BEFORE: BRIAN H. HOOVER, PRESIDENT
Timothy S. Layton, Vice-President
Charles E. Fox, Secretary
Robert W. Schlemmer, Commissioner
Jim R. Daley, Commissioner
David J. Putnam, Commissioner
R. Matthew Hough, Executive Director
Bryan Burhans, Deputy Executive Director
Richard Palmer, Deputy Executive Director
Jason A. Raup, Esquire, Commission Counsel

HEARING: Tuesday, April 5, 2016
8:31 a.m.

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

Reporter: Corey Elizabeth Summers

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APPEARANCES

ALSO PRESENT:
IAN GREGG
RANDY SHOUP
PETE SUSSENBACK
KEITH HARBAUGH
CREIGH MARTSON
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PRESIDENT HOOVER:
Call the meeting of the Pennsylvania Game Commission to order, April 5th, 2016. Pledge of Allegiance, please.
PLEDGE OF ALLEGIANCE RECITED

PRESIDENT HOOVER:
Mr. Secretary, would you call the roll?
SECRETARY FOX:
Hold on. Commissioner Hoover?
PRESIDENT HOOVER:
Present.
SECRETARY FOX:
Commissioner Layton?
COMMISSIONER LAYTON:
Present.
SECRETARY FOX:
Commissioner Weaner? I believe we're missing him. He's in the hospital.

PRESIDENT HOOVER:
Yes. At this point Commissioner Weaner is excused. He is taking care of some health issues.

SECRETARY FOX:
Commissioner Putman?

COMMISSIONER PUTNAM:
Present.

SECRETARY FOX:
Commissioner Schlemmer?

COMMISSIONER SCHLEMMER:
Present.

SECRETARY FOX:
Commissioner Daley?

COMMISSIONER DALEY:
Present.

PRESIDENT HOOVER:
At this time I'll call for a motion to approve the minutes of the previous meeting held February 2nd, 2016.

COMMISSIONER PUTNAM:
So moved.

PRESIDENT HOOVER:
And I need a second.
SECRETARY FOX:
Second. All in favor signify by saying aye.
ALL RESPOND AYE

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
That motion carries.

ATTORNEY RAUP:
At this time, we'll move into the first matter up for Commission consideration. This matter comes from the Bureau of Wildlife Management. It concerns the Adopted Rule Making to amend 58 Pa. Code 139.4 for the 2016-2017 seasons and bag limits.

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend 139.4 relating to seasons and bag limits for the license year, to provide updated seasons and bag limits for the 2016-2017 license year. The 2016-17 seasons and bag limits have been amended to reflect currently available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from
staff, organized sporting groups, and members of the 
an agricultural community and others interest in the 
management of the wildlife resources of this 
Commonwealth.

Proposed changes to small game seasons 
include making youth and regular seasons for squirrels 
and rabbits concurrent to simplify regulations and 
expand rabbit hunting opportunity; and making snowshoe 
hare season dates consistent with statewide --- excuse 
me, consistent statewide to simplify regulations, 
facilitate species monitoring programs, and reflect 
the fact the harvest mortality is not a major driver 
of population trends for this species.

In regards to wild turkey seasons, in 
accordance with the Wild Turkey Management Plan 
guidelines, the Commission is recommending fall turkey 
season reductions in four WMUs that have exhibited 
declining trends in turkey population indices. 
Specifically, seasons would decrease from two weeks 
plus three days to one week plus three days in WMUs 1A 
and 2A; and from one week plus three days to one week 
in WMU 1B; and from three weeks plus three days to two 
weeks plus three days in WMU 4C.

The only change proposed for black bear 
seasons is the addition of a four-day extended
firearms season (concurrent with the Wednesday to Saturday of the first week of firearms deer season) in WMU 1B. This season is intended to prevent further expansion of bears into the western portion of this WMU where potential for bear-human conflicts is high.

Concerning furbearer seasons, the Commission is proposing to increase the length of the fisher trapping season from the current 6 days to 12 days in the 13 WMUs with open fisher seasons. The text of this amendment is found on pages three through ten of your agenda.

PRESIDENT HOOVER:
At this point we'll accept a motion to approve the proposed dates for seasons and bag limits.

COMMISSIONER DALEY:
So moved.

PRESIDENT HOOVER:
Can I get a second?

COMMISSIONER LAYTON:
Second.

PRESIDENT HOOVER:
What we're going to do now is we'll go through these seasons and bag limits page by page. Are there any discussions on page three? Page four? Page five? Page six? Page seven? Page eight? Page
nine?

COMMISSIONER LAYTON:
Mr. President, I move that the section on fishers be amended to include wildlife management area 3B.

COMMISSIONER PUTNAM:
Second.

SECRETARY FOX:
All those in favor signify by saying aye.

COMMISSIONER LAYTON:
Well, let's have a discussion. Let's have Ian talk about that for a second.

PRESIDENT HOOVER:
Yes.

MR. GREGG:
This is simply to actually correct my error from the January agenda. WMU 3B was included in the past fisher season, and it was intended to be included also in 2016-'17 and that was simply my oversight of not including it in the January agenda, so this will fix that error.

SECRETARY FOX:
Vote on the amendment? All those in favor signify by saying aye?
ALL RESPOND AYE

SECRETARY FOX:
Opposed? Carried.

PRESIDENT HOOVER:
Are there any other discussions on page nine?

COMMISSIONER LAYTON:
Mr. President, can we have him address the river otter season as well, please?

MR. GREGG:
Yes. There's another proposed amendment, I believe, it's listed on page 9b, which would move the 2017 river otter season from February 20 to 22 to February 18-25. What was approved in January was sort of a placeholder because the season wasn't going to take place until February. It's the first season in 50-plus years and we didn't know what to expect.

It went well. We ended up extending it one day at a time to the full length of the possible season. We still ended up with about half of the harvest, so we thought it was sort of the maximum quota. That worked okay, but by simply making the season a week long right from the start now, we can simplify a lot of the communications. Trappers will
know in advance exactly how long the season is, and we don't have to have biologists and bureaus and regions checking the numbers every night to make a decision to yes or no on extending the season. So this will just simplify those regulations.

**COMMISSIONER LAYTON:**

Mr. President, I'd like to make a motion that we amend the river otter season to be from February 18, 2017 through February 25, 2017 and strike or until its harvest quota is reached.

**PRESIDENT HOOVER:**

Do we have a second on the amendment motion?

**SECRETARY FOX:**

Second. All those in favor signify by saying aye?

ALL RESPOND AYE

**SECRETARY FOX:**

Opposed? Motion carries.

**PRESIDENT HOOVER:**

Any discussion on page ten? Page 11? According to the point of order we need to return back to take a vote on the overall package as amended. Then at that point we will accept a motion to accept the seasons and bag limits as amended.
COMMISSIONER LAYTON:
So moved.

SECRETARY FOX:
All those in favor signify by saying aye.

PRESIDENT HOOVER:
We need a second.

SECRETARY FOX:
I'm sorry. I thought I had a second. Second?

COMMISSIONER PUTNAM:
Second.

SECRETARY FOX:
All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
those opposed? Motion carries.

ATTORNEY RAUP:
The next item up for consideration concerns the adopted rule making to amend 58 Pa. Code 139.17 to update the Wildlife Management Unit system. A uniform system of wildlife management units was implemented in 2003 to replace the system of multiple species-specific management units. The primary
objective of this new wildlife management unit system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic land cover use, human population density and land ownership. Wildlife management unit boundaries were defined in using readily recognizable features on the landscape rather than hard to identify political boundaries.

In 2008, the Commission conducted a five-year evaluation of the structure of the wildlife management unit system which resulted in the development and implementation of four WMU map revisions. The Commission has again conducted an evaluation of the structure of the wildlife management unit system and has developed the following WMU map revision. Expand 5D in the northeast corner to provide a more logical boundary. This proposed change represents a 24,826-acre increase in the size of WMU 5D and the area proposed is shown in magenta on the attached map. The text of this amendment can be found on pages 11 through 13 of your agenda.

SECRETARY FOX:
We need a motion to accept that.

PRESIDENT HOOVER:
I'm going to go through it the same as
we just did. We need a motion to accept the proposed amendment.

COMMISSIONER LAYTON:
So moved.

COMMISSIONER DALEY:
Second.

SECRETARY FOX:
All those in favor signify aye.

PRESIDENT HOOVER:
Whoa, whoa. We need discussion. Okay.

We're going to have some discussion on this. After reviewing the revision that was presented to us, we did hear from the public and we did hear from the field staff. And instead of doing this piecemeal over the next couple of years, we decided to go ahead and just fix this entire unit. I know we made a change last year. With this floor amendment we are now adding a section of the unit that will extend up I-476 and across Ridge Road north of the Perkiomen Creek. I believe it's the Perkiomen. Is it the Brandywine Creek? --- It's not the Brandywine Creek, the Perkiomen I'm not sure of the creek itself. So it's going to run across the Tohickon Creek on the eastern side and then north along 611 to Ridge Road. It picks up another 27,022.7 acres that we're moving out of 5C
and into 5D, thus, making the boundary clear for future reference. I'll take a motion on the amended.

COMMISSIONER PUTNAM:
So moved.

ATTORNEY RAUP:
Correct. And just as a point of order, would this amendment be including a replacement of pages 12 and 13 with the documents that are in front of the Board?

PRESIDENT HOOVER:
That's correct.
Okay. I need a second on the motion to amend.

COMMISSIONER SCHLEMMER:
Second.

SECRETARY FOX:
With a motion and a second, all those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed? Motion carries.

PRESIDENT HOOVER:
So now we'll call for a motion to approve the amended page 11 for the changes of the boundaries in 5D and 5C.
COMMISSIONER LAYTON:
So moved.

ATTORNEY RAUP:
Mr. President, I believe we already have a motion and second.

PRESIDENT HOOVER:
So we just need to call the vote?

ATTORNEY RAUP:
Correct.

PRESIDENT HOOVER:
So we can call the vote. We just want a vote on the original proposal as amended.

SECRETARY FOX:
As amended?

PRESIDENT HOOVER:
Yes.

SECRETARY FOX:
Have a motion on the floor and we have a second. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Oppose? Motion carries.

ATTORNEY RAUP:
The next item up for consideration concerns the approval of the Release of Nationwide
Waterfowl Hunter Survey Information. In cooperation with the National Flyway Council and Association and of Fish and Wildlife Agencies, the Pennsylvania Game Commission will be participating in a nationwide waterfowl hunter survey. The U.S. Fishing Wildlife Service requested permission to release contact information for the Pennsylvania waterfowl hunters previously provided by the Commission as part of the HIP program for use in the nationwide waterfowl hunter survey. The Commission has been actively involved in the development of the survey and determined that it will help future waterfowl harvest and habitat management efforts in the Atlantic Flyway.

Their survey will be conducted by the University of Minnesota having a sample of waterfowl hunters derived in part from the 2015 HIP program. The Board of Commissioners of the Commission has authorized the release of the name and address information for a portion of the Commonwealth's HIP-certified hunters to the University of Minnesota. Specifically, contact information for a random sample of up to 3,000 resident, HIP-certified hunters drawn proportionally from those who reported that they hunted for ducks and/or geese during the 2014 hunting season.
This item was previously approved by notational vote, and therefore no further Board action is necessary.

The next item up for consideration concerns the Proposed Rule Making to amend 58 Pa. Code 133.5. The Commission is proposing to amend 133.5 to reclassify porcupines as furbearers, and also permit porcupines to be hunted with a hunting license or hunted and trapped with a furtakers license. The text of this amendment can be found on page 15 of your agenda.

PRESIDENT HOOVER:
Can we have a motion?

COMMISSIONER PUTNAM:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER SCHLEMMER:
Second.

SECRETARY FOX:
All those in favor signify ---.

COMMISSIONER PUTNAM:
I'd like a discussion

SECRETARY FOX:
Discussion?
ATTORNEY RAUP:
Any discussion on the amendment?

COMMISSIONER PUTNAM:
I'd like to have some discussion on this issue. We had some commentary yesterday from the Mammal Technical Committee regarding this issue. There's some concern about reclassifying porcupines as furbearers. I guess I would like to make it clear that this regulation authorizes hunting and trapping of porcupines, but at least in the coming year there will be no trapping season. We have not specified the season. And I know we're putting some burden on Dr. Lavallo here, but the Commissioners have a very high trust in Dr. Lavallo. I don't think we've ever argued with a single recommendation he has made.

If, in the coming year, he doesn't feel comfortable recommending a trapping season through the system, a trapping season doesn't need to take place. We're authorizing a trapping season. We're not mandating a trapping season. The Commissioners are not mandating a management level for porcupines. We're providing tools out there to manage them, so we're putting the burden on Dr. Lavallo's shoulder to get us through this.

But it's an important point because
even though we're authorizing for trapping, there will
not be trapping in this current year because we're not
provided a season. Next year will be dependent upon
the recommendation of the Bureau of Wildlife
Management.

PRESIDENT HOOVER:
Is there any other discussion? Mr. Secretary, call the vote.

SECRETARY FOX:
A motion has been made and seconded.

All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY RAUP:
The next item up for the Board's consideration is from the Bureau of Wildlife Protection. This proposal concerns the adopted rule making to amend 58 Pa. Code 141.4 for the 2016-'17 hunting hours.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its February 2nd, 2016 meeting to amend Section 141.4, Appendix G, to replace the current hunting hours table and migratory bird hunting hours
table to accurately reflect the dates and hours of legal hunting for the ’16-’17 hunting/trapping license year. The text of this amendment can be found on pages 16 through 19 of your agenda.

PRESIDENT HOOVER:
Motion to approve?

COMMISSIONER PUTNAM:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER SCHLEMMER:
Second.

SECRETARY FOX:
All those in favor signify by saying aye?

ALL RESPOND AYE

SECRETARY FOX:
Is there any discussion on that? There being no discussion, all in favor signify by saying aye?

ALL RESPOND AYE

SECRETARY FOX:
Opposed?

ATTORNEY RAUP:
The next item up for the Board's
consideration concerns the adopted rule making to amend 58 Pa. Code 131.6. To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its February 2nd, 2016, meeting to amend 131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers. The text of this amendment can be found on page 21 of your agenda.

PRESIDENT HOOVER:
Can we have a motion?

COMMISSIONER LAYTON:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER SCHLEMMER:
Second.

SECRETARY FOX:
Discussion?

COMMISSIONER PUTNAM:
Yeah. Mr. President, maybe we can get an explanation as to why the police got involved?

MR. SHOUP:
Yes, sir. It's important to note that these adjustments and regulations don't expand any
authority that our officers currently have. Our officers' authority to enforce laws other than the Game and Wildlife Code come from Section 901, which is statutory language. We have had some circumstances where the language in 131.6 was found to be restrictive to the point where district attorneys did not feel comfortable allowing officers to prosecute certain violations outside the Game and Wildlife Code, even though those violations were detected during Game Commission operations. So the addressing of this language basically provides our officers the opportunity to do those prosecutions other than Game Law without necessarily having to turn that prosecution over to another agency, which in most cases don't want to deal with those violations that we've discovered.

PRESIDENT HOOVER:
Any other questions or discussion? Mr. Secretary, call the vote.

SECRETARY FOX:
The motion on the floor has been seconded. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed? The motion carries.
ATTORNEY RAUP:
The next item up for the Board's consideration concerns the adopted rule making to amend 58 Pa. Code Section 141.18. To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its February 2nd, 2016 meeting to amend 141.18 to add both handheld rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife. The text of this amendment can be found on page 23 of your agenda.

PRESIDENT HOOVER:
We need a motion.

COMMISSIONER PUTNAM:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER LAYTON:
Second.

SECRETARY FOX:
Discussion?

COMMISSIONER PUTNAM:
Mr. President?

PRESIDENT HOOVER:
Yes?
COMMISSIONER PUTNAM:

I'd like to ask Randy we're talking about electronic sights. What about the use of night vision scopes? There was a recent case in the news about a lady who shot a coyote who was in a contest and the sight that she was using was determined to be an illegal sight. How did that sight that she used compare to what we're talking about there?

MR. SHOUP:

I think, if I recall that particular case, I believe that that was a night vision scope that was mounted on a crossbow, and this particular language does not authorize the use of night vision scopes. This strictly is a rangefinder scope, which as far as the agency has always allowed the use of handheld electronic rangefinders, even though they were not added to the list of approved electronic devices. The widespread use of those items, the acceptance of those handheld electronics devices, rangefinders, kind of led over into the scope ground with the technology changes that exist regularly in the hunting world. So in order to clarify the fact that the agency accepts electronic rangefinders, both handheld and scope mounted, that's the purpose of this regulatory change.
COMMISSIONER PUTNAM:

So we're not authorizing the electronic night vision devices and we're not authorizing any devices that project a beam like a red dot, like a laser?

MR. SHOUP:

Correct. That is correct. Those will continue to be prohibited.

COMMISSIONER PUTNAM:

Are there any others in those categories other than night vision devices or red laser sights that were not permitted? I know that we, by the rule, prohibited everything that we don't permit?

MR. SHOUP:

Correct. The general prohibition is found in 131.6 on Electronic Devices. And in 141.18, the section we're dealing with here, is the list of approved devices. That list of approved devices currently includes manually operated firearms that use an electronic impulse to detonate the firing of the power charge, electronic sound amplification devices for hearing purposes, e-collars and radios, beeper collars for dogs, for being able to recover and trap your dog, and what is commonly referred to Lumenok or
a device that's on the end of a crossbow bolt or an arrow that illuminates when the arrow is launched.

And also, as you can see here on page 23, the electronic crow decoy as used for harvesting crows are allowable. And now we have handheld and scope rangefinders. That's the inclusive list.

COMMISSIONER PUTNAM:
Thank you.

PRESIDENT HOOVER:
Any other questions? Mr. Secretary,
call the vote.

SECRETARY FOX:
We have a motion and a second. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY RAUP:
The next item up for the Board's consideration concerns the Adopted Rule Making to amend 58 Pa. Code Section 141.41. To effectively manage the wildlife resources of this Commonwealth, the Commission proposed at its February 2nd, 2016 meeting to amend 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting
license or big game harvest tag while engaged in
hunting or trapping activities or while in the fields,
forests or on the waters or highways within or
bordering the Commonwealth. The text of this
amendment can be found on page 25 of your agenda.

PRESIDENT HOOVER:
Motion?

COMMISSIONER PUTNAM:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER LAYTON:
Second.

SECRETARY FOX:
Discussion?

COMMISSIONER LAYTON:
Mr. President, I would like to make a
motion to amend page 25 of the replacement page that
we've been provided that --- strike the last portion
of the last sentence, the portion that says or while
in the fields, forests or on the waters or highways
within or bordering the Commonwealth. And I'd like to
make that in the form of a motion.

SECRETARY FOX:
Second?
COMMISSIONER DALEY:
Second.

SECRETARY FOX:
A motion has been made for an amendment. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
I'd like to have a little discussion. Mr. Raup, could you explain?

ATTORNEY RAUP:
Yes. This particular amendment comes as a result of not necessarily a request, but as a result of a motion that was identified by the Attorney General's Office. As the Board is aware, the Pennsylvania Game Commission submits its regulations for approval to the Attorney General's Office pursuant to statutory law. And that review process uncovered some concerns with the Attorney General's Office with the extent of this language.

As you're aware, this language was drafted from language that was already found and contained within Section 2323 of the Game Code. However, based upon the Attorney General's concerns,
the Commission staff determined that this language could be removed to satisfy their concern without affecting the underlying purpose of the proposal as it was identified by the Board. So in order to alleviate their concern and their tolling memo, we struck this language in this floor amendment that is now subject to your review under this floor amendment.

As Commissioner Layton has identified, the language being removed is the language bracketed on floor amendment page 25, the green page in front of you, which removes "or while in the fields, forests or on the waters or highways within or bordering the Commonwealth." That text will be removed from the proposal on this final adoption.

PRESIDENT HOOVER:
Thank you. Any discussion?

COMMISSIONER PUTNAM:
Mr. President, I'd like to have a little discussion. We received quite a few comments on this subject and we have had some discussion here yesterday and some testimony from people who came and addressed this issue. There are two things. One is we have people are not only violating the law by carrying extra tags and they're planning on killing extra deer. Then we also have people like me that
sometimes forget that we actually have all of their
licenses for the last five years in their pocket,
someplace or other.

   Our officers surely can use their
discretion and sort out people like me from people
that have a clear intent to violate the law, and we do
issue two warnings for every citation now. So this
will probably and surely be the first year or two
increase some of our warnings. But there's an issue
here that goes with this - that is hunters carrying
tags for family members. If a kid is old enough to go
shoot a deer, he should be old enough to carry his own
tag. And we are finding people out there and citing
people who are carrying other's tags they're out
hunting and they have a pocketful of tags that go
beyond the tags that they're allowed to possess.

   So this is an issue that we're going to
address, and we're truly counting on officer
discretion to keep people like me out of jail and
really get the true violators, because this is an area
that forever has been an issue there's always been
violators who are carrying other people's tags,
erasing their tags. When you pull their tag out, it's
all funny and erased all over it. So we know it's a
law enforcement issue, and that's why we're supporting
PRESIDENT HOOVER:
Is there any other discussion on this amendment?

SECRETARY FOX:
We have a motion on the floor, made and seconded. All of those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed?

ATTORNEY RAUP:
The next item up for the Board's consideration concerns Adopted Rule Making to amend 58 Pa. Code Section 143.50. To effectively manage the wildlife resources of this Commonwealth, the Commission proposed at its February 2nd, 2016 meeting to amend Section 143.50 to allow nonresidents to submit applications for antlerless deer licenses on the third Monday in July one week after resident applications. The text of this amendment can be found on page 27 of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

PRESIDENT LAYTON:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER DALEY:
Second.

SECRETARY FOX:
Discussion?

COMMISSIONER PUTNAM:
Mr. President, this is one of those issues that we have been addressing probably eternally for a couple years. And the concern from our out-of-state hunters was that by the time the third week came up they didn't even have a chance for antlerless applications.

So we thought that there should be a change. Originally, the proposal was to allow them to apply at the same time as we allowed our residents to apply for an antlerless tag. We received some comments from our partners, and we came up with an amendment to that proposal to allow them to begin on week two. It seemed that our partners agreed with us. It seemed to be something that makes sense as we look at the sale of the antlerless tags, it's not going to harm any of the residents of Pennsylvania. There hasn't been --- correct me if I'm wrong, we didn't
have a unit sell out on week one of the antlerless sale.

So we just think that this gives our out-of-state hunters who we believe the majority of them are former Pennsylvania residents coming home to hunt with their family anyway, just gives them the opportunity to apply for a tag if they're going to be here during the antlerless season. It puts them on a more fair playing field.

PRESIDENT HOOVER:

Is there any other discussion? Mr. Secretary?

SECRETARY FOX:

We have a motion on the floor. It's been moved and seconded. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:

Opposed? Motion carries.

ATTORNEY RAUP:

The next item up for the Board's consideration concerns the Proposed Rule Making to amend 58 Pa. Code Section 135.41. The Commission has observed a dramatic, if not explosive, increase in the popularity and use of unmanned aerial devices commonly
referred to as drones all across the Commonwealth during the past year. This increase has unfortunately resulted in unintended uses on lands designated as State game lands that compromise the purposes for which these lands were acquired. These activities range from the degradation of the natural and scenic values of these lands up to actual wildlife disturbance and harassment activities.

The Commission is also concerned that the use of these devices on State game lands may expand to interference with lawful hunting and trapping activities in the future. The Commission is proposing to amend Section 135.41 to prohibit the operation of drones on or over lands or waters designated as State game lands. The text of this amendment can be found on page 28 of your agenda.

PRESIDENT HOOVER:
Mr. Secretary?

SECRETARY FOX:
Can I have motion?

COMMISSIONER SCHLEMMER:
Motion.

SECRETARY FOX:
Second?

COMMISSIONER LAYTON:
Second.

PRESIDENT HOOVER:

Any discussion on the motion? Mr. Secretary, call the vote.

SECRETARY FOX:

There's a motion on the floor. It's been seconded. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:

Opposed? Motion carries.

ATTORNEY RAUP:

The next item up for the Board's consideration concerns the Proposed Rule Making to Amend 58 Pa. Code Section 147.322. Section 103 of the Game and Wildlife Code mandates that the Commission utilize hunting and trapping as a primary method of effecting necessary management of game, furbearer and wildlife populations. The Commission is proposing to amend 147.322 to provide greater emphasis on the importance on the use of public hunting as a prerequisite condition in the deer control permit application and approval process. The text of this amendment can be found on pages 29 and 30 of your agenda.
SECRETARY FOX:
Can we have a motion on the floor?

COMMISSIONER LAYTON:
So moved.

SECRETARY FOX:
Second?

PRESIDENT HOOVER:
Second.

PRESIDENT HOOVER:
Discussion?

PRESIDENT HOOVER:
I'd like to explain a little bit about what we’ve done here. In the original application for control permit, there was no requirement to utilize hunters first or to come up with a program to utilize hunters before you go to a cull permit and we would issue the cull permit typically upon request. What we've done today, or what we're going to do today, is require that a program of hunting be placed in advance of any use of a cull permit.

In other words, when a municipality or a privately owned facility comes to the Game Commission asking for a cull permit, we're going to ask them to present a plan that has to be approved by the Game Commission, and it'll actually set up and
utilize hunters prior to our approving any cull permits. Is there any other discussion? Mr. Secretary?

SECRETARY FOX:

We have a motion on the floor and a second. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:

Opposed? Motion carries.

ATTORNEY RAUP:

The next item up for the Board's consideration concerns the Proposed Rule Making to amend 58 Pa. Code Section 135.103. Last year, the Commission held a trial run of a veterans with disabilities hunt on the Pymatuning Wildlife Management Area. The Commission has determined that holding this one hunt during the regular open season in the future will further improve these sportsmen's opportunity to hunt waterfowl at both of the Commissions' special wildlife management unit areas.

The Commission has received significant support and future commitment from organized sporting organizations and unaffiliated sportsmen volunteers to enhance the quality and success of this unique hunting opportunity. The Commission is proposing to amend
Section 135.103 to permit the Director to designate one shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day. The text of this proposal can be found on page 31 of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

COMMISSIONER LAYTON:
Motion to accept.

SECRETARY FOX:
Second?

COMMISSIONER SCHLEMMER:
Second.

SECRETARY FOX:
Discussion?

PRESIDENT HOOVER:
Is there any discussion on the motion?

COMMISSIONER DALEY:
Mr. President, I just think it was great that the northwest region started it last year and we're going to expand it this year. And I'm hoping that we do have some media here, that they would publicize that for the veterans, you know we can use help to ensure the turnout is in good numbers.

PRESIDENT HOOVER:
It was a success last year. Can you get us some information on it?

MR. HARBAUGH:
Last year was the inaugural. And then we didn't get the turnout that we would have liked to have had, but we didn't fill the blinds. So as far as what happened with the hunters, we hooked them up local waterfowl hunters. They did the decoys. If the veterans wanted them to, they did the calling. They had dogs available. They were there to tell the guys whether they were within range or not within range. Some of the veterans were wheelchair bound and some of the folks were not.

This year the proposal is that they are allowed to take three of their friends with them which I think will further enhance the hunt for those people. I just think it's a good way for us to give these guys some respite from their problems for a day by having a joyful hunt for them.

PRESIDENT HOOVER:
Thank you. Any other questions or comments? Mr. Secretary?

SECRETARY FOX:
A motion on the floor. We have a second. All those in favor signify by saying aye.
ALL RESPOND AYE

SECRETARY FOX:
Opposed?

ATTORNEY RAUP:
The next item up for the Board's consideration come from Bureau of Wildlife Habitat Management and in concerns Contract Number L-3694, relating to State Game Land Number 313, Tioga County. Northcentral Pennsylvania Conservancy is offering for sale six plus or minus acres in Delmar Township, Tioga County adjoining State Game Land Number 313 as shown in Exhibit RED 1 on page 33 of your agenda. The option price is $400 per acre to be paid with funds from the Game Fund. This tract is mostly a palustrine, emergent wetland with a minimal shrub-scrub component.

State Game Land Number 313, also known as "The Muck", occurs in the Marsh Creek drainage of the Pine Creek watershed and is a designated as an Important Bird Area. The Muck is home to several bird species listed in the Wildlife Action Plan, specifically a breeding location for American Bittern, Least Bittern, Virginia Rail, Sora, Marsh and Wilson's Snipe.

An existing oil and gas lease is
excepted and reserved for as long as said lease, or
any extension, modification or amendment, remains in
full force and effect. Upon expiration, said lease
will cease and determine. A covenant restriction
shall run with this parcel to ensure the property
shall be administered in accordance with the state
laws concerning the conservation of fish and wildlife.
Access is from existing State Game Land Number 313.

PRESIDENT HOOVER:
Is there a motion?

COMMISSIONER SCHLEMMER:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER LAYTON:
Second.

SECRETARY FOX:
All those in favor signify by saying aye.

PRESIDENT HOOVER:
Is there any discussion on the motion?

Being none, Mr. Secretary?

SECRETARY FOX:
We have a motion. We have a second.

All those in favor signify by saying aye.
ALL RESPOND AYE

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY RAUP:
Next item up for the Board's consideration concerns Tract Number L-3695, relating to State Game Land Number 313 in Tioga County. Northcentral Pennsylvania Conservancy is offering for sale two tracts of land totaling 21.42 plus or minus acres in the Delmar Township, Tioga County, which are an indenture into State Game Land 313 as show in Exhibit RED 2 on page 35 of your agenda.

They option price is $26,000 lump sum to be paid with funds from the Game Fund. Although both parcels contain a small upland component with mixed northern hardwoods, the remaining approximate 20 acres contain palustrine, emergent wetlands. State Game Land Number 313 also known as "The Muck", occurs in the Marsh Creek drainage areas of the Pine Creek watershed and is designated as an Important Bird Area.

The Muck is home to several bird species listed in the Wildlife Action Plan, specifically a breeding location for American Bittern, Last Bittern, Virginia Rail, Sora, Marsh Wren and
Wilson's Snipe. A covenant and restriction shall run with these lands to ensure that the property shall be administered in accordance with the state laws governing conservation of fish and wildlife. Access is from State Route 287 via a private right-of-way known as the Cattail Lane.

MR. SUSSENBACK:

Mr. President, if I may add just a few comments?

PRESIDENT HOOVER:

Absolutely.

MR. SUSSENBACK:

So looking at the strategic language of notices that not only of this acquisition but the one previous and the one following this meets specifically what our goals of the strategic plan are. I know in the past there've been some comments as to the fee that we're paying for this, but as this was an indenture under Section 75 of the Game and Wildlife Code we can pay for fair market value for properties that are considered indentures and that's why we've reached out and attempted to stitch up these indentures to firm up our boundary line.

And just to ensure that we're not going to have further encroachment or safety zone issues, it
is a heavily hunted area for water fowl. And obviously if this property, or the previous property, were to be developed it would cause more safety zone issues and purchase of the palustrine wetlands would preclude having dramatic impacts to the portion of the swamp there.

PRESIDENT HOOVER:
Thank you. Mr. Secretary?

SECRETARY FOX:
Do we have a motion on that?

COMMISSIONER PUTNAM:
So moved.

SECRETARY FOX:
Second?

PRESIDENT HOOVER:
Seconded.

SECRETARY FOX:
All in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Oppose?

ATTORNEY RAUP:
Next item up for the Board's consideration concerns Contract Number L-3696, relating to State Game Land Number 88, Perry County.
Lowell D. Cassell and Joann E. Cassell are offering for sale 28 plus or minus acres in Saville Township, Perry County, which is an indenture into State Game Land Number 88 as shown on Exhibit RED 3, page 37 of your agenda. The option price is $23,000 lump sum to be paid with funds from the Game Fund. The tract is wooded with a dry oak forest and the terrain in primarily steep and rocky. Access is provided from existing State Game Land Number 88.

COMMISSIONER LAYTON:
Motion to accept.

COMMISSIONER PUTNAM:
Seconded.

SECRETARY FOX:
All those in favor signify ---
discussion?

PRESIDENT HOOVER:
Any discussion on this motion?

COMMISSIONER PUTNAM:
Anything to add, Director?

MR. SUSSENBACH:
No. Just very briefly, just another one of those great acquisitions. I mean, you can see the indenture ties almost completely across the game lands to that other indenture we got on the north
slope. Any time we can firm up our boundaries here, it just makes management of those properties so much easier, whether we want to put a new road across, maybe if you want to use prescribed fire, timber sale activity, those types of indentures are extremely detrimental to managing our game lands. Anytime we can go out to them, come to some reasonable settlement on those properties, I think it behooves us to continue with that.

COMMISSIONER DALEY:
I would say that in this case especially, if you're a hunter, walking around the contour, you'd have to now go around the entire indenture to get to the next side. This is a perfect acquisition to fill that in.

PRESIDENT HOOVER:
Any other discussion? Mr. Secretary?

SECRETARY FOX:
We have a motion. We have a second.
All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
We'll move into other new business.
Mr. Raup has a piece of business for us.

ATTORNEY RAUP:

Yes. The next item up for the Board's consideration concerns a legal settlement involving State Game Land Number 42 in St. Clair Township, Westmoreland County. I believe a supplement has been provided to the Board for their review that contains an exhibit. And I will read from that supplement for your review. High Ridge Water Authority is the current owner of a three acre more or less interior to State Game Land 42 in St. Clair Township, Westmoreland County as shown in the attached Exhibit A. Access and ownership is in dispute with the Commission.

The authority wishes to dispose of the property and has agreed to transfer the property to the Commission for $25,000 lump sum. This will eliminate a longstanding interior as well as any dispute over ownership and access rights for waterlines or equipment or vehicles to the property.

PRESIDENT HOOVER:

Mr. Secretary?

SECRETARY FOX:

Do we have a motion?

COMMISSIONER SCHLEMMER:

Motion.
SECRETARY FOX:
Second?

COMMISSIONER LAYTON:
Second.

SECRETARY FOX:
Discussion?

PRESIDENT HOOVER:
Any discussion on the motion? Mr. Secretary?

SECRETARY FOX:
We have a second and no discussion.

All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
I will point out that the next Working Group meeting date will be June 6th at 8:00 a.m. The next Commission meeting dates are July 11th and 12th, and both of those start at 8:30 a.m. At this time we'll move to the Elk and Antlerless Allocations.

On the Antlerless Allocation side, all of the information spreadsheets were sent to the Commissioners in advance of this meeting to allow them the opportunity to submit their requests for
allocations to the Secretary, which have been done. And then we forwarded those to Director Wayne Laroche, who would have them for presentation today which will make this meeting move a lot faster than it has in the past. So we will deal with Antlerless Allocations at this point. Mr. Secretary?

SECRETARY FOX:
Do we have a motion to accept those?

COMMISSIONER LAYTON:
So moved.

SECRETARY FOX:
Second?

COMMISSIONER DALEY:
Second.

SECRETARY FOX:
Discussion?

COMMISSIONER LAYTON:
Mr. President, I would just like to say that the process that we went through this year was probably as smooth as it's ever been. Our hats go off to Director Laroche for all the time and effort that he put in to come up with these numbers and actually getting together with not only the Deer Committee at one point, but the other commissioners to explain how we got these numbers, where we got these numbers, why
we need to be at these numbers. And through those
discussions, we've come up with some minor adjustments
that we all can agree upon for once in this process.

So again, to the staff of Wildlife
Management to Director Laroche, to the members of the
Deer Committee, thank you for making this probably the
easiest process that we've gone through as far as
allocation.

PRESIDENT HOOVER:

I would also like to point out that as
you look at the chart, there is a big difference in 5C
and 5D in the allocations requested. The recommended
allocations for 5C was 90,000. During today's meeting
we did move a large section of 5C into 5D, which
allowed us to reduce the allocation as to where we
were last year at 70,000. We remained the same at
70,000 last year in 5C, but we increased the
allocations in 5D to 30,000 which should eliminate a
lot of the issues that we ran into last year.

I do want to point out at this point
that we recommend that anyone applying for allocations
this year do so during the first week so that the
complaints of I didn't get mine are eliminated this
year. We did get those complaints last year because
people in the past in 5C and 5D and I believe in 2B,
where there were allocations left throughout the entire season, that didn't occur this year. The allocations were basically taken up in the first week that they went over the counter and were gone. So in attempt to eliminate that, I'm asking everyone to make sure that they deal with that upfront this year, you know, get your applications in first and secure your allocations during the first week.

The yellow line to the right is the allocations that we approved, that we are approving today, and they pretty much mirror what was approved for the 2015-16 season as well, with the minor changes.

So at that point, Mr. Secretary, --- any other discussion?

COMMISSIONER PUTNAM:

I always have something to say. I would support this process. I do have some reservations. There are a few things I want to point out. One is 3A. Representative Godshall was here yesterday and testified about the lack of deer in 3A, which I personally don't agree with, but the staff has recommended that we increase the deer population in Unit 3A. And I know that we're criticized for only wanting to kill every deer, but this is a case where
we're recommending a reduction of 4,000 licenses in 3A, which is a relatively small unit on the northern border.

In 2G, the recommended allocation here is 1,000 less than what it was last year, and I think about 4,000 less than what the staff recommended the state population. That will result in a further increase in the deer population in 2G. And my observations and our data support that the population has grown substantially in 2G over the last four or five years. This is going to be a further increase to the population. There is the point, and I've been talking to our field staff out there, where we're going to get overpopulated sometime in the future if we allow the increases to continue, we're going to get to a point where we're going to have to have a sharp cutback.

So we've got to look at revising that process. The deer program is up for review. We're going to be working on revising that very soon. We'll be getting input from all of our stakeholders as we did last time, and one of the concerns is going to be starting this deer program at a time when the population came down, the habitat recovered, we've allowed the deer to recover, and we're still looking
for the magic number. And if we had the magic number, it would be pretty easy for us to just go forward and say to our biologists just get the deer herds to the magic number and we're all going to be happy. We're working towards that, and I think --- I really feel we made a lot of progress of getting there. We're looking at the habitat impact and we're not seeing many of them turn red. We have a couple units that if we had the map up there, that are red, and the local deer impacts are unacceptable. And I believe we're going to have others. The Commission has been working with the staff to look at those if those areas have turned red and let's move them toward green; we have 26 units at least. We don't need to study all 26 units. But we have about three or four that are problem units. I think 3D is one of our problem units where we really need to look at that and see why, with everything we've done there, we still have very low deer numbers overall in that unit.

So anyhow, overall I feel very good for in that we made good progress. We allowed the herd to come back. We have to be very careful about not letting the herd come back too far where we get into too many deer where we go back to the cycles of the old days, so that's all I have to say.
PRESIDENT HOOVER:
Thank you, Commissioner Putnam. Any other comments?

COMMISSIONER DALEY:
Yeah. I'd like to say that, you know, as much as I agree with Dave that you need that magic number, there is no magic number. The magic number is going to depend on the habitat of each one of the WMUs. So the magic number in 2G is not going to be the same as 1A or 1B. And if you look at those particular units like 1A or 1B where we have antler restrictions of four per side to get a buck, it is because we've got really good food there. So right now we're in the 34 deer per square mile range but there's other parts of the state that they won't be able to handle that. So when we go to look for this magic number, the magic number is going to depend on where you are.

PRESIDENT HOOVER:
Thank you. Any other discussion? Mr. Secretary, would you call the vote?

SECRETARY FOX:
There's a motion on the floor. We have a second. All those in favor signify by saying aye.

ALL RESPOND AYE
SECRETARY FOX:
Oppose? Motion carries.

PRESIDENT HOOVER:
All right. We'll move onto Elk
Allocations. Mr. Secretary?

SECRETARY FOX:
Do we have a motion?

COMMISSIONER LAYTON:
Motion to accept.

COMMISSIONER PUTNAM:
Second.

PRESIDENT HOOVER:
Any discussion on the motion?

COMMISSIONER LAYTON:
Yes. Mr. President, do you have the
changes from last year to this? Can you go over those
before we vote because we have more allocations this
year.

MR. GREGG:
It's slightly more overall, that's
correct. I think rather than --- well, would you like
me to read down through each individual one just to
try to summarize a little bit?

PRESIDENT HOOVER:
Okay.
MR. GREGG:

Okay. All right. So the units that changed in terms of bull tags, Hunt Zone 2 went from two to three; 3, 4 are the same; Zone 5 goes from three to four; 6 and 7 are the same; Zone 8 goes from one to two; 9 is the same; 10 goes from two to three; and 11, 12 and 13 are all the same. That's the bull tag allocations.

For cow tags, Zone 2 goes from 19 to 22; Zone 3 actually decreases from six to four; 4 and 5 are the same; Zone 6 goes from five to six; Zone 7 is the same; Zone 8 goes from five to eight; Zone 9 goes from five to seven; Zone 10 goes down from 11 to seven; and Zones 11 and 12 are the same; and Zone 13 goes from three to four. So when you add all those up, the bull tags go from 21 in 2015 to 25 recommended for 2016. And cow tags go from 95 approved in 2015 to 99 recommended in 2016. Grand total goes from 116 tags in 2015 to 124 in 2016.

PRESIDENT HOOVER:

Thank you. What I'd like to point out is that we, the Commission, is serious about its elk population. It is hopefully expanding. We're trying to get the herd to expand and have it to go north and that would be the best scenario for us. It is an
economic driver for the area and we will always keep that in our mind when we're making decision on the elk population. Is there any other discussion?

COMMISSIONER PUTNAM:

Mr. President, I think this is a success story. I'll point out that the staff in the northcentral region is very serious about working with the population up there. We've had some issues with elk causing damage in Dents Valley. We went in and addressed it. It's a true success story and to follow through, we had a problem. We went in. We addressed it and we addressed numerous ways including harassment of the elk, trying to saw the antlers off the elk which we thought would be a cure all, but that turned out to be a cure-all for only a short time and the elk came back. But the staff has really worked with the people up there. And we see these numbers, and we only take a couple of minutes to go through them and approve them, but there's a tremendous amount of work that's gone into every one of those units, talking about where they have issues, an elk problem, trying to balance the value of the elk with the type of damage they can cause. I know we look around the elk visitor's center there, there's a very distinct browse line which in wildlife is a no-no as you have your
population that high. We made some adjustments in sizing that hunt zone around them to shrink that somewhat to allow them more pressure on those animals to try to keep that herd from getting too far out of control.

We also have had expansion by the elk. We had previous efforts when we tracked elk, moved them and they didn't stay where we put them. Now, on their own, the elk have moved over to the Kettle Creek Valley which there is a substantial population over there now. I think it's about 40 animals that went over there and we're expecting that's going to represent a major expansion out in that direction.

I know the people, directors included, when I met with people up in Lock Haven who are concerned about economic development. Well, if they can get that herd to Lock Haven if that herd will expand in that area, it will be a significant tourist attraction. And frankly, I think some of them thought it was the maximum as far as the elk viewers that they can tolerate. And we sure see a lot of businesses that have sprung up in that area that are all based on elk. So I think we got quite a success story here.

The fact that these numbers are going up, the herd is going up, are all good indicators.
PRESIDENT HOOVER:

Is there any other discussion? Mr. Secretary, call the vote.

SECRETARY FOX:

We have a motion on the floor. We have a second. All those in favor signify by saying aye.

ALL RESPOND AYE

SECRETARY FOX:

Opposed?

PRESIDENT HOOVER:

Is there any other new business to bring before the Commission? Does anyone else have any other new business? Seeing none, there will be a news conference immediately following and we will adjourn. Thank you.

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MEETING CONCLUDED AT 9:34 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, held before President Hoover was reported by me on 4/5/16 and that I, Corey Elizabeth Summers, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Corey Elizabeth Summers

Court Reporter

Corey Elizabeth Summers