

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

* * * * *

IN RE: QUARTERLY MEETING

* * * * *

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

HEARING: Tuesday, April 9, 2019
8:30 a.m.

LOCATION: 2001 Elmerton Avenue
Harrisburg, PA 17110

SPEAKERS: Matthew Schnupp, Randy Shoup, Pete
Sussenbach

Reporter: Bridget Hockenbroch

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

A P P E A R A N C E S

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

BRAD C. BECHTEL, ESQUIRE

PA Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110

Counsel for PA Game Commission

I N D E X

1		
2		
3	OPENING REMARKS	5 - 6
4	BUREAU OF WILDLIFE MANAGEMENT	
5	By Attorney Bechtel	6 - 18
6	PROPOSED RULEMAKING	
7	By Attorney Bechtel	18 - 23
8	BUREAU OF WILDLIFE PROTECTION	
9	By Attorney Bechtel	23 - 34
10	BUREAU OF WILDLIFE HABITAT MANAGEMENT	
11	REAL ESTATE	
12	By Attorney Bechtel	34 - 42
13	OIL/GAS & MINERALS	
14	By Attorney Bechtel	42 - 51
15	DISCUSSION AMONG PARTIES	51 - 60
16	CERTIFICATE	61
17		
18		
19		
20		
21		
22		
23		
24		
25		

E X H I B I T S

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

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

NONE OFFERED

P R O C E E D I N G S

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

PRESIDENT LAYTON: I would call to order the meeting of the Pennsylvania Game Commission. Today is April - Tuesday, April 9, 2019 at 8:30 a.m. If everyone would please rise and join me in the Pledge of Allegiance?

(WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS HELD.)

PRESIDENT LAYTON: If everyone would please make sure you check your cell phones and place them on vibrate or turn them off for the meeting. Mr. Secretary, would you please call the roll?

COMMISSIONER KNICK: Commissioner Layton.

PRESIDENT LAYTON: Present.

COMMISSIONER KNICK: Commissioner Hoover?

COMMISSIONER HOOVER: Present.

COMMISSIONER KNICK: Commissioner Daley.

COMMISSIONER DALEY: Here.

COMMISSIONER KNICK: Commissioner

1 Mitrick.

2 COMMISSIONER MITRICK: Here.

3 COMMISSIONER KNICK: Commissioner Fox.

4 COMMISSIONER FOX: Here.

5 COMMISSIONER KNICK: Commissioner

6 Foradora.

7 COMMISSIONER FORADORA: Here.

8 COMMISSIONER KNICK: Commissioner

9 Fredericks.

10 COMMISSIONER FREDERICKS: Here.

11 COMMISSIONER KNICK: Myself,

12 Commissioner Knick here.

13 All present.

14 PRESIDENT LAYTON: Do I have a motion
15 to approve the minutes of the meeting held January 29,
16 2019?

17 COMMISSIONER HOOVER: So moved.

18 PRESIDENT LAYTON: Second?

19 COMMISSIONER FOX: Second.

20 PRESIDENT LAYTON: So having a motion
21 and a second. Any discussion? Mr. Secretary, call
22 the vote.

23 COMMISSIONER KNICK: All in favor?

24 (AYES RESPOND)

25 COMMISSIONER KNICK: Opposed? Ayes

1 have it, eight to zero.

2 PRESIDENT LAYTON: At this time we'll
3 turn to the meeting over to Attorney Bechtel.

4 ATTORNEY BECHTEL: Thank you, Mr.
5 President. The first item to come before the
6 Commission today is from the Bureau of Wildlife
7 Management and concerns adopted rulemaking, to amend
8 58 Pa. Code, Section 139.4 relating to seasons and bag
9 limits for the license year.

10 To provide updated seasons and bag
11 limits for the 2019-2020 license year. 2019-2020
12 seasons and bag limits have been amended to reflect
13 current available scientific data, population and
14 harvest records, field surveys and professional staff
15 observations, as well as recommendations received from
16 staff, organized sporting groups, members of the
17 agricultural community and others interested in the
18 management of the wildlife resources of this
19 Commonwealth.

20 To provide an overall increase in
21 black bear hunting opportunity and harvest, the
22 Commission is proposing to expand the October
23 muzzleloader and special firearms seasons, previously
24 limited to WMUs on the periphery of the bear range,
25 statewide. Also, to increase bear harvest and reduce

1 regulation complexity, the length of extended firearms
2 bear seasons is proposed to increase from four to six
3 days in several WMUs.

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

11 Expansions of bobcat hunting and
12 trapping opportunity to WMU 4B, and of fisher trapping
13 opportunity to WMU 4A, are recommended in light of
14 population indices in these units that are comparable
15 to those in other WMUs where harvest is occurring
16 sustainably. For beaver, an increase in the season
17 bag limit from 20 to 40 is recommended for WMUs 2A and
18 2B in response to increasing nuisance complaints in
19 these units. For porcupine, a reduction in season
20 length is proposed to ensure population sustainability
21 given significant uncertainty about the impacts of
22 harvest on this species.

23 To increase hunting opportunities for
24 younger deer hunters, a Saturday opener for rifle deer
25 season is being proposed. Changing the historic

1 opening day from the Monday following Thanksgiving to
2 the Saturday following Thanksgiving represents a
3 change in tradition. However, retaining our younger
4 hunters is important to preserving our hunting
5 heritage. By shifting the opening day to a Saturday
6 this change will create more hunting opportunity by
7 selecting a day which better fits the working/school
8 schedule of youth and young adults. Changes are also
9 proposed for small game and turkey season closing
10 dates to accommodate the one-day shift in the opening
11 of deer rifle season.

12 The text of this proposal is shown on
13 pages 4 through 11 of your agenda.

14 PRESIDENT LAYTON: So as we begin this
15 process, I will ask for a motion to accept the seasons
16 and bag limits. And then after we have a motion and a
17 second on the floor we will go page by page through
18 the seasons and bag limits to see if there are any
19 changes that the Commission wants to make.

20 So do I have a motion?

21 COMMISSIONER HOOVER: So moved.

22 PRESIDENT LAYTON: We have a motion.

23 Do I have a second, please?

24 COMMISSIONER FREDERICKS: Second.

25 PRESIDENT LAYTON: We have a motion

1 and a second. Let's start with, if we will gentlemen,
2 page four on the agenda.

3 DR. SCHNUPP: Commissioner, I'd like
4 to provide a floor amendment to this page four at the
5 bottom there, for more general language to accommodate
6 the upcoming decision on WPRAs. We'd like to change
7 that bottom text to the blue text that you see on your
8 floor amendment where it says there is no open season
9 for taking of pheasants in any area designated as a
10 "Wild Pheasant Recovery Area," except as authorized by
11 the executive.

12 PRESIDENT LAYTON: Thank you, Doctor
13 SCHNUPP.

14 Do we have a motion to accept that
15 proposal?

16 COMMISSIONER FREDERICKS: So moved.

17 PRESIDENT LAYTON: Second?

18 COMMISSIONER HOOVER: Second.

19 PRESIDENT LAYTON: We have a motion
20 and a second. Is there any discussion on the
21 executive order proposal? Mr. Secretary, call the
22 roll on that amendment change, please.

23 COMMISSIONER KNICK: All in favor.

24 (AYES RESPOND)

25 COMMISSIONER KNICK: Opposed? Ayes

1 have it.

2 PRESIDENT LAYTON: Anything on page
3 five? Page six? Page seven? Page eight?

4 COMMISSIONER HOOVER: I'd like to make
5 a motion to change the date on the deer, archery
6 season, a late season, from January 11th to January
7 20th. And for the deer, flintlock, antlered or
8 antlerless from January 11th to January 20th.

9 PRESIDENT LAYTON: So we have a motion
10 on the floor. Is there a second?

11 COMMISSIONER FREDERICKS: Second.

12 PRESIDENT LAYTON: Discussion? Dr.
13 Schnupp, do you have any comments about that?
14 Anything you want to say?

15 DR. SCHNUPP: No.

16 PRESIDENT LAYTON: Very good.
17 We have a motion and a second. Mr.
18 Secretary, call the vote.

19 COMMISSIONER KNICK: All in favor?

20 (AYES RESPOND)

21 COMMISSIONER PRESIDENT DALEY: I have
22 another amendment for that particular page, President
23 Layton.

24 PRESIDENT LAYTON: Yes, sir.

25 COMMISSIONER DALEY: So I would like

1 to amend the regular firearms deer season to begin on
2 Monday, December 2nd.

3 PRESIDENT LAYTON: Let's clean up the
4 first amendment first, is that okay?

5 COMMISSIONER DALEY: Yeah. I thought
6 we were - reviewing that page so I didn't want to miss
7 it.

8 PRESIDENT LAYTON: Well, we just had
9 that amendment. So it's done already. We already
10 were just told it passed. So please, go ahead.

11 COMMISSIONER DALEY: Okay. So I guess
12 to repeat, I would like to amend regular firearms deer
13 season to begin on Monday December 2nd. And adjust
14 the end date of the small game and turkey season
15 accordingly to end on November 30th and beginning
16 bear, extended firearms to start on December 2nd as
17 well. I'll do that in form of a motion.

18 PRESIDENT LAYTON: So we have a
19 motion. Is there a second to that motion?

20 COMMISSIONER MITRICK: Second.

21 PRESIDENT LAYTON: We have a motion
22 and a second. Do we have any discussion?

23 COMMISSIONER DALEY: I will if no one
24 else will.

25 PRESIDENT LAYTON: All right.

1 Commissioner Daley.

2 COMMISSIONER DALEY: This issue is one
3 that I floated the idea of a Saturday opener as an R3
4 initiative quite a while ago and we talked about it a
5 lot. We knew that we had two surveys for current
6 hunters that showed that they had a preference for
7 keeping the Monday by a two-to-one ratio.

8 However, I wanted to be sure to get
9 this proposal out as early as possible to allow for
10 comments. We tallied 1,152 comments with 81 percent
11 of those also opposed. We conducted an additional
12 survey of lapsed hunters and found that 24-and-a-half
13 percent of lapsed hunters said they would definitely
14 buy a license with a Saturday opener. Yet, our prior
15 studies show that really 39 percent would probably
16 follow through, which in that case would be 9.6
17 percent.

18 So when you weigh all the benefits
19 which would mostly be to the college students, and we
20 had some who testified to that, against the hunters
21 who not only don't prefer Saturday but despise
22 Saturday due to Thanksgiving holiday disruption, you
23 camp travel and preparation time, the desired R3 gain
24 which is what I wanted is too small to make a change
25 at this time. The potential benefits are outweighed

1 by the disruption for many hunters and rural
2 businesses. And I'm glad that we did have this
3 discussion because we need to focus on R3.

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

6 COMMISSIONER HOOVER: Yeah, I'd like
7 to add a couple of things to that. I think that we
8 need to look as an agency to the future. And the
9 future being our youth in what we're attempting to do
10 in the R3. And to be I'm not saying short-sighted to
11 say that a small percentage, and Jim and I will differ
12 on the percentage, I got - I received very little to
13 no complaints about the Saturday change in the
14 southeast region which covers nine counties.

15 So, and then at the meetings that I've
16 been at in Columbia County and Schuylkill County as
17 well to say that there were no complaints is a fact.
18 I mean, this past weekend I was in Columbia County
19 with farmers and hunters up there and I got no
20 complaints about the Saturday opener. So I'm not
21 seeing it and I'm going to stay the course on Saturday
22 opening.

23 PRESIDENT LAYTON: Thank you,
24 Commissioner Hoover. Any other comments? So we have
25 a motion on the floor -.

1 COMMISSIONER MITRICK: Can I? I'm
2 sorry.

3 PRESIDENT LAYTON: Okay.

4 COMMISSIONER MITRICK: We had a
5 tremendous number of emails on this subject and as
6 Commissioner Daley said the overwhelming response has
7 been not only negative but they really absolutely
8 hated the thought of a Saturday opener. And, I just,
9 we have a lot of things we want to accomplish going
10 forward and to incur the wrath of this population I
11 think is not a good thing. I think there is certainly
12 things to be said that are very good about a Saturday
13 opener but to incur the wrath of all these people at
14 this point in time when we really need to have
15 everybody behind us I don't think it's a good thing.

16 So I'm not going to support the
17 Saturday opener.

18 PRESIDENT LAYTON: Thank you,
19 Commissioner Mitrick. Any other comments? I'm just
20 going to say that this is an issue that has been
21 vetted more than any issue I think that we've had
22 since I've been a Commissioner here. Each
23 Commissioner has put a lot of time and a lot of effort
24 into the decision of whether or not we should have a
25 Saturday opener.

1 And really, and I think Commissioner
2 Daley said this before, this is how the process is
3 supposed to work. We bring it up, we find out what
4 the hunters think and then we make a decision on the
5 comments that we get back and what we believe is best
6 for the future of hunting in Pennsylvania.

7 So to my fellow Commissioners I'm
8 going to say "thank you" for all the work that you've
9 put into this. And don't think for a minute that
10 everyone didn't struggle with this decision from the
11 time that we first began discussions with it until
12 right now when we decide to take a vote.

13 So do we - are there any other
14 conversations, any other discussions, comments?
15 Having said that, we have a motion. We have a motion
16 on the floor to revert back to a Monday opener. So a
17 "yes" vote on this would be to go back to Monday and a
18 "no" vote would be to continue the course for the
19 Saturday opener. As long as we all understand that.
20 So Mr. Secretary, could you please call the vote?

21 COMMISSIONER KNICK: All in favor?

22 (AYES RESPOND)

23 COMMISSIONER MITRICK: You're going to
24 have to go roll call.

25 PRESIDENT LAYTON: Do you want to do a

1 roll call? Let's do a roll call vote.

2 COMMISSIONER KNICK: Commissioner

3 Layton?

4 PRESIDENT LAYTON: Yes.

5 COMMISSIONER KNICK: Commissioner

6 Hoover?

7 COMMISSIONER HOOVER: No.

8 COMMISSIONER KNICK: Commissioner

9 Daley?

10 COMMISSIONER DALEY: Aye.

11 COMMISSIONER KNICK: Commissioner

12 Mitrick?

13 COMMISSIONER MITRICK: Yes.

14 COMMISSIONER KNICK: Commissioner Fox?

15 COMMISSIONER FOX: No.

16 COMMISSIONER KNICK: Commissioner

17 Fredericks?

18 COMMISSIONER FREDERICKS: No.

19 COMMISSIONER KNICK: Commissioner

20 Foradora?

21 COMMISSIONER FORADORA: No.

22 COMMISSIONER KNICK: Commissioner

23 Knick, myself? No. It is five no's and three yeses.

24 PRESIDENT LAYTON: So the motion is

25 defeated.

1 Okay. Moving on. Page nine? Page
2 10?

3 DR. SCHNUPP: Commissioner, I'd like
4 to add a floor amendment in there for the - to extend
5 the current 13-day fisher season by three additional
6 days to provide an additional weekend of opportunities
7 for fisher trappers. Our current data suggests a
8 small increase in harvest is sustainable. And
9 effective monitoring programs are in place such that
10 if any unexpected negative population impacts were to
11 occur they could be rapidly identified and addressed
12 via future season restrictions.

13 PRESIDENT LAYTON: Very good. Thank
14 you. Do we have a motion to accept this?

15 COMMISSIONER DALEY: So moved.

16 PRESIDENT LAYTON: Second?

17 COMMISSIONER FREDERICKS: Second.

18 PRESIDENT LAYTON: Any discussion?

19 Mr. Secretary, call the vote.

20 COMMISSIONER KNICK: All in favor.

21 (AYES RESPOND)

22 COMMISSIONER KNICK: Opposed. Ayes
23 have it eight to zero.

24 PRESIDENT LAYTON: Page 11, any
25 changes? Page 12? We are done with Seasons and Bags.

1 Page 11 is the last page of Seasons and Bags. So we
2 have a motion the floor and we have second. Is there
3 any further discussion? Mr. Secretary, call the vote.

4 COMMISSIONER KNICK: All in favor?

5 (AYES RESPOND)

6 COMMISSIONER KNICK: Opposed?

7 COMMISSIONER DALEY: No.

8 COMMISSIONER KNICK: Passes seven to
9 one.

10 ATTORNEY BECHTEL: The next item for
11 the Commission is Proposed Rulemaking on page 12 of
12 your agenda to amend 58 Pa. Code Section 141.28.

13 Commission staff have completed a
14 final report on the Wild Pheasant Recovery Area, or
15 WPRA project, and are recommending several changes to
16 WPRA status and regulations based on the findings of
17 the report. The Hegins-Gratz Valley WPRA was
18 established by the Commission in 2010. In 2011, 300
19 wild pheasants were trapped and transferred to the
20 WPRA and annual population and habitat monitoring have
21 continued through 2018.

22 Population surveys show that current
23 wild pheasant numbers in this WPRA are very low, and
24 much lower than the initial population at the
25 conclusion of releases. Staff have concluded that due

1 to habitat conditions, a huntable wild pheasant
2 population is not achievable or sustainable on this
3 WPRA, and that in keeping with guidelines established
4 in the Pennsylvania Ring-necked Pheasant Management
5 Plan for unsuccessful WPRA's, the Hegins-Gratz Valley
6 WPRA should be dissolved and the area should be re-
7 opened to either-sex pheasant hunting and to the
8 stocking of game farm pheasants.

9 Boundary changes are recommended for
10 both the Central Susquehanna and Franklin County
11 WPRA's, reducing the size of each WPRA to better
12 represent existing populations of wild pheasants.
13 Finally, removal of the dog training restriction
14 within WPRA's is recommended as there is low likelihood
15 of negative impacts from this activity on now-
16 established pheasant populations.

17 The text is on pages 12 through 14 of
18 your agenda.

19 PRESIDENT LAYTON: Do we have a motion
20 to accept this proposal?

21 COMMISSIONER FREDERICKS: So moved.

22 PRESIDENT LAYTON: Second?

23 COMMISSIONER FORADORA: Second.

24 PRESIDENT LAYTON: Any commentary from
25 you, Matthew?

1 DR. SCHNUPP: No, sir.

2 PRESIDENT LAYTON: You know, the WPRAs
3 is one of those things that I supported ever since
4 I've been on the Board. We've put a lot of work, a
5 lot of effort, a lot of money into them. The problem
6 with the WPRAs is obviously they're driven a lot by
7 private landowners. And as the years go on their
8 dedication and their needs for the use of their land
9 change.

10 So we've seen some struggles in those
11 WPRAs as far as habitat and sustainability of
12 pheasants. So it's unfortunate that we're looking to
13 shut down another WPRA, but I think it's just one of
14 those things that it's a necessary evil. So, are
15 there any other comments?

16 COMMISSIONER HOOVER: Mr. President,
17 I'd like to make a motion to amend and remove number
18 two, which is actually the removal of the Hegins-Gratz
19 WPRA. And the reason behind that is I'd like to see
20 us leave that open so that we do have wild pheasants
21 on the ground at this time, although not very many, we
22 are not laying pheasants on that farm - bred pheasants
23 over top of them, so we're not allowing hunting in
24 there anyway. We have no game lands in there so my
25 thought would be to leave even as small as an

1 opportunity as there is for the wild pheasants to
2 recover on its own in that area, I'd like to see us at
3 least give them a chance without adding hunting
4 pressure to the 160 birds that are left in there that
5 are wild, a least for the time being. So I'd like to
6 strike number two.

7 PRESIDENT LAYTON: So we have a motion
8 on the floor to remove Hegins-Gratz Valley WPRA from
9 the purposed closings. Do we have a second?

10 COMMISSIONER FORADORA: Second.

11 PRESIDENT LAYTON: We have a motion
12 and a second. Any other discussion? Again, a "yes"
13 vote would be to keep Hegins-Gratz Valley WPRA. A
14 vote "no" would be to remove it. Mr. Secretary, you
15 can call the vote.

16 COMMISSIONER KNICK: Commissioner
17 Layton?

18 PRESIDENT LAYTON: No.

19 COMMISSIONER KNICK: Commissioner
20 Hoover?

21 COMMISSIONER HOOVER: Yes.

22 COMMISSIONER KNICK: Commissioner
23 Daley?

24 COMMISSIONER DALEY: No.

25 COMMISSIONER KNICK: Commissioner

1 Mitrick?

2 COMMISSIONER MITRICK: No.

3 COMMISSIONER KNICK: Commissioner Fox?

4 COMMISSIONER FOX: Yes.

5 COMMISSIONER KNICK: Commissioner

6 Fredericks?

7 COMMISSIONER FREDERICKS: No.

8 COMMISSIONER KNICK: Commissioner

9 Foradora?

10 COMMISSIONER FORADORA: Yes.

11 COMMISSIONER KNICK: Commissioner

12 Knick, myself, I vote yes. The vote right now is four
13 to four.

14 PRESIDENT LAYTON: So that motion does
15 not pass. Any other discussion?

16 Okay. We have a motion and a second
17 on the floor. Mr. Secretary, call the vote.

18 COMMISSIONER KNICK: All in favor?

19 (AYES RESPOND)

20 COMMISSIONER HOOVER: No.

21 COMMISSIONER KNICK: Motion passed
22 seven to one.

23 ATTORNEY BECHTEL: The next item for
24 the agenda is on page 15 of your agenda from the
25 Bureau of Wildlife Protection concerning adopted rule

1 making to amend 58 Pa. Code Section 141.4. The
2 Commission is proposing to amend Section 141.4 to
3 replace the current hunting hours table and migratory
4 bird hunting hours table to accurately reflect the
5 dates and hours of legal hunting for the 2019-2020
6 hunting/trapping license year.

7 The text is shown on pages 16 through
8 18 of your agenda.

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

11 COMMISSIONER FREDERICKS: So moved.

12 PRESIDENT LAYTON: Second?

13 COMMISSIONER MITRICK: Second.

14 PRESIDENT LAYTON: Any discussion?

15 Mr. Secretary, call the vote, please.

16 COMMISSIONER KNICK: All in favor?

17 (AYES RESPOND)

18 COMMISSIONER KNICK: Opposed? Passes
19 eight to zero.

20 ATTORNEY BECHTEL: And the next item
21 is to amend 58 Pa. Code Section 141.20.

22 Requirements for the wearing of
23 fluorescent orange protective material within
24 Pennsylvania are complex and make up a significant
25 number of violations detected each year by State Game

1 Wardens. On a national scale, the requirements for
2 fluorescent orange protective material vary from
3 state-to-state.

4 Those regulations include 11 states,
5 such as Texas and New York, which do not require any
6 fluorescent orange protective material to be worn.
7 Ten states only requiring it to be worn while hunting
8 big game. Twenty states only requiring it to be worn
9 when hunting big game with a firearm. And nine
10 states, including Pennsylvania, having a mixture of
11 instances in which the wearing of fluorescent orange
12 is required.

13 The Commission is proposing to amend
14 Section 141.20, relating to protective material
15 required, to eliminate the requirements for the
16 wearing of fluorescent orange protective material for
17 archery deer seasons, archery bear seasons and fall
18 turkey seasons, including where these seasons overlap
19 with other firearms seasons. While representing a
20 significant reduction to the current requirements for
21 florescent orange protective material requirements,
22 the proposed changes will still maintain
23 Pennsylvania's position as one of the more restrictive
24 states in the nation.

25 The text is shown on pages 20 and 21

1 of the agenda.

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

4 COMMISSIONER FREDERICKS: So moved.

5 PRESIDENT LAYTON: Second?

6 COMMISSIONER HOOVER: Second.

7 MR SHOUP: We do have a staff
8 recommended change of the fluorescent orange. In the
9 passing of seasons and bag limits 139.4 just a few
10 minutes ago, we incorporated an elk archery season for
11 the first time, and our fluorescent orange proposal
12 here does not address anything related to fluorescent
13 orange for elk archery hunters. So there is a changed
14 page in your agenda that addresses that issue that
15 would exempt elk archery hunters from needing to wear
16 any fluorescent orange.

17 PRESIDENT LAYTON: So gentlemen we
18 have a blue page that needed a motion on, if I can get
19 a motion for somebody to read the blue page.

20 COMMISSIONER FREDERICKS: So moved.

21 And I'll read it.

22 All coyote seasons, except during the
23 respective portion of any regular firearms seasons for
24 deer, bear or elk within each wildlife management
25 unit, when the requirements of subsection (a) remain

1 applicable. All turkey season and all archery elk
2 seasons. Hunt for woodchucks during any woodchuck
3 season while wearing a hat made of solid daylight
4 fluorescent orange-colored material on the head only.
5 And a person who violates this section shall be
6 subject to the penalties as provided in the Act.

7 PRESIDENT LAYTON: We have a motion.
8 Do we have a second?

9 COMMISSIONER HOOVER: Second.

10 PRESIDENT LAYTON: Any discussion?

11 COMMISSIONER DALEY: President Layton?

12 PRESIDENT LAYTON: Yes, sir.

13 COMMISSIONER DALEY: I just want to
14 make sure that people understand that we did get
15 comments on fall turkey hunting. I got called
16 personally, one from another widow and I really
17 believe that fall turkey hunting should require
18 fluorescent orange.

19 PRESIDENT LAYTON: Okay. Right now
20 we're just working on the amendment. So let's get the
21 amendment out of the way and then we can - we can
22 discuss that.

23 Any other discussions on the
24 amendment? Mr. Secretary, call the vote.

25 COMMISSIONER KNICK: All in favor?

1 (AYES RESPOND)

2 COMMISSIONER KNICK: Opposed? Okay.
3 Passes eight to zero.

4 PRESIDENT LAYTON: So as Mr. Daley
5 said, did you want to expand on that?

6 COMMISSIONER DALEY: No, not really. I
7 already said what I needed to.

8 PRESIDENT LAYTON: All right. Any
9 other questions, comments about the changes to
10 fluorescent orange?

11 MR. SHOUP: President Layton, the
12 Bureau of Wildlife Protection also shares Commissioner
13 Daley's concerns regarding the complete removal of
14 fluorescent orange during the fall turkey season.

15 PRESIDENT LAYTON: Thank you. This is
16 again one of those issues that we've been talking
17 about for years, about how we can simplify the
18 fluorescent orange. And we've had discussion after
19 discussion, sometimes argument after argument, until
20 we came to this proposal that I think the majority of
21 the Commission and a lot of the staff have come to
22 agree with.

23 So again, the work that was put into
24 this, I just want to thank everybody. I want to thank
25 Randy and his staff. I want to thank the

1 Commissioners for the discussions that we've had. And
2 it is another one that was well vetted and a lot of
3 work put into it.

4 COMMISSIONER FREDERICKS: May I? Mr.
5 President. I want to echo the same sentiments and what
6 we're doing with this effort. And again, every
7 Commissioner labored over this and we're trying to
8 make things more fun for everybody and still maintain
9 a high-level of safety. And I want to make it clear
10 that even though the Commissioners managed to get this
11 done we're not telling you to not wear blaze orange
12 ever, you know. Certainly, if you feel that you're in
13 an uncomfortable position or an unfamiliar property or
14 daylight hours are waning whether they be in the
15 morning or in the evening, you know, we would strongly
16 encourage you to carry some blaze orange material on
17 you at all times and use it as you feel necessary to
18 maintain a high-level of safety.

19 PRESIDENT LAYTON: Thank you,
20 Commissioner Fredericks.

21 COMMISSIONER FORADORA: I just want to
22 echo what Commissioner Fredricks said from my
23 perspective.

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

1 COMMISSIONER KNICK: All in favor?

2 (AYES RESPOND)

3 COMMISSIONER KNICK: Opposed?

4 COMMISSIONER DALEY: No.

5 COMMISSIONER KNICK: Seven to one.

6 ATTORNEY BECHTEL: The next item

7 before the Commission is Proposed Rulemaking to Amend
8 58 Pa. Code Sections 141.63, 141.67 and 141.68 to
9 provide greater clarity in common trapping terminology
10 and increased understanding in what trapping devices
11 are permitted within the Commonwealth. To this end,
12 the Commission is proposing to amend Section 141.63 to
13 add definitions to the terms body-gripping trap, cage
14 or box trap and leg-hold trap.

15 The Pennsylvania Trapper's Association
16 has also requested that the Commission amend the
17 definition of a snare to establish consistent
18 definitions for the locks that are legal for use for
19 cable restraints and snares. Cable restraint
20 regulations and definitions were developed to allow
21 live restraint of canids, whereas regulations and
22 definitions for snares were developed to allow for
23 live restraint or kill sets for beaver and otter.

24 Current language in Section 141.63
25 requires that a snare be equipped with a mechanical

1 sliding metal release lock and the cable restraints
2 must be equipped with an approved lock. The approved
3 locks are listed and visually represented in Section
4 141.66(g). The current list of approved locks is
5 based on research conducted during the development of
6 Best Management Practices for Trapping in the United
7 States. The change is intended to expand the number
8 and types of locks available to trappers using snares.
9 Furthermore, these changes will provide consistency in
10 the legal lock requirements for cable restraints and
11 snares.

12 Cage or box traps are efficient,
13 selective, and humane tools for harvesting furbearers.
14 Section 2361 of the Act references the Commission's
15 authority to approve cage or box type traps for taking
16 furbearers, but their permitted use has not been
17 asserted in the trapping regulations. The Commission
18 is proposing to amend Sections 141.67 and 141.68 to
19 specifically add cage or box traps, as well as other
20 currently accepted trapping devices, to the list of
21 approved devices.

22 The text is shown on pages 22 through
23 25 of your agenda.

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

1 COMMISSIONER FREDERICKS: So moved.

2 PRESIDENT LAYTON: Second?

3 COMMISSIONER FOX: Second.

4 PRESIDENT LAYTON: Any discussion?

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

6 COMMISSIONER KNICK: All in favor?

7 (AYES RESPOND)

8 COMMISSIONER KNICK: Opposed? Passes
9 eight to zero.

10 ATTORNEY BECHTEL: And the next item
11 is to amend 58 Pa. Code Section 141.47. At present,
12 the minimum caliber and bullet weight requirements for
13 elk are .27 caliber and 130 grains, respectively.
14 These requirements do not currently permit the use of
15 the 6.5 millimeter Creedmoor round.

16 Sportsmen have requested that the
17 Commission review current regulations and consider
18 adjustments to allow use of the 6.5 millimeter
19 Creedmoor round and related .26 caliber firearms. The
20 Commission has reviewed the .26 caliber range and
21 determined that these firearms provide adequate and
22 commonly accepted kinetic energies to efficiently and
23 ethically harvest elk. The Commission is proposing to
24 amend section 141.47 to reduce the minimum caliber and
25 bullet weight to .26 caliber and 120 grains,

1 respectively.

2 The text is shown on page 26 of your
3 agenda.

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

6 COMMISSIONER FREDERICKS: So moved.

7 PRESIDENT LAYTON: Second?

8 COMMISSIONER FOX: Second.

9 PRESIDENT LAYTON: Motion and second
10 on the floor. Any discussion? Hearing none, Mr.
11 Secretary, call the vote.

12 COMMISSIONER KNICK: All in favor?

13 (AYES RESPOND)

14 COMMISSIONER KNICK: Opposed? Passes
15 eight to zero.

16 ATTORNEY BECHTEL: The next item is to
17 Amend 58 Pa. Code Section 147.322 to require
18 applicants to provide specific hunter and hunter
19 harvest information from previous public hunting
20 activities with the application.

21 The text is shown on page 27 of your
22 agenda.

23 PRESIDENT LAYTON: Do we have a
24 motion?

25 COMMISSIONER HOOVER: So moved.

1 year is that a municipality came in in February to
2 apply for a permit after the fact and there was no
3 verification of anything in the applicant's
4 application to get the cull permit and it was issued.
5 And I think we're missing the boat. And I think this
6 should help clear up some of those issues.

7 PRESIDENT LAYTON: So specifically
8 this is for those urban areas where we're looking at
9 deer management where we required hunting to be the
10 primary source of deer reduction.

11 COMMISSIONER HOOVER: That's correct.

12 PRESIDENT LAYTON: Thank you.

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

15 COMMISSIONER KNICK: All in favor?

16 (AYES RESPOND)

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

19 ATTORNEY BECHTEL: The next item comes
20 from the Bureau of Wildlife Habitat Management Real
21 Estate Acquisition Contract L-3744, State Game Land
22 No. 176 in Centre County.

23 Clearwater Conservancy of Central
24 Pennsylvania is offering 18.7, more or less, acres of
25 land in Halfmoon Township, Centre County, adjoining

1 State Game Land No. 176 as shown on EXHIBIT RED 1 on
2 page 29 of your agenda. The option price is \$60,000
3 lump sum to be paid with escrowed funds from a prior
4 land exchange on State Game Land No. 176 with
5 Pennsylvania State University and will require review
6 and approval from the U.S. Fish and Wildlife Service.

7 The tract is a mixed dry oak forest-
8 type interspersed with hemlock, white pine and pitch
9 pine. The understory is minimal due to the mature
10 closed canopy. Access is from existing State Game
11 Land No. 176.

12 PRESIDENT LAYTON: Motion to accept?

13 COMMISSIONER HOOVER: So moved.

14 PRESIDENT LAYTON: Second?

15 COMMISSIONER FORADORA: Second.

16 PRESIDENT LAYTON: Any discussion?

17 MR. SUSSENBACH: Mr. President, if I
18 may? So this - this land acquisition being offered by
19 the Clearwater Conservancy is extremely important to
20 us for several reasons. The first and foremost reason
21 is this land exchange had previously occurred with the
22 Penn State, there was escrow monies put aside and
23 we've been going through nearly two decades of audits
24 and audit findings in an attempt to clarify and clear
25 up any of the remaining dollars that are left in that

1 - in that fund.

2 And this is going to go a long way,
3 this one and the acquisition on the following pages to
4 clearing some of that up. But it should be noted that
5 initially we gave up approximately 950 acres and with
6 these two potential acquisitions we'll be pushing
7 almost 4,000 acres in exchange. So a pretty fair deal
8 for the Pennsylvania Game Commission as a whole.

9 It's taken quite a bit of time to get
10 there. We're starting to get to the point where we're
11 just about cleaned up with the rest of those dollars
12 in that escrow account but it's been a really great
13 ride for everybody involved to make sure that they
14 nearly quadruple the amount of game lands that we gave
15 up.

16 PRESIDENT LAYTON: Thanks, Pete.

17 Any other comments? Again, this is
18 one of those - we can't say enough about the work that
19 Wildlife Habitat does to get land for the Game
20 Commission. Again, we are lucky in Pennsylvania to
21 have so much public land for people to go out and
22 hunt. And it's, you know, the management that your
23 staff does is beyond none and we appreciate all the
24 work that you guys do. So thanks for that. We
25 appreciate that.

1 MR. SUSSENBACH: Thank you. We've
2 really got a great team.

3 PRESIDENT LAYTON: Any other comments?
4 Mr. Secretary, call vote.

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

7 COMMISSIONER KNICK: Opposed? Passes
8 eight to zero.

9 ATTORNEY BECHTEL: The next item is
10 Contract Number L-3745, State Game Land number 176 in
11 Centre County.

12 Norman R. Sunday Jr. and Linda S.
13 Carter are offering 62.4, more or less, acres of land
14 in Halfmoon and Ferguson Townships, Centre County,
15 adjoining State Game Land number 176, as shown on
16 EXHIBIT RED 2 on page 31 of your agenda. The option
17 price is \$400,000 lump sum to be paid with escrowed
18 funds from a prior land exchange on State Game Land
19 number 176 with Pennsylvania State University and will
20 require review and approval from the U.S. Fish and
21 Wildlife Service.

22 The tract is a mixed dry oak forest-
23 type interspersed with white pine and pitch pine.
24 Approximately six acres are forest openings with
25 another 13 acres in shrubland and reverting old

1 fields. A small one-story concrete block cabin is
2 located on the property and the owners have requested
3 to keep the appliances, furnace, and wood stove. An
4 electric transmission line bisects the western corner
5 of the parcel. The property is located off Remington
6 Lane which is accessed from West Gatesburg Road.

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

9 COMMISSIONER HOOVER: So moved.

10 PRESIDENT LAYTON: Any seconds?

11 COMMISSIONER FREDERICKS: Second.

12 PRESIDENT LAYTON: Do we have any
13 comments? Yeah, Commissioner Daley.

14 COMMISSIONER DALEY: I just have a
15 question. Pete, as I look at this map there's still a
16 little indenture. And that's correct? I mean we
17 didn't just mess the map up, there is really is a
18 small indenture left there?

19 MR. SUSSENBACH: Correct. The map is
20 accurate. Although we're filling out the majority of
21 that indenture apparently that piece was subdivided
22 out sometime ago.

23 COMMISSIONER DALEY: Is that where
24 this cabin that you're talking about or something
25 else?

1 MR. SUSSENBACH: No, the cabin that
2 we're talking about in the commentary is actually
3 within the property that we will be acquiring.

4 COMMISSIONER DALEY: Thank you.

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

7 COMMISSIONER KNICK: All in favor?

8 (AYES RESPOND)

9 COMMISSIONER KNICK: Opposed? Motion
10 passed eight to zero.

11 ATTORNEY BECHTEL: The next item is
12 Contract number L-3746, State Game Land Number 43 in
13 Chester County.

14 Natural Lands Trust, Inc., NLT, is
15 offering 28, more or less, acres of land in West
16 Nantmeal Township, Chester County adjoining State Game
17 Land Number 43, commonly referred to as the Piccoli
18 tract as shown on EXHIBIT RED 3 on page 33 of your
19 agenda. The option price is \$25,000 lump sum to be
20 paid with funds from the Game Fund. The parcel
21 provides essential access into State Game Land Number
22 43 from the south and therefore the Commission may
23 exceed \$400 per acre under Section 705(b) of the Game
24 and Wildlife Code.

25 This same property was offered to the

1 Game Commission at the January 29, 2019, Board of Game
2 Commissioners Meeting by NLT as a donation under
3 Contract Number L-3737. After the Board unanimously
4 voted to approve accepting the donation at the January
5 Commission Meeting, NLT had difficulty in securing
6 matching federal funds in a timely manner to meet the
7 obligations under their sales purchase contract with
8 the current owner. To remove the risk of losing the
9 property and the other funds previously committed to
10 purchase the property, NLT asked the Commission to
11 contribute \$25,000 to close the funding gap.

12 NLT was successful in receiving non-
13 federal funding through numerous partnership grants
14 provided by the Department of Conservation and Natural
15 Resources, Chester County, the Open Space Institute
16 and the William Penn Foundation. Covenants,
17 conditions, and restrictions associated with these
18 funding sources will be required to accept the
19 property.

20 The tract has 18 acres of red oak
21 mixed hardwoods, seven acres in agricultural fields
22 and three acres in wetlands. An unnamed tributary to
23 South Branch French Creek Flows through the property.
24 The property lies within an Important Bird Area
25 referenced as the Hay-Creek-French Creek Forest Block

1 and a federally listed endangered species is within
2 close proximity. Access is from S.R. 23, locally
3 known as Ridge Road.

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

6 COMMISSIONER HOOVER: So moved.

7 PRESIDENT LAYTON: Second?

8 COMMISSIONER FREDERICKS: Second.

9 PRESIDENT LAYTON: Any discussion?

10 MR. SUSSENBACH: Mr. President, if I
11 may, it's obvious from the mapping here that this
12 property will provide vital access to the game lands.
13 One bit of information that the commentary does not
14 say is the fact that this property appraised at over
15 \$500,000 and the cost to the Game Commission is simply
16 \$25,000 at this point thanks to, you know, numerous
17 partnerships with DCNR, various conservancies, the
18 whole thing is coming together.

19 But the real price tag on this thing
20 is over a half-a-million dollars. And that's just one
21 of those challenges that we face in trying to buy our
22 land in the heart of the southeast. So anything we
23 can do to increase game land acreage there is pretty
24 important.

25 PRESIDENT LAYTON: Thank you.

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

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

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

7 ATTORNEY BECHTEL: The next item of
8 concerns a Non-Surface Use Oil and Gas Cooperative
9 Agreement Tract 36A-19, State Game Land Number 36 in
10 Bradford County.

11 Chief Exploration & Development, LLC,
12 or "Chief" of Dallas, Texas has requested the
13 Commission offer its oil and gas rights under a
14 portion of State Game Land Number 36 for Non-Surface
15 Use Development. The proposed tract, containing
16 1,500, more or less, acres, is located in Franklin and
17 Overton Townships, Bradford County as shown on EXHIBIT
18 OGM 1 on page 35 of your agenda.

19 Chief currently holds agreements to
20 operate on approximately 25,951 acres of State Game
21 Land Numbers 12 and 36 consisting of both Commission
22 owned and severed gas rights. Chief will access the
23 1,500 acre reserve from its current and planned
24 drilling operations on adjacent properties by
25 horizontal drilling with no surface use or disturbance

1 to the Game Land. Staff has negotiated the proposed
2 terms of the agreement with Chief in an effort to
3 prudently develop the Commission's oil/gas reserve and
4 simultaneously protect the wildlife resources and
5 recreational use of State Game Land Number 36.

6 The terms of the Agreement are a five-
7 year paid-up Non-surface-Use Oil-and-Gas agreement, a
8 \$2,350 per net oil and gas acre bonus payment and 21
9 percent royalty for all oil/gas and other liquids or
10 condensates produced and sold from the proposed tract.
11 The bonus payment of approximately \$3,525,000 may be
12 deposited either into the Game Fund or into an
13 interest-bearing escrow account to be used for the
14 future purchase of wildlife habitats, lands or other
15 uses incidental to hunting, furtaking and wildlife
16 resource management.

17 The payment will be made in two
18 installments of \$1,762,500. The first payment will be
19 made in July 2019 and the second will be due in July
20 2020. Future rentals and royalties owed the
21 Commission shall be deposited directly into the Game
22 Fund. Oil and Gas development will be regulated by
23 the Commonwealth's Oil and Gas Regulations and the
24 Commission's Standard Restricted Surface Use Oil and
25 Gas Cooperative Agreement.

1 PRESIDENT LAYTON: Motion to accept?

2 COMMISSIONER DALEY: So moved.

3 PRESIDENT LAYTON: Second?

4 COMMISSIONER FREDERICKS: Second.

5 PRESIDENT LAYTON: Any discussion?

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

7 COMMISSIONER KNICK: All in favor?

8 (AYES RESPOND)

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

11 ATTORNEY BECHTEL: The next item
12 concerns the Non-Surface Use Oil and Gas Cooperative
13 Agreement Tract 223A-19, State Game Land Number 223 in
14 Greene County.

15 Greylock Production, LLC, or
16 "Greylock," requested the Commission offer its oil and
17 gas rights under a portion of State Game Land Number
18 223 for non-surface use development. The proposed
19 tract, containing 106.37 more or less surface acres -
20 106.37 Oil/Gas acres, is located in Whiteley Township,
21 Greene County as shown on EXHIBIT OGM 2 on page 37 of
22 your agenda.

23 Greylock has a strong privately owned
24 oil and gas lease position surrounding this portion of
25 State Game Land Number 223. Greylock has initiated

1 unconventional well drilling and development in the
2 vicinity of the proposed tract, and has the ability to
3 unitize and develop the Commission's oil and gas
4 reserves under the proposed tract by horizontal
5 drilling with no surface use or disturbance to the
6 game land. Staff has negotiated the proposed terms of
7 the agreement with Greylock in an effort to prudently
8 develop the Commission's oil and gas reserves and
9 simultaneously protect the wildlife resources and
10 recreational use of State Game Land Number 223.

11 The terms of the Agreement are a five-
12 year paid up Non-Surface Use Oil and Gas Agreement, a
13 \$4,000 per net oil and gas acre bonus payment and 18
14 percent royalty for all oil/gas and other liquids or
15 condensates produced and sold from the proposed tract.
16 The bonus payment of approximately \$425,480 may be
17 deposited either into the Game Fund or into an
18 interest bearing escrow account to be used for the
19 future purchase of wildlife habitats, lands or other
20 uses incidental to hunting, furtaking and wildlife
21 resource management. Future rentals and royalties
22 owed the Commission shall be directly deposited into
23 the Game Fund.

24 Oil and Gas development will be
25 regulated by the Commonwealth's Oil and Gas

1 Regulations and the Commission's Standard Non-Surface
2 Use Oil and Gas Cooperative Agreement.

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

5 COMMISSIONER FORADORA: So moved.

6 PRESIDENT LAYTON: A second?

7 COMMISSIONER FREDERICKS: Second.

8 PRESIDENT LAYTON: Any comments?

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

10 COMMISSIONER KNICK: All in favor?

11 (AYES RESPOND)

12 COMMISSIONER KNICK: Opposed? Motion
13 passed eight to zero.

14 ATTORNEY BECHTEL: And the next item
15 is also Non-Surface Use Oil and Gas Cooperative
16 Agreement Tract 245A-19, State Game Land Number 245,
17 Washington County.

18 EQT Production, or EQT, of Canonsburg,
19 Pennsylvania has requested the Commission offer its
20 oil and gas rights under portions of State Game Land
21 Number 245 for non-surface use development. The
22 proposed tract, containing approximately 240 net
23 acres, or 240 more or less oil and gas acres, is
24 located in East Finley and Donegal Townships,
25 Washington County as shown on EXHIBIT OGM 3 on page 39

1 of your agenda.

2 EQT has a strong, privately-owned oil
3 and gas lease position surrounding this portion of
4 State Game Land Number 245. EQT has initiated
5 unconventional well drilling and development in the
6 vicinity of the proposed tract, and also has the
7 ability to unitize and develop the Commission's oil
8 and gas reserve under the proposed tract by horizontal
9 drilling with no surface use or disturbance to the
10 game land. Staff has negotiated the proposed terms of
11 the agreement with EQT in an effort to prudently
12 develop the Commission's oil and gas reserves and
13 simultaneously protect the wildlife resources and
14 recreational use of State Game Land Number 245.

15 The terms of the Agreement are a five-
16 year paid up Non-Surface Use Oil and Gas Agreement, a
17 \$4,000 per net oil and gas acre bonus and 18 percent
18 royalty for all oil/gas and other liquids or
19 condensates produced and sold from the proposed tract.
20 The bonus of approximately \$960,000 may be deposited
21 either into the Game Fund or into an interest-bearing
22 escrow account to be used for the future purchase of
23 wildlife habitats, lands or other uses incidental to
24 hunting, furtaking and wildlife resource management.
25 Future rentals and royalties owed the Commission shall

1 be directly deposited into the Game Fund.

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

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

8 COMMISSIONER FREDERICKS: So moved.

9 PRESIDENT LAYTON: Second?

10 COMMISSIONER FOX: Second.

11 PRESIDENT LAYTON: Any discussion?

12 COMMISSIONER DALEY: If I could.

13 PRESIDENT LAYTON: Yes, Commissioner
14 Daley.

15 COMMISSIONER DALEY: Pete, I'm just
16 curious as I look at this map and knowing how the
17 laterals will be laid out on this particular tract, it
18 looks like we've kind of now lost any chance to get
19 oil and gas in that very northwest corner that's on
20 this page because of the way the laterals would run in
21 that area. Is there a reason? Because you know, a
22 laterals can now be four miles long. Why would we
23 want to have that cut off from our lease here?

24 MR. SUSSENBACH: Right, I'll have to
25 refer to Mike DiMatteo on that. Mike?

1 MR. DIMATTEO: The Game Commission
2 does not own the oil and gas rights to that tract that
3 you're talking about.

4 COMMISSIONER DALEY: That's the answer.
5 Thank you.

6 PRESIDENT LAYTON: Pete?

7 MR. SUSSENBACH: Just one comment. I
8 got to give Mike DiMatteo and his staff a lot of
9 credit for negotiating these deals. I challenge
10 anybody around the Commonwealth to look at the numbers
11 that we're seeing here today and actually achieve
12 those rates. I think we're doing a phenomenal job. I
13 think 21 percent in one of the previous agenda items
14 and 18 percent plus the bonus values up front I think
15 the guys over there are doing a great job for us.

16 PRESIDENT LAYTON: Yes, great job,
17 thank you.

18 Anybody else? Mr. Secretary, call the
19 vote.

20 COMMISSIONER KNICK: All in favor?

21 (AYES RESPOND)

22 COMMISSIONER KNICK: Opposed? Ayes
23 have it, eight to zero.

24 ATTORNEY BECHTEL: The next item is a
25 Coal Refuse Reclamation Agreement Tract 276A-19, State

1 Game Land Number 276, Indiana County.

2 Alverda Enterprises, Inc. or Alverda
3 of Alverda, Pennsylvania has requested an Agreement to
4 mine and remove approximately 36,000 tons of
5 economically recoverable coal refuse material on
6 approximately one acre of State Game Land Number 276,
7 and the right to occupy an additional six-tenths of an
8 acre for a total of approximately one and six-tenths
9 acres as shown on EXHIBIT OGM 4 on page 41 of your
10 agenda.

11 The Commission owns the surface and
12 surface support rights, and coal refuse conveyed with
13 the property. A removal of potential acid-forming
14 coal refuse and elimination of an abandoned surface
15 coal mine feature along with wildlife habitat
16 enhancements exist with the proposed project. The
17 terms are a five-year agreement, and a royalty rate of
18 thirty cents per ton of coal refuse removed from the
19 premises. All coal refuse royalty payments will be
20 deposited in the Game Fund. Mining will be regulated
21 by the Commonwealth's Mining Regulations and the
22 Commission's Coal Refuse Reclamation Agreement.

23 PRESIDENT LAYTON: Motion to accept?

24 COMMISSIONER FREDERICKS: So moved.

25 PRESIDENT LAYTON: Second?

1 COMMISSIONER FORADORA: Second.

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

4 COMMISSIONER KNICK: All in favor?

5 (AYES RESPOND)

6 COMMISSIONER KNICK: Opposed? Ayes
7 have it eight to zero.

8 ATTORNEY BECHTEL: Mr. President,
9 that's the end of the written agenda.

10 PRESIDENT LAYTON: So we're moving on
11 to New Business. We will look at and address the
12 antlerless allocation for the coming antlerless
13 season. We will go WMU by WMU and the Commissioner
14 who has the majority of that Wildlife Management Unit
15 in their district will speak on behalf of the
16 allocation. So 1A, refer to Commissioner Daley.

17 COMMISSIONER DALEY: So for 1A the
18 deer team has recommended a 49,000 allocation, which
19 is just a slight increase from 48,000 last year. We're
20 seeing the fawn to doe ratio is declining slightly as
21 is the forestry regeneration. But all in all this
22 will hold the population pretty stable and that's
23 where we want to be.

24 PRESIDENT LAYTON: So we're at 49,000
25 for WMU 1A.

1 1B, Commissioner Daley.

2 COMMISSIONER DALEY: 1B, they're
3 recommending 35,000 which is down slightly from 37,000
4 last year. I would agree with that number.

5 PRESIDENT LAYTON: 35,000 for 1B.

6 2A, Commissioner Fredericks.

7 COMMISSIONER FREDERICKS: The
8 biologist recommendation for 2A for this year would
9 46,000. That's down slightly by 3,000 from last year.
10 And I concur with the biologist, for the
11 recommendation of 46,000 antlerless tags. In 2B, last
12 year's recommendation was 58,000, this year it is down
13 slightly to 54,000. And I also concur with the
14 biologist recommendation.

15 2C, 52,000, slightly up from last year
16 which was 44,000. So I concur with the biologist
17 recommendation of 52,000. And 2D, the recommendation
18 is up slightly from last year of 63,000 to this year
19 of 66,000. And again, I concur with the biologist
20 recommendation of 66,000.

21 PRESIDENT LAYTON: 2E is the area that
22 was adjusted a couple years ago. There was a split
23 made between 2E and 2C to change those boundary lines.
24 And there again, it's close to the disease management
25 area and the recommendation of 32,000 I would concur

1 with the biologist recommendation and use that as the
2 allocation number for this year.

3 2F.

4 COMMISSIONER DALEY: 2F they're
5 recommending 31,000 which is a significant increase
6 from the 23,000 last year. There's been an increasing
7 deer population there. The harvest and population
8 trends are both up, so they want to stabilize that
9 herd which does make sense so 31,000.

10 PRESIDENT LAYTON: 2G.

11 COMMISSIONER FORADORA: Yes, 2G,
12 biologist recommendation is 26,000 down slightly, or
13 down a little bit from 30,000 last year. Agreeing with
14 the biologist recommendation for the stable herd
15 prediction of 26,000. And likewise, Mr. Chairman,
16 that's the same for 2H, 6,000 last year
17 recommendation, 6,000 this year. That's the stable
18 outlook. And 3A down slightly from 22,000 to 20,000
19 this year. And there again, biologist recommendation
20 for a stable outlook.

21 COMMISSIONER FOX: I have part of that
22 3A. The part that I have - - I encourage everyone in
23 my area to apply for DMAP to control that population.

24 PRESIDENT LAYTON: 3B.

25 COMMISSIONER FOX: 3B is one of the

1 largest that we have in the state, it extends all the
2 way over to the Wyoming Valley and down through
3 Sullivan County. I would concur with the
4 recommendation of the biologist.

5 PRESIDENT LAYTON: So the
6 recommendation is 38,000?

7 COMMISSIONER FOX: 38,000.

8 PRESIDENT LAYTON: 3C.

9 COMMISSIONER KNICK: 3C, the biologist
10 recommends 46,000 up from 38,000. I'll agree with the
11 biologist 46,000.

12 PRESIDENT LAYTON: 3D, also you,
13 Commissioner Knick.

14 COMMISSIONER KNICK: 3D, the biologist
15 recommends 37,000 up from 25,000 in - - the hunters in
16 my area cannot go with that and I would like it to
17 stay at 25,000.

18 PRESIDENT LAYTON: 4A, again, that's
19 the heart of the DMA2. We're trying to reduce deer
20 populations in that area. So the allocation of 41,000
21 is going to be what I recommend and that's the
22 recommendation of the biologist. And keeping in mind
23 we'll also be overlapping some of that area with DMAP
24 again in order to try to reduce the herd in that
25 disease management area.

1 Commissioner Mitrick, 4B.

2 COMMISSIONER MITRICK: 4B, the
3 recommended 32,000 up from 26,000 last year. And
4 we're going to go with that.

5 PRESIDENT LAYTON: 4C.

6 COMMISSIONER HOOVER: I would
7 recommended that we - under 4C last year's allocations
8 were 30,000. We have seen a significant increase in
9 the herd in that area. So I'm going to recommend
10 36,000, which is the biologist's recommendation.

11 PRESIDENT LAYTON: 4D.

12 So the recommendation in 4D was
13 46,000, which is up considerably from 34,000 last
14 year. We're going to go with the biologist
15 recommendation of 46,000.

16 4E, Commissioner Fox.

17 COMMISSIONER FOX: 4E, recommendation
18 was 32,000 last year, 34,000 this year. I would go
19 with that recommendation.

20 PRESIDENT LAYTON: 5A, Commissioner
21 Mitrick.

22 COMMISSIONER MITRICK: 5A the
23 biologists are recommending 22,000. It's down 1,000
24 from last year. I'm going to go with that.

25 And 5B, which is basically in York and

1 Lancaster Counties they're increasing it from 58,000
2 last year to 67,000. There's a lot of deer in York
3 County, and of course the new disease management area
4 in 5B. I think that's part of the reason to recommend
5 that.

6 PRESIDENT LAYTON: 5C, Mr. Hoover.

7 COMMISSIONER HOOVER: I would agree
8 with the recommendation. We have kept this stable for
9 the last three years at 70,000. The herd has been
10 stabilized in that unit. And 29,000 is an increase of
11 1,000 from last year in 5D. Again, it's an urbanized
12 environment. And we're just giving the hunters the
13 tools that they need.

14 PRESIDENT LAYTON: Do we have a motion
15 to accept the allocation as they were presented here?

16 COMMISSIONER FREDERICKS: So moved.

17 PRESIDENT LAYTON: Second?

18 COMMISSIONER HOOVER: Second.

19 PRESIDENT LAYTON: Any comments?

20 COMMISSIONER DALEY: I just have one,
21 Tim.

22 PRESIDENT LAYTON: Yes, sir.

23 COMMISSIONER DALEY: So if you add all
24 these allocations together were up about 77,000 but
25 much of that is in areas where we have CWD - so we are

1 trying to address CWD in a proactive way.

2 PRESIDENT LAYTON: Thank you. I
3 appreciate those comments. Any others? Mr. Secretary,
4 call the vote.

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

7 COMMISSIONER KNICK: Opposed? Ayes
8 have it eight to zero.

9 PRESIDENT LAYTON: So Matthew, do you
10 want to go over the elk numbers with us please?

11 DR. SCHNUPP: Sure, absolutely.

12 PRESIDENT LAYTON: Thank you.

13 DR. SCHNUPP: So we made a
14 recommendation this year if you look here a second,
15 Chris Rosenberry provided a presentation yesterday
16 well we're recommending a total of 142 elk. That
17 could be broken down into five for archery season for
18 antlered, 10 for antlerless in archery season. The
19 general antlered season would be 27 and the general
20 antlerless season will be 71. And then the late
21 antlerless season would be 29.

22 We worked pretty diligently over the
23 last couple years to make sure that we reached out to
24 folks and got some public input into those, especially
25 those newer seasons. And so we've gotten overwhelming

1 support of the program as you guys know and the
2 regions and my staff have worked really hard to make
3 sure that we're developing this elk program in a
4 constructive way in a positive way moving forward with
5 it.

6 And so those are our recommendations
7 for this year.

8 PRESIDENT LAYTON: Thank you.

9 Do I have a motion to accept?

10 COMMISSIONER HOOVER: So moved.

11 PRESIDENT LAYTON: Second?

12 COMMISSIONER DALEY: Second.

13 PRESIDENT LAYTON: I just want to say
14 that, you know, I think it's a bold move but a great
15 move that your people have proposed the archery
16 season, the archery elk season. I think it's
17 something that you got the support of all of the Board
18 of Commissioners. And it's something that we're
19 looking forward to see how it turns out this year and
20 see how we can work on it to make it better next year.
21 So thank you for that.

22 Any other comments?

23 COMMISSIONER FORADORA: Yeah, I would
24 just like to add, please thank Jeremy Banfield. I know
25 he had a lot to do with the research behind this. So,

1 I just want to thank him.

2 PRESIDENT LAYTON: Any other comments?

3 Mr. Secretary, call the vote.

4 COMMISSIONER KNICK: All in favor?

5 (AYES RESPOND)

6 COMMISSIONER KNICK: Opposed? Motion
7 passed eight to zero.

8 PRESIDENT LAYTON: Another thing I
9 would like to do under New Business is I've got a
10 statement that I'd like to read.

11 The Game Commission is 100 percent
12 committed to putting into place measures to manage CWD
13 in Pennsylvania. We've heard from hunters and
14 legislators in the Blair and Bedford Counties over the
15 opposition in our efforts to control CWD in that
16 region. We took a step back to reevaluate a better
17 path forward. We'll continue to work with local
18 hunters, communities and legislators to evaluate new
19 strategies to manage CWD.

20 Later this month the Game Commission
21 scientists are meeting with numerous colleagues from
22 CWD affected states to evaluate new strategies, to
23 help us manage CWD. We will be working with hunters,
24 communities and legislatures to get their feedback on
25 these new measures as they are developed.

1 The Game Commission will not succeed
2 in the battle against CWD alone. If we're going to be
3 successful we need the support of our hunters,
4 communities and the legislature. The future
5 generations of deer hunters are depending on all of
6 us. And I will also say that we were looking in
7 probably in the next month or two we're looking to
8 spend a lot of money on figuring out disease in
9 Pennsylvania. So we are taking this seriously. We
10 are listening to the hunters. But we also know that
11 if we sit and do nothing that deer hunting two
12 generations from now is not going to be what it is
13 today. So we need your help, we need your support.
14 We appreciate your comments but we also need to come
15 together and figure out what we're going to do to
16 effectively combat CWD in Pennsylvania.

17 Any other issues under New Business?
18 So the next working group meeting will be held June
19 24, 2019. The next Commission meeting will be July 22
20 and 23. Hearing no new business, this meeting is
21 adjourned.

22
23
24
25

* * * * *

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

MEETING CONCLUDED AT 9:33 A.M.

* * * * *

CERTIFICATE

1 I hereby certify that the foregoing
2 proceedings was reported by me on 04-09-19 and that I,
3 Bridget Hockenbroch, read this transcript and that I
4 attest that this transcript is a true and accurate
5 record of the proceeding.

6 Dated the 30th day of April, 2019

7

8



9

Bridget Hockenbroch,

10

Court Reporter

11

12

13

14

15

16