

PA GAME COMMISSION MEETING

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IN RE: QUARTERLY COMMISSION MEETING

GAME COMMISSION MEETING

BEFORE: TIMOTHY LAYTON, President  
James Daley, Vice President  
Stanley Knick, Secretary  
Brian Hoover, Commissioner  
Charles Fox, Commissioner  
Michael Mitrick, Commissioner  
Bryan Burhans  
Brad Bechtel, Chief Counsel  
Thomas Grohol  
Rich Palmer

HEARING: Tuesday, April 24, 2018  
8:35 a.m.

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

WITNESSES: Peter Sussenbach, Matthew Schnupp, David  
Mitchell, Chris Rosenberry

Reporter: Amy Warehime

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A P P E A R A N C E S

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BRADLEY CHARLES BECHTEL, ESQUIRE

PA Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110-9797

Counsel for PA Game Commission

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DISCUSSION AMONG PARTIES

5 - 41

CERTIFICATE

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E X H I B I T S

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PRESIDENT LAYTON: We're going to call a meeting of the Pennsylvania Game Commission, April 24th, 2018, to order. If you all please rise and join me in the Pledge of Allegiance.

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## PLEDGE OF ALLEGIANCE RECITED

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PRESIDENT LAYTON: I would ask everybody at this time to please check your cell phones and make sure they are either turned off or placed on vibrate.

Mr. Secretary, will you call the roll?

COMMISSIONER KNICK: Mr. Layton?

PRESIDENT LAYTON: Present.

COMMISSIONER KNICK: Mr. Daley?

COMMISSIONER DALEY: Here.

COMMISSIONER KNICK: Mr. Fox?

COMMISSIONER FOX: Here.

COMMISSIONER KNICK: Mr. Mitrick?

COMMISSIONER MITRICK: Here.

COMMISSIONER KNICK: Mr. Hoover?

COMMISSIONER HOOVER: Here.

PRESIDENT LAYTON: Can I get a motion

1 to approve the minutes of January 30th, 2018?

2 COMMISSIONER HOOVER: So moved.

3 PRESIDENT LAYTON: Second?

4 COMMISSIONER DALEY: Second.

5 PRESIDENT LAYTON: Duly moved and  
6 seconded. All in favor - all in favor aye?

7 ---

8 AYES RESPOND

9 ---

10 PRESIDENT LAYTON: Opposed?

11 The motion is carried, Mr. Bechtel?

12 ATTORNEY BECHTEL: Thank you. The  
13 first item to come before the Commission today is from  
14 the Bureau of Wildlife Management.

15 This concerns the adopted rulemaking  
16 to amend 58 PA Code Section 139.4 relating to seasons  
17 and bag limits with the licensee. Provide updated  
18 seasons and limits for the 2018 to 2019 license year.

19 The text is shown on pages three through ten of your  
20 agenda.

21 PRESIDENT LAYTON: Gentleman, we need  
22 a motion to approve season and bag limits?

23 COMMISSIONER HOOVER: So moved.

24 PRESIDENT LAYTON: Do I have a second?

25 COMMISSIONER MITRICK: Second.

1                   PRESIDENT LAYTON: Mr. Secretary?

2                   COMMISSIONER KNICK: All in favor?

3   ---

4   AYES RESPOND

5   ---

6                   COMMISSIONER KNICK: Opposed?

7                   PRESIDENT LAYTON: Wait, wait, wait,  
8 we need comments first.

9                   ATTORNEY BECHTEL: Right now, we need  
10 the motion to -.

11                   PRESIDENT LAYTON: We need the motion  
12 to go ahead.

13                   COMMISSIONER MITRICK: Second.

14                   PRESIDENT LAYTON: Okay.

15   So we do not want to vote at this  
16 time.

17   All right.

18   We do have a motion, we do have a  
19 second. So during the discussing we're going to do  
20 this page at a time if we can starting on page three,  
21 starting on page three.

22   Any changes to page three? Page four?

23   Changes to page five? Any changes to  
24 page six? Page seven?

25                   COMMISSIONER HOOVER: Mr. President,

1 I'd like to make a motion to amend the Deer, Archery,  
2 Antlered and Antlerless Season ending date, and move  
3 it from November 10th to the 12th.

4 PRESIDENT LAYTON: So we have a  
5 motion, do we have a second?

6 COMMISSIONER FOX: Second.

7 COMMISSIONER KNICK: All in favor?

8 ---

9 AYES RESPOND

10 ---

11 COMMISSIONER KNICK: Opposed?

12 PRESIDENT LAYTON: Any other changes  
13 to page seven?

14 COMMISSIONER DALEY: Mr. President,  
15 I'm not going to put it in the form of a change at  
16 this point. But I do think by next year we really  
17 need to be looking at Saturday start for Deer Regular  
18 Firearms.

19 And whatever we have to do to  
20 determine if that's the right move going forward for  
21 next year.

22 PRESIDENT LAYTON: Okay.

23 Duly noted.

24 Page eight? Changes to page nine?

25 Page ten?

1                   So having a motion and a second on the  
2 floor, a discussion as to the amended seasons and bag  
3 lists?

4                   Okay.

5                   Mr. Secretary?

6                   COMMISSIONER KNICK: All in favor?

7   ---

8   AYES RESPONSES

9   ---

10                   COMMISSIONER KNICK: Opposed?

11                   Motion passed.

12                   ATTORNEY BECHTEL: The next item  
13 concerned in the Amendment 58 PA Code Section 141.28  
14 relating to wild pheasant recovery areas to eliminate  
15 the Somerset Wild Pheasant Recovery Area (WPRA).  
16 That's shown on page 12 of the agenda.

17                   PRESIDENT LAYTON: Do we have a  
18 motion?

19                   COMMISSIONER DALEY: So moved.

20                   PRESIDENT LAYTON: Second?

21                   COMMISSIONER FOX: Second.

22                   PRESIDENT LAYTON: Any discussion?

23                   Mr. Secretary?

24                   COMMISSIONER KNICK: All in favor?

25   ---

1 AYES RESPOND

2 ---

3 COMMISSIONER KNICK: Opposed?

4 The motion is carried.

5 ATTORNEY BECHTEL: The next item this  
6 morning concerns the Bureau of Wildlife Protection and  
7 the adopted rulemaking concerning7 wildlife resources  
8 in the Commonwealth.

9 The Game Commission proposed at its  
10 January 30th, 2018 meeting to amend Chapter 141  
11 Appendix G (relating to hunting hours) to replace the  
12 current hunting hours and migratory birds hunting  
13 hours table to accurately reflect the dates and hours  
14 of legal hunting for the 2018 to 2019  
15 Hunting/Trapping, License year.

16 The Commission also proposed to amend  
17 Section 141.4 (relating to hunting hours) by deleting  
18 the hunting hours closure of mourning dove season  
19 prior to noon during the first mourning dove season.  
20 The text is shown on pages 14 through 16 agenda.

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

23 COMMISSIONER HOOVER: I move.

24 PRESIDENT LAYTON: Second?

25 COMMISSIONER FOX: Second.

1                   PRESIDENT LAYTON: Any discussion?

2                   Mr. Secretary?

3                   COMMISSIONER KNICK: All in favor?

4                   ---

5                   AYES RESPOND

6                   ---

7                   COMMISSIONER KNICK: Opposed?

8                   ATTORNEY BECHTEL: And the next item  
9 to amend is the 58 PA Code Section 141.43, 141.44, and  
10 141.47 (related to deer, bear and elk) to authorize  
11 statewide use of semiautomatics, centerfire shotguns  
12 to hunt for deer, bear and elk. The text is shown on  
13 pages 18 and 19 of your agenda.

14                   PRESIDENT LAYTON: Do we have a  
15 motion?

16                   COMMISSIONER HOOVER: So moved.

17                   PRESIDENT LAYTON: A second?

18                   COMMISSIONER FOX: Second.

19                   PRESIDENT LAYTON: Any comments?

20                   COMMISSIONER HOOVER: I would just  
21 like to make one comment. This essentially adds  
22 semiautomatic shotguns to the regulations which have  
23 been in use in the Southeast Special Regulations area  
24 for a considerable period of time without incident.

25                   PRESIDENT LAYTON: Thank you.

1 Any other comments?

2 Okay.

3 Mr. Secretary, call the vote.

4 COMMISSIONER KNICK: All in favor?

5 ---

6 AYES RESPOND

7 ---

8 COMMISSIONER KNICK: Opposed?

9 Motion carried.

10 ATTORNEY BECHTEL: And the next item  
11 today concerns the amendment 58 PA Code Section 141.1  
12 and the rescission of Sections 147.681 through  
13 147.686.

14 To effectively manage the wildlife  
15 resources of this Commonwealth, the Game Commission  
16 proposed at its January 30, 2018, meeting to amend  
17 Section 141.1 (relating to special regulations areas)  
18 and rescind Sections 144.681 through 147.686 to  
19 eliminate the baiting permit and reporting  
20 requirements. The text is shown on pages 21 through  
21 22 of your agenda.

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

24 COMMISSIONER HOOVER: So moved.

25 PRESIDENT LAYTON: Second?

1                   COMMISSIONER DALEY: Second.

2                   PRESIDENT LAYTON: Any comments?

3                   COMMISSIONER HOOVER: I'd just like to  
4 make one, this just streamlines the regulation of this  
5 area and the southeast region with some cumbersome  
6 regulations that were involved with it. It does not  
7 the - it does not eliminate the use of it.

8                   PRESIDENT LAYTON: Any other comments?

9                   Mr. Secretary, call the votes?

10                  COMMISSIONER KNICK: All in favor?

11   ---

12   AYES RESPOND

13   ---

14                  COMMISSIONER KNICK: Opposed?

15                   Motion carried.

16                  ATTORNEY BECHTEL: The next item that  
17 concerns the amendment is 58 PA Code Section 147.316  
18 and 147.317 (relating to application permit) to  
19 require junior hunters to obtain a free pheasant  
20 permit to hunt pheasants in the Commonwealth.

21                   The Commission also proposed to amend  
22 Section 147.317. To exempt additional individuals  
23 from the pheasant permit requirement, including  
24 individuals from the pheasant permit requirement,  
25 including individuals currently exempted from the

1 licensure by statute and also individuals hunting and  
2 taking privately acquired propagated pheasants on  
3 private land. The text is shown on pages 24 through  
4 25 of your agenda.

5

6 PRESIDENT LAYTON: Motion to accept?

7 COMMISSIONER HOOVER: So moved.

8 COMMISSIONER KNICK: Presently we do  
9 have a floor amendment I believe on this particular  
10 page one through five.

11 PRESIDENT LAYTON: We'll get there as  
12 soon as we get - do we have a motion - do we have a  
13 second?

14 COMMISSIONER MITRICK: Second.

15 PRESIDENT LAYTON: Discussion?

16 Now, we do have a floor amendment. So  
17 I already looked into to add number four. Lawful  
18 hunting of pheasants by persons that previously  
19 acquired a senior lifetime resident hunting license or  
20 a senior lifetime resident combination hunting and fur  
21 taking license as defined under 2705 of the Act prior  
22 to May 13th, 2017 when the subchapter first became  
23 effective.

24 Do I have a second?

25 COMMISSIONER DALEY: Second.

1                   PRESIDENT LAYTON: Any comments?

2                   Okay.

3                   Mr. Secretary, will you call the vote  
4 on the amendment?

5                   COMMISSIONER KNICK: All in favor?

6   ---

7   AYES RESPOND

8   ---

9                   COMMISSIONER KNICK: Opposed?

10                   Motion carried.

11                   PRESIDENT LAYTON: Any other comments?

12                   COMMISSIONER MITRICK: Do you want to  
13 explain why this occurred?

14                   PRESIDENT LAYTON: We can. Currently  
15 there is legislation coming that's coming through the  
16 House that we do not oppose. In fact, we support the  
17 legislation.

18   In order to make sure that it is in  
19 effect for this coming season, we just wanted to go  
20 ahead and kind of copy the language of the Legislation  
21 that's coming down and just make it a regulation that  
22 has moved.

23   Any other comments?

24                   COMMISSIONER DALEY: I don't think  
25 there was an awful lot of comments from Seniors that

1 previously held this license, that they didn't think  
2 they should have had to pay for it.

3 I think if we hadn't been able to  
4 reduce the price of raising pheasants as much as we  
5 did, through our own efforts - I don't think we'd see  
6 this. But even if we did, this change just makes  
7 sense.

8 PRESIDENT LAYTON: Thank you.

9 So we have a motion and a second on  
10 the floor. We need a vote to pass the amended rule.

11 COMMISSIONER KNICK: All in favor?

12 ---

13 AYES RESPOND

14 ---

15 COMMISSIONER KNICK: Opposed?

16 Motion carried.

17 ATTORNEY BECHTEL: The next item is  
18 from the Bureau of Wildlife Habitat Management, it  
19 contains the adopted ruling to create the 58 PA Code  
20 11 Section 135.183.12 relating to archery rangers, to  
21 authorized the manners of usage of archery ranges  
22 established by the Commission. The text is shown on  
23 pages 27 through 28 of your agenda.

24 PRESIDENT LAYTON: Do I motion to  
25 accept.

1                   COMMISSIONER HOOVER:   So moved.

2                   PRESIDENT LAYTON:   Second?

3                   COMMISSIONER FOX:    Second.

4                   PRESIDENT LAYTON:   Do we have any  
5 discussions?

6                   Mr. Secretary?

7                   COMMISSIONER KNICK:   All in favor?

8                                   ---

9                                   AYES RESPOND

10                                  ---

11                   COMMISSIONER KNICK:   Opposed?

12                   Motion carries.

13                   ATTORNEY BECHTEL:   The next item  
14 before Commission concerns the acquisitions of real  
15 estate contract number L-3729, State Game Land Number  
16 217 in Carbon County.

17                                   Wildlands Conservancy, INC. is  
18 offering 428 more or less acres of land in East Penn  
19 Township, Carbon County adjoining State Game Land  
20 Number 217 to the west and National Park Service  
21 property to the south as shown in Exhibit RED 1 on  
22 page 30 of your agenda.

23                                   The option price is \$400 per acre to  
24 be paid with funds from third-party commitments for  
25 compensation of habitat and recreational losses which

1 occurred on State Game lands from previously approved  
2 projects.

3                   The property is located on the north  
4 slope of Blue Mountain, is forested with oak, poplar,  
5 maple, and white pine along the ridge and transitioned  
6 into a savannah-type field of green briar and fern  
7 interspersed with trees at lower elevations.

8                   Acquiring this property will resolve  
9 in long-standing boundary line dispute with the prior  
10 owners. Access is from Blue Mountain Road on the west  
11 and Sunset Road on the east.

12                   PRESIDENT LAYTON: Do I have a motion  
13 to amend?

14                   COMMISSIONER HOOVER: I move.

15                   PRESIDENT LAYTON: And a second?

16                   COMMISSIONER MITRICK: Second.

17                   PRESIDENT LAYTON: Any comments?

18                   Steve, can you just talk about the  
19 third party commitment?

20                   MR. SUSSENBACH: Sure, so the third  
21 parties then commitments are basically for impacts  
22 that we have taken on other Game Lands throughout  
23 State. Generally from oil and gas activities.

24                   So this is a great way to put some  
25 acreage back in the hands of hunters and wildlife as

1 well.

2 I'm going to give my sincerest  
3 gratitude to folks over at DCNR and Wildland's  
4 Conservancy, because without them, we just wouldn't  
5 have been able to pull this deal off.

6 But it's certainly going to offset the  
7 impacts that we've had. And we're putting it in a  
8 place in the southeast region within fairly easy  
9 access to, you know, hundreds of hundreds of hunters  
10 if not tens and thousands.

11 COMMISSIONER DALEY: It even looks  
12 like this connects with parts of 217 with the National  
13 Park Services.

14 Can hunters go through there or does  
15 the Park Service prohibit hunting on that strip of  
16 land?

17 MR. SUSSENBACH: Generally, they  
18 prohibit hunting on a corridor of the Appalachian  
19 Trail. However on some of their additional land to  
20 the sides of that they will allow hunting. But there  
21 is a restriction or prohibition on the Appalachian  
22 Trail.

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

25 COMMISSIONER KNICK: All in favor?

1 ---

2 AYES RESPOND

3 ---

4 COMMISSIONER KNICK: Opposed?

5 Motion is carried.

6 ATTORNEY BECHTEL: The next item

7 concerns a Non-Surface Use Oil and Gas Cooperative  
8 Agreement. Tract 223A-18, State Game Land Number 223  
9 in Greene County.

10 Greylock Production Company, LLC with  
11 (Greylock) requested the Commission to offer its oil  
12 and gas rights under a portion of State Game Land  
13 Number 223 for non-surface use development. The  
14 proposed tract, containing approximately 724 surface  
15 acres of 537.61 oil and gas acres, is located in  
16 Whiteley Township, Greene County as shown on Exhibit  
17 OGM 1 on page 32 of your agenda.

18 Greylock has a strong privately owned  
19 oil and gas lease position surrounding this portion of  
20 State Game Land Number 223, has initiated  
21 unconventional well drilling and development in the  
22 vicinity of the proposed tract, and has the ability to  
23 unitize and develop the Commission's oil and gas  
24 reserves under the proposed tract by horizontal  
25 drilling with no surface use or disturbance to the

1 game land.

2                   The OGM staff has negotiated the  
3 proposed terms of the agreement with Greylock in an  
4 effort to prudently develop the Commission's oil and  
5 gas reserves and simultaneously protect the wildlife  
6 resources and recreational use of State Game Land  
7 Number 223.

8                   The terms of the agreement are a  
9 five-year paid up Non-Surface Use Oil and gas  
10 agreement, a \$4,000 per net oil and gas acre bonus  
11 payment and 18 percent royalty for all oil gas and  
12 other liquids or condensates produced and sold from  
13 the proposed tract.

14                   The bonus payment of approximately  
15 \$2,150,440 may be deposited either into the Game Fund  
16 or into an interest bearing escrow account to be used  
17 for the future purchase of wildlife habitat, lands or  
18 other uses incidental to hunting, furtaking and  
19 wildlife resource management. Future rental and  
20 royalties owned the Commission shall be directly  
21 deposited into the Game Fund.

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

1                   PRESIDENT LAYTON: Do I have a motion  
2 for this Act?

3                   COMMISSIONER HOOVER: So moved.

4                   PRESIDENT LAYTON: Second?

5                   COMMISSIONER MITRICK: Second.

6                   PRESIDENT LAYTON: Any comments?

7                   Mr. Secretary?

8                   COMMISSIONER KNICK: All in favor?

9   ---

10   AYES RESPOND

11   ---

12                   COMMISSIONER KNICK: Opposed?

13                   Motion carries.

14                   PRESIDENT LAYTON: All right.

15                   At this time we will move on to the  
16 Deer Allocations for the 2018 - 2019 Hunting Season.  
17 We are going to do this by Wildlife Management Unit,  
18 and each Commissioner that is assigned to that  
19 Wildlife Management Unit will offer up his suggestions  
20 for Allocations.

21                   In the areas that do not have  
22 Commissioners currently seated, we'll just take turns.  
23 They've been assigned to Commissioners.

24                   Commissioner Daley, if you'd start  
25 with 1A, please?

1                   COMMISSIONER DALEY: Sure. So if we  
2 look at the report that was put together for us and  
3 you go through that report, you'll see all the various  
4 measures of forest health, deer health, and fawn to  
5 doe ratios

6                   And then as Commissioners, we look at  
7 that as well as social impacts that we are aware of in  
8 our areas. So if you look at this year, the  
9 biologists would suggest 48,000 down from 52,000 we  
10 allocated last year. Looking at the numbers, I would  
11 agree with that 48,000.

12                   PRESIDENT LAYTON: So 48,000 for 1A?

13                   Okay.

14                   Commissioner Daley 1B?

15                   COMMISSIONER DALEY: All right.

16                   Similarly, the harvests have been up  
17 there since 2009. The population's been up since 2010  
18 forest health is now declining. So we're looking to  
19 try to hold the population stable. Our biologists have  
20 suggested 37,000. I agree with that number.

21                   PRESIDENT LAYTON: 2A - 2A is in the  
22 southwest region of Pennsylvania. Last year we had an  
23 allocation of 50,000. We did have an outbreak of EHD  
24 in that area. So I'm going to recommend that we set  
25 next year's allocation to 49,000.

1                   2B, again, an area that's vacant.  
2 Last year's allocation was at 60,000. The  
3 recommendation this year is 58,000, which is a  
4 reduction of 2,000. And we're going to go with a  
5 recommendation of 58,000.

6                   2C, which happens to be in my  
7 District. Last year, the allocation was 31,000. The  
8 recommended allocation for this year is 44,000.  
9 Again, there's issues in 2C. Part of that area is in  
10 the disease management area number 2.

11                   We have some issues in the northern  
12 part of the county with getting samples for CWD. So  
13 I'm going to go with the recommended allocation of  
14 44,000.

15                   2D, also an area in the southwest  
16 where we've done some significant reductions through  
17 the years on allocations. We see that the numbers are  
18 starting to grow - deer numbers are growing. We've  
19 had some - actually we had some complaints from  
20 farmers in the area about deer numbers.

21                   Last year's approved allocation was  
22 55,000, the recommendation this year is for 63,000.  
23 And I would suggest we approve the recommendation of  
24 63,000.

25                   2E, again, in my District. Last year

1 we were 22,000, the recommendation for this year is  
2 23,000. There are no issues with deer numbers in 2E,  
3 would like to go with the recommendation of 23,000.

4 Commissioner Daley, 2F, if you would,  
5 please?

6 COMMISSIONER DALEY: 2F's kind of an  
7 oddball to look at. It's got some very effective  
8 hunters it takes 3.3 licenses to tag a deer there.  
9 We've had some increase in the population to the and  
10 the fawn to doe ratio is starting to drop. I think  
11 given all the factors if you look at 2F, we stay with  
12 the recommended 23,000.

13 PRESIDENT LAYTON: Commissioner Daley,  
14 will you take 2G as well, please?

15 COMMISSIONER DALEY: So in 2G, the  
16 population's certainly increased there. We're getting  
17 a lot of - certainly from farmers, we're getting a lot  
18 of input, they're seeing a lot of crop damage. Last  
19 year we allocated 25,500. The recommended by our  
20 biologist is 39,000, which is a drastic increase.

21 We've decided to cut that drastic  
22 increase. I'm thinking 30,000 should be a good number  
23 there.

24 PRESIDENT LAYTON: Okay.

25 Commissioner Daley, 2H.

1                   COMMISSIONER DALEY: it has always  
2 fluctuated between always a question there between 6  
3 and 7,000 tags. Looking at it, I think that it can  
4 hold some more deer than it has. So we're going to go  
5 with a 6,000 number this year which is down from last  
6 year.

7                   PRESIDENT LAYTON: Okay.

8                   Commissioner Knick, 3A?

9                   COMMISSIONER KNICK: 3A, last year we  
10 had 20,000, this year we're going with 22,000 for the  
11 recommendation.

12                   PRESIDENT LAYTON: Okay.

13                   Commission Knick, 3B?

14                   COMMISSIONER KNICK: 3B, last year we  
15 had 30,000. This year recommended was 29,000 we are  
16 going to go with 29,000 for the recommendation.

17                   PRESIDENT LAYTON: Commissioner Fox  
18 3C?

19                   COMMISSIONER FOX: We received a  
20 significant amount of crop damage in 3C. We're going  
21 to go with that recommendation of 38,000.

22                   PRESIDENT LAYTON: And Commissioner  
23 Fox, 3D? Oh, - I'm sorry, Commissioner Knick?

24                   COMMISSIONER KNICK: Last year we had  
25 25,000 in 3D it's stable. The recommendation of

1 25,000 this year we will stay with the 25,000 as  
2 recommended.

3 PRESIDENT LAYTON: 4A in the heart of  
4 the CWD area, we have held steady at 30,000  
5 allocations over the past several years but that's  
6 been supplemented by DMA permits.

7 And now that we've eliminated DMA  
8 permits in just doing township issues, the  
9 recommendation this year is for 38,000. And I agree  
10 with that number, I'll recommend that we go with that  
11 38,000.

12 Commissioner Mitrick?

13 COMMISSIONER MITRICK: 4B, the  
14 recommendation is 26,000, last year was also 26,000  
15 and we'll leave it at that. A portion of that is also  
16 within Disease Management Area 2, so we certainly  
17 don't want to decrease that allocation.

18 PRESIDENT LAYTON: Commissioner Hoover  
19 4C?

20 COMMISSIONER HOOVER: We had an  
21 allocation of 29,000 approved by the Board last year.  
22 The recommendation this year is the 35,000. I have  
23 seen an increase in deer, so maybe there's some  
24 possibilities there I'm going to raise it to 30,000  
25 this year.



1 well - since we've changed the unit around we've left  
2 it at 70,000, we're going to go ahead and leave it at  
3 70,000 again this year.

4 PRESIDENT LAYTON: And Commissioner  
5 Hoover, 5D?

6 COMMISSIONER HOOVER: We've seen some  
7 reduction in the number of deer in 5D as a whole,  
8 we're going to reduce it by 2,000 we'll have 28,000.

9 PRESIDENT LAYTON: Gentleman, we have  
10 a motion to accept the allocations for the 2018-2019  
11 hunting season?

12 COMMISSIONER DALEY: So moved.

13 PRESIDENT LAYTON: Second?

14 COMMISSIONER FOX: Second.

15 PRESIDENT LAYTON: Any comments?

16 All those in favor - I'm sorry. Mr.  
17 Secretary?

18 COMMISSIONER KNICK: All in favor?

19 ---

20 AYES RESPOND

21 ---

22 COMMISSIONER KNICK: Opposed?

23 Motion carries.

24 PRESIDENT LAYTON: Now, we move onto  
25 the Elk Allocations. Matthew, you might want to step

1 up because we're going to ask questions. Not hard  
2 ones but questions.

3 Okay.

4 So this is a hard one, talk about the  
5 new - if you would, the new hunt zone and the changes  
6 that were made there. Were you able to do that?

7 MR. SCHNUPP: Probably not as  
8 efficiently as somebody else.

9 Dave, do you want to talk about that?  
10 Let me get somebody up here that's better at answering  
11 that.

12 MR. MITCHELL: Elk hunt zone 14, which  
13 is the new hunt zone. The Elk herd is expanding to  
14 the north and east. That would be the herd that's up  
15 around Kettle Creek State Park.

16 Actually I have the numbers back in my  
17 folder. But I think our minimum count we counted 81  
18 Elk that are residing right now in Elk Zone 14. So it  
19 has a good population and it's increasing.

20 And I believe that the numbers that  
21 were put in there, it will be able to sustain hunting  
22 pressure and still allow that herd to grow.

23 The changes we made around Elk hunt  
24 Zone 7 were - there were some boundaries that used  
25 really small roads to get to game lands there. They

1 were essentially like two track roads.

2                   It was very easy to walk across them  
3 without seeing them. So we went to the more  
4 established township roads just to make those  
5 boundaries a little bit clearer.

6                   And what we were going to do is, one  
7 of the reasons that it was the way it was because some  
8 of the viewing areas at Winslow Hill and also at the  
9 Woodring Farm. But we're going to post those viewing  
10 areas close to Elk Hunting.

11                   So we don't have to worry about any  
12 conflicts with hunters and Elk viewers. But it's  
13 going to make the actual boundaries of the Management  
14 Hunting Guidelines much clearer so we don't have  
15 people accidentally shooting Elk.

16                   PRESIDENT LAYTON: All right.

17                   So let me go down through these  
18 numbers if I can. I'll go by hunt zone and then we'll  
19 do totals at the end.

20                   So hunt zone 2, the recommendation is  
21 2 antlered, 25 antlerless for a total of 27.

22                   Hunt zone 3, 2 antlered, 5 antlerless,  
23 total of 7. Hunt zone 4, 2 antlered, 5 antlerless,  
24 total of 6. Hunt zone 5, 3 antlered, 3 antlerless for  
25 a total of 6.

1                    Hunt zone 6, 2 antlered, 7 antlerless,  
2 total of 9. Hunt zone 7, antlered zero, antlerless  
3 zero for a total of zero.

4                    Hunt zone 8, 2 antlered, 7 antlerless,  
5 total of 9. Hunt zone 9, 2 antlered, 7 antlerless,  
6 total of 9.

7                    Hunt zone 10, 2 antlered, 11  
8 antlerless for a total of 13. Hunt zone 11, 2  
9 antlered, 2 antlerless, total of 4.

10                   Hunt zone 12, 3 antlered, 17  
11 antlerless for a total of 20. Hunt zone 13, 2  
12 antlered, 6 antlerless, total of 8.

13                   Hunt zone 14, 2 antlered, 4  
14 antlerless, for a total of 6. The total number of  
15 antlered is 26, the total number of antlerless is 99  
16 for total of 125 Elk.

17                   Do I have a motion to accept?

18                   COMMISSIONER HOOVER: Just for  
19 clarification on Elk zone 12, you stated 3 antlered  
20 and it specifically says 2 recommendations.

21                   PRESIDENT LAYTON: Twelve (12)?

22                   That's not what I have.

23                   Doctor Rosenberry, can you clarify  
24 zone 12 for us, please?

25                   DOCTOR ROSENBERRY: Three, 17 and 20.

1                   PRESIDENT LAYTON: Three, 17, and 20.

2                   COMMISSIONER DALEY: Table 2 is wrong.

3                   PRESIDENT LAYTON: Okay.

4                   Do we have a motion to accept the  
5 allocations?

6                   COMMISSIONER DALEY: I have a  
7 question, but I don't know if it would be for you or  
8 someone else. Elk Zone 5, or Hunt Zone 5, in 2016 we  
9 had 24 tags in the zone, in 2017 we dropped it to 10  
10 an din 2018 we want to drop it to 6? Is there  
11 something wrong in that zone? It just seems like a  
12 huge change. We have about a quarter of what we had  
13 two years ago.

14                   DR. ROSENBERRY: That was the end of  
15 two years ago that we - there was a lot of complaints  
16 -

17                   COMMISSIONER DALEY: Is that like  
18 Weedville?

19                   DR. ROSENBERRY: That's the Weedville  
20 area, yes. So we had a lot of tags in there, there  
21 was some success. We had an extended season because  
22 hunters weren't able to use the tags. Last year, then  
23 it was cut down a little bit further.

24                   And we're not seeing as many Elk in  
25 that zone. There's still Elk there, but the numbers

1 and the complaints aren't there, so that's why it was  
2 cut this year.

3 COMMISSIONER DALEY: Okay.

4 PRESIDENT LAYTON: Okay.

5 So now we need a motion to set the  
6 allocations?

7 COMMISSIONER DALEY: So moved.

8 PRESIDENT LAYTON: Second?

9 COMMISSIONER FOX: Second.

10 PRESIDENT LAYTON: Any other  
11 discussion?

12 Mr. Secretary, call the vote.

13 COMMISSIONER KNICK: All in favor?

14 ---

15 AYES RESPOND

16 ---

17 COMMISSIONER KNICK: Opposed?

18 Motion is carried.

19 PRESIDENT LAYTON: Thank you.

20 So now we have two resolutions that  
21 need to be read and accepted in.

22 ATTORNEY BECHTEL: Thank you, Mr.  
23 President.

24 The first resolution, I'll read the  
25 tax resolution of the Board of Commissioners.

1                   Whereas, the Commonwealth has  
2 experienced consistent declines in hunting  
3 participation by both resident and non-resident  
4 hunters over the past several decades, with both the  
5 number of licenses sold and revenues generated  
6 experiencing steady declines; and whereas, youth  
7 participation is vital to maintaining the longstanding  
8 tradition of hunting in the Commonwealth.

9                   And whereas, Sunday hunting can be an  
10 effective means of recruiting new hunters and  
11 retaining current hunters by increasing the value of  
12 the hunting license through offering additional  
13 opportunities to spend time in the field.

14                   And whereas, the Commission recognizes  
15 that it can effectively double the number of hunting  
16 days for youths during the school year by offering  
17 Sunday hunting.

18                   And whereas, many residents of this  
19 Commonwealth seek hunting opportunities and hunting  
20 leases in neighboring states that offer Sunday  
21 hunting.

22                   And whereas, the Commission recognizes  
23 that Sunday hunting will help keep Pennsylvania  
24 hunters in Pennsylvania. And whereas, the  
25 Commonwealth has a longstanding tradition of hunting

1 camps and clubs.

2                   And whereas, Sunday hunting can  
3 effectively double the number of hunting days for camp  
4 owners and club members. And whereas, Sunday hunting  
5 has the potential to generate a substantial increase  
6 in non-resident license sales and the accompanying  
7 revenue for the Pennsylvania Game Commission.

8                   And whereas, hunting license sales and  
9 their associated federal matching funds are the  
10 primary revenue source for the Pennsylvania Game  
11 Commission in carrying out its mission, including  
12 maintaining 1.5 million acres of State Game Lands and  
13 acquisition of additional public lands, research and  
14 management of wildlife and providing information and  
15 education to the public.

16                   And whereas, Sunday hunting has the  
17 potential to provide substantial economic benefits to  
18 rural areas and businesses by increasing money spent  
19 by hunters on lodging, food, gas, and other incidental  
20 items.

21                   And whereas, Sunday hunting could  
22 effectively generate \$629 million in additional  
23 spending and create 5,300 new jobs, resulting in \$18  
24 million in additional sales and income tax.

25                   And whereas, the mission of the

1 Pennsylvania Game Commission is to manage wildlife and  
2 its habitat for future and current generations - or I  
3 should say for current and future generations.

4                   And whereas, Sunday hunting which is  
5 currently permitted to control a growing population of  
6 coyotes, will provide the biologists of the  
7 Pennsylvania Game Commission new tools to manage  
8 wildlife populations.

9                   And whereas, the 47 states that  
10 currently permit Sunday hunting, have not experienced  
11 any discernable impact on the health or vibrancy of  
12 game populations.

13                   And whereas, the Board of  
14 Commissioners recognizes that the authority to permit  
15 Sunday hunting lies entirely with the General Assembly  
16 of Pennsylvania. And whereas, if the General Assembly  
17 repeals the restrictions on Sunday hunting, thus  
18 giving the authority to regulate Sunday hunting to the  
19 Board of Commissioners, the Board recognizes the many  
20 stakeholder groups that any actions on Sunday hunting  
21 will affect and will endeavor to engage these  
22 stakeholders before passing any new regulations in  
23 regard to Sunday hunting.

24                   Now, therefore, be it resolved, that  
25 the Board of Commissioners of Pennsylvania Game



1 on State Game Lands over the past few years.

2                   And whereas, the Commission recognizes  
3 the significant value of exploring alternative  
4 energy resources and renewable energy initiatives  
5 within this Commonwealth.

6                   And whereas, the Commission has  
7 determined that the protection of wildlife habitat  
8 values and their associated recreational use of State  
9 Game Lands are one of the Commission's highest  
10 priorities.

11                   And whereas, the Commission has  
12 further determined that evaluation and approval of  
13 wind energy projects on State Game Lands must be  
14 completed in strict accordance with the mandates of  
15 the Game and Wildlife Code, 34 Pa.C.S. Section 101 et  
16 seq., the Code to ensure the protection and  
17 conservation of the Commonwealth's wildlife resources  
18 and promotion of recreational opportunities on State  
19 Game Lands.

20                   And whereas, Article I, Section 27 of  
21 the Pennsylvania Constitution, Pa. Constitution  
22 Article 1, Section 27, mandates that the public  
23 natural resources of the Commonwealth, including State  
24 Game Lands and their associated flora and fauna, are  
25 the common property of all the people, including

1 generations yet to come; and whereas, The  
2 Commonwealth, including the Board of Game  
3 Commissioners, as trustee of the public natural  
4 resources, is charged with conserving and maintaining  
5 those resources for the benefit of all the people.

6                   And whereas, the Commission drafted  
7 guidance in 2005 to aid in its evaluation of proposed  
8 wind energy development on State Game Lands; and  
9 whereas 19 State Game Lands have been targeted by  
10 industrial wind energy developers since 2005, some  
11 multiple times.

12                   And whereas, to date, all of the wind  
13 energy proposals submitted to the Commission were  
14 determined to have a high probability of adversely  
15 impacting wildlife resources and the recreational uses  
16 associated with State Game Lands and were therefore  
17 not approved.

18                   And whereas, the Commission has  
19 recognized the need to provide a clear policy  
20 concerning the potential for future wind energy  
21 development on State Game Lands; and whereas, the  
22 Commission has generally determined that the high  
23 probability of adverse impacts to wildlife resources  
24 and recreational uses caused by wind energy  
25 development on State Game Lands is incompatible with

1 its mandates under the Code to protect, propagate,  
2 manage and preserve the game and wildlife of the  
3 Commonwealth and promote recreational opportunities on  
4 State Game Lands.

5                   Now therefore, be it resolved, that  
6 the Board of Commissioners of the Pennsylvania Game  
7 Commission does hereby declare as policy that wind  
8 energy development on State Game Lands to be  
9 inconsistent with the responsibilities of the  
10 Pennsylvania Game Commission under both the Game and  
11 Wildlife Code and Article I, Section 27 of the  
12 Pennsylvania Constitution.

13                   Given under the hand and seal of the  
14 Board of Commissioners of the Pennsylvania Game  
15 Commission on this 24th day of April, 2018.

16                   PRESIDENT LAYTON: Do we have a motion  
17 to accept the resolution?

18                   COMMISSIONER HOOVER: So moved.

19                   PRESIDENT LAYTON: Second?

20                   COMMISSIONER FOX: I second.

21                   PRESIDENT LAYTON: Any comments?

22                   COMMISSIONER DALEY: I do. We  
23 discussed this at length, if you recall.

24                   I think, you know, if you were a wind  
25 energy developer, and you had an outstanding piece of

1 habitat that you wanted to exchange for some game  
2 land, that would be the mechanism, we're prohibiting  
3 it by this resolution. That's fair.

4 PRESIDENT LAYTON: Thank you. Any  
5 other comments?

6 Mr. Secretary?

7 COMMISSIONER KNICK: All in favor?

8 ---

9 AYES RESPOND

10 ---

11 COMMISSIONER KNICK: Opposed?

12 Motion carried.

13 PRESIDENT LAYTON: Is there any other  
14 new business?

15 Our next working group meeting will be  
16 held June 4th, 2018. The Next Commission meeting will  
17 be July 30<sup>th</sup> and 31st, of 2018. Immediately following  
18 this will be a press conference in the cafeteria  
19 executive session if it is needed. We are adjourned.

20 \* \* \* \* \*

21 MEETING CONCLUDED AT 9:19 A.M.

22 \* \* \* \* \*

23

24

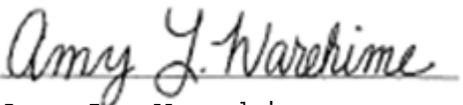
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CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before Commissioner Layton was reported by me on 04/24/2018 and that I, Amy L. Warehime, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 17th day of May 2018



Amy L. Warehime

Court Reporter

