. Access is
24 through existing State Game Land Number 168.

25 PRESIDENT MITRICK: Motion for

1 approval?

2 COMMISSIONER DIMARCO: So moved.

3 COMMISSIONER FORADORA: Second.

4 PRESIDENT MITRICK: Discussion? Mr.
5 Secretary.

6 COMMISSIONER FREDERICKS: All those in
7 favor, say aye.

8 AYES RESPOND

9 COMMISSIONER FREDERICKS: Opposed?

10 The ayes have it, Mr. President.

11 PRESIDENT MITRICK: Thank you.

12 ATTORNEY RAUP: The next item up for
13 consideration concerns Contract Number 3817 involving
14 State Game Land 243, York County.

15 Gerald P. and Marjorie L. Jones are
16 offering six more-or-less acres of land in Franklin
17 Township, York County, adjoining State Game Land 243
18 to the Commission in exchange for one or-more-or-less
19 acres of State Game Land Number 243 in Franklin
20 Township, York County as shown on Exhibit RED 14 on
21 page 87 of your agenda. Staff has determined that
22 the six more-or-less acres to be conveyed to the
23 Commission is of greater value than the land to be
24 conveyed to the Joneses and that the proposed
25 exchange is in the best interest of the Commission.

1 Access to the six-acre parcel is through existing
2 State Game Land 243.

3 PRESIDENT MITRICK: Motion for
4 approval?

5 COMMISSIONER FREDERICKS: So moved.

6 PRESIDENT MITRICK: Second?

7 COMMISSIONER SANKEY: Second.

8 PRESIDENT MITRICK: Discussion? Mr.
9 Secretary.

10 COMMISSIONER FREDERICKS: All those in
11 favor, say aye.

12 AYES RESPOND

13 COMMISSIONER FREDERICKS: Opposed?
14 The ayes have it, Mr. President.

15 PRESIDENT MITRICK: Thank you.

16 ATTORNEY RAUP: The next item up for
17 consideration concerns an exchange involving State
18 Game Land 91 in Luzerne County.

19 Transcontinental Gas Pipe Line
20 Company, LLC, TRANSCO, will be exchanging land valued
21 at an initial fee payment of \$343,493.46 for a new
22 License for Right of Way granting the privileges of
23 one, constructing, operating, maintaining and
24 removing a total of 7,046 feet of 24-inch natural gas
25 pipeline, a total of 15,632 feet of 30-inch natural

1 gas pipeline, and appurtenant cathodic protection
2 equipment all within a 23.86-acre right of way; two,
3 upgrading an existing and maintaining a total of
4 15,590 feet of access roads, and, three, using and
5 reclaiming a total of 20.62 acres of temporary
6 workspace on State Game Land Number 91 in Plains and
7 Bear Creek Townships, Luzerne County as shown on
8 Exhibit RED 15 on page 89 of your agenda.

9 TRANSCO's 24-inch pipeline has been on
10 the Game Lands since 1958 and has been authorized by
11 the Commission license and private right-of-way
12 agreement since that time. The entire length of
13 TRANSCO's new 30-inch pipeline on State Game Lands
14 will be installed adjacent to an overhead electric
15 transmission line and will be between electric
16 transmission line and their existing 24-inch pipeline
17 for all but 931 feet.

18 The Bureau of Wildlife Habitat
19 Management is requesting the Commission approval to
20 deposit the \$343,493.46 into the restricted revenue
21 account to secure this obligation for exchange. All
22 future annual license fees will be deposited into the
23 Game Fund.

24 PRESIDENT MITRICK: I need a motion
25 for approval.

1 COMMISSIONER FREDERICKS: So moved.

2 PRESIDENT MITRICK: Second?

3 COMMISSIONER PRIDE: Second.

4 PRESIDENT MITRICK: Discussion? Mr.
5 Secretary.

6 COMMISSIONER FREDERICKS: All those in
7 favor, say aye.

8 AYES RESPOND

9 COMMISSIONER FREDERICKS: Opposed?

10 The ayes have it, Mr. President.

11 PRESIDENT MITRICK: Thank you again.

12 ATTORNEY RAUP: The next item up for
13 consideration concerns the dedication of a township
14 road on State Game Lands 203 in Allegheny County.

15 The Board of Supervisors of Springdale
16 Township, Allegheny County has requested that a right
17 of way for a township road, 25 feet in width and
18 more-or-less 867 feet in length, crossing a portion
19 of State Game Lands Number 203, be dedicated as a
20 public road as shown on Exhibit RED 16 on page 91 of
21 your agenda. The road is currently a Game Lands road
22 left open to public travel and services several
23 private residents - residences. Springdale Township
24 has entered into an Intermunicipal Road Construction
25 and Maintenance Agreement and Right of Way with the

1 adjacent Harmar Township whereby Harmar Township has
2 agreed to take over the maintenance and all other
3 costs associated with the road.

4 PRESIDENT MITRICK: Motion for
5 approval?

6 COMMISSIONER FREDERICKS: So moved.

7 PRESIDENT MITRICK: Second?

8 COMMISSIONER KNICK: Second.

9 PRESIDENT MITRICK: Discussion? Dave,
10 do you want to comment on this?

11 MR. GUSTAFSON: Sure. So this
12 actually helps us out. Currently that road is being
13 maintained at the expense of the Commission, and we
14 leave it open to public travel 24/7, 365. So by the
15 Township agreeing to take this over and take on all
16 that maintenance burden, we no longer have to deal
17 with that.

18 PRESIDENT MITRICK: Thank you. Any
19 further discussion? Mr. Secretary.

20 COMMISSIONER FREDERICKS: All those in
21 favor, say aye.

22 AYES RESPOND

23 COMMISSIONER FREDERICKS: Opposed?
24 The ayes have it, Mr. President.

25 PRESIDENT MITRICK: Thank you.

1 ATTORNEY RAUP: The last item up for
2 consideration concerns an informational item
3 concerning Contract Number 3803, involving State Game
4 Land 117 in Washington County.

5 On November 6th, 2022, the Board of
6 Commissioners approved, by notational vote, the
7 deposit of \$480,027 into the restricted revenue
8 account to be used for future purchase of lands to
9 mitigate the temporary loss of wildlife resources
10 and/or recreational values. Range Resources-
11 Appalachia, LLC offered \$480,027 in exchange for a
12 Special Use Permit granting the temporary privilege
13 of constructing, operating, maintaining and removing
14 a total of 10,328 feet of above-ground HDPE waterline
15 and two isolation valves in a 25-foot right of way,
16 along with the temporary privilege of using and
17 reclaiming a total of 9,658 feet of existing access
18 roads and 0.38 acre additional workspace on State
19 Game Land Number 117 in Smith Township, Washington
20 County, as shown on Exhibit RED 17 on page 93 of your
21 agenda. The waterlines will be used to transport
22 flowback water for the completion of natural gas
23 wells outside of the game lands, and the SUP includes
24 conditions to minimize the potential for pollution
25 and impacts to sportsmen and wildlife on the game

1 lands.

2 This is an informational item only.
3 Therefore, no action is required by the Board.

4 PRESIDENT MITRICK: So David, is this
5 just a temporary thing?

6 MR. GUSTAFSON: Correct. That's a
7 temporary overlay on the waterline. The biggest
8 reason why we agreed to allow that to occur, they
9 were going to keep it outside of many of our active
10 hunting seasons, so there was going to be no impact
11 to sportsmen using the Game Lands. And it also
12 helped them out in that local township community.
13 There's a school close by, and this will really limit
14 the amount of truck traffic going on on those narrow
15 roads down there in Washington County. So this made
16 the most logistical sense. And the restrictions that
17 we put on it and that special-use permit are above
18 and beyond what DEP would require as far as
19 monitoring of those waterlines.

20 Our staff in the region actually went
21 out with Range Resources and did some testing to see
22 what would happen to those waterlines if they were
23 subjected to things like rifle shots and other
24 damage. So the protections that we put in place, we
25 feel very confident on we're going to protect

1 wildlife resources and the integrity of the Game
2 Lands. And at the same time alleviate truck traffic
3 in the area and help the community out as well.

4 PRESIDENT MITRICK: And when you say
5 temporary, how many months or years?

6 ATTORNEY RAUP: I think this one's at
7 like six months.

8 PRESIDENT MITRICK: Okay.

9 I'd like to say something. I always -
10 I've been on this Board now for six years. And
11 during that time, Pete was head of the division that
12 you are now head of. And I thought Pete did a great
13 job of, bringing in lands and I was very concerned
14 when he switched positions that the number of
15 acquisitions would diminish. But I would say in six
16 years I think this has been the largest number of
17 acquisitions I've seen. And I really commend you for
18 all your hard work.

19 COMMISSIONER: I'm just the guy trying
20 to organize it for the - for the staff. We've got
21 some staff in the real estate program that are
22 absolutely knocking it out of the park and really
23 ambitious. Our field staff from the regions that are
24 coming to us with projects are bringing really good
25 projects that are in alignment with our strategic

1 plan.

2 If you look at most of these
3 acquisitions, they are indentures, they're accesses.
4 They're really critical additions to the Game Lands.

5 So yeah, I'm not going to take a lot of credit for
6 it. It's the staff and the real estate program and
7 the regions and the field staff bringing the right
8 kind of projects to the table.

9 PRESIDENT MITRICK: You're too humble,
10 thank you. So under new business, we have the next
11 Commission Meeting is April 14th and 15th. Next order
12 of new business is election of officers. So will my
13 nominating committee, put forth their
14 recommendations, please.

15 COMMISSIONER SANKEY: Yes. First of
16 all, thank you for your year service as president. I
17 enjoyed my first year on the Board with you, and
18 you're a great example to follow. I would like to
19 nominate Kristen Schnepf-Giger for president. Scott
20 Foradora, Commissioner Foradora for Vice President,
21 and Dennis to stay as secretary for the 2023 year.

22 PRESIDENT MITRICK: Okay, thank you.

23 Does anybody else want to make a
24 nomination from the Board? Hearing none, we'll take
25 a vote. Mr. Secretary, would you like to take a vote

1 of the Board?

2 COMMISSIONER FREDERICKS: Yes, sir.

3 All those in favor of the slate of officers for next
4 year moved forward by Haley, all in favor of, say
5 aye.

6 AYES RESPOND

7 COMMISSIONER FREDERICKS: Opposed?

8 Hearing no opposition, the ayes have it, Mr.
9 President.

10 PRESIDENT MITRICK: Thank you. I have
11 one item under new business. It's the statement of a
12 resolution that I'd like to read.

13 Resolution of the Board of
14 Commissioners. Whereas Chronic Wasting Disease is
15 always a fatal brain disease with no cure or
16 treatment that affects members of the cervid family,
17 which includes deer, elk - deer and elk. Whereas CWD
18 is spread via small doses of the prions directly from
19 a deer or indirectly from the environment, including
20 exposure to feed buckets, water, and bedding
21 materials. And whereas CWD prions are shed by
22 infected animals in saliva, feces and urine, and
23 remains infectious; and whereas urine attractants can
24 contain natural cervid urine and possibly other
25 excrement from a captive cervids; and whereas the use

1 of synthetic or natural urine attractants may
2 unnaturally attract cervids to a single site, leading
3 to a higher transmission rate of CWD and other
4 diseases.

5 And whereas the United States
6 Department of Agriculture's Animal and Plant Health
7 Inspection Services, in cooperation with state animal
8 health and wildlife agencies, and farmed cervid
9 owners oversees a voluntary CWD herd certification
10 program for cervid livestock operations in the
11 Commonwealth. And whereas the Pennsylvania
12 Department of Agriculture, the Commonwealth's
13 regulatory authority over CLOs, oversees a mandatory
14 CWD herd monitoring program for all CLOs in the
15 Commonwealth; and whereas neither program provides
16 complete protection from CWD as evidenced by 12HCP
17 and 39HMP facilities in the Commonwealth detecting
18 CWD as of January 9th of 2023, including an HCP
19 facility that shipped CWD infected deer to another
20 state.

21 And whereas there are no existing
22 regulations or independent authority to test for the
23 presence of CWD prions in urine attractants. There
24 is no listing of facilities that produce urine
25 attractants and there is no traceability of these

1 products. And whereas the spread of CWD across the
2 Commonwealth has significant cost of the Pennsylvania
3 Game Commission operations and negatively impacts the
4 Commonwealth's deer and elk hunting traditions and
5 wildlife watching activities. And whereas much
6 remains unknown about CWD, and whereas preventative
7 measures are needed to avoid distribution of the
8 infectious materials on the landscape.

9 And whereas it is the Pennsylvania
10 Game Commission's responsibility to limit exposure of
11 all species to known pathogens and be responsive to
12 threats they pose to the public wildlife resources.
13 Now therefore, be resolved that the Board of
14 Commissioners of the Pennsylvania Game Commission
15 does hereby support the development of regulations to
16 govern the collection, testing, manufacturing and
17 distribution of cervid urine or biological products,
18 including continued validation oversight of
19 methodologies by the USDA, APHIS, National Veterinary
20 Services Laboratory or other laboratories that are
21 part of the National Animal Health Laboratory Network
22 and fully accredited by the American Association of
23 Veterinary Laboratory Diagnosticians.

24 And that completes it. So there's
25 really no further action that has to be taken. All

1 right. Are we going to have an Executive Session?

2 MR. BURHANS: No. We'll have a press
3 conference.

4 PRESIDENT MITRICK: Very good. Okay.

5 So this will be followed up by a press conference in
6 the cafeteria. Okay. Thank you all so much for your
7 patience.

8 COMMISSIONER FREDERICKS: Mike?

9 PRESIDENT MITRICK: Yes.

10 COMMISSIONER FREDERICKS: I have a
11 word. I want to thank you very much for your service
12 as president. You did an outstanding job and it was
13 a pleasure to serve under your leadership. Thank you
14 so much. It's greatly appreciated.

15 PRESIDENT MITRICK: I'll tell you that
16 it's been a great pleasure and a true honor, and I
17 really enjoyed it. The Commission is a tremendous
18 organization I'm thrilled to be a part of. Thank
19 you.

20 Okay.

21 Mr. Secretary, do we take a vote on
22 this resolution?

23 COMMISSIONER FREDERICKS: On the
24 resolution?

25 PRESIDENT MITRICK: Yeah, yes.

1 COMMISSIONER FREDERICKS: All those in
2 favor of the resolution as read by President Mitrick,
3 say aye.

4 AYES RESPOND

5 COMMISSIONER FREDERICKS: Opposed?
6 The ayes have it.

7 PRESIDENT MITRICK: Thank you.

8 * * * * *

9 MEETING CONCLUDED AT 11:01 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before President Mitrick, was reported by me on January 28, 2023 and that I, Victoria Lantz, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Date the 16 day of February, 2023



Victoria Lantz,
Court Reporter