

PENNSYLVANIA GAME COMMISSION

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QUARTERLY MEETING

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BEFORE: TIMOTHY S. LAYTON, President
 Stanley I. Knick, Jr., Secretary
 Brain H. Hoover, Commissioner
 Scott H. Foradora, Commissioner
 Michael F. Mitrick, Commissioner
 Charles E. Fox, Commissioner
 Bryan Burhans
 Richard Palmer
 Tom Grohol

HEARING: Tuesday, July 23, 2019
 8:31 a.m.

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

Reporter: Bridget Hockenbroch

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BRADLEY C. BECHTEL, ESQUIRE

Counsel for the Commission

ALSO PRESENT:

KEITH GILLESPIE, House of Representatives Game and
Fisheries Committee Majority Chairman

JOHN WYANT, Game Warden

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P R O C E E D I N G S

PRESIDENT LAYTON: Going to call the meeting of the Pennsylvania Game Commission to order. It is 8:31 a.m. If you would all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT LAYTON: If I could have everyone please check your phones, make sure they're on silent or vibrate throughout the meeting.

And Mr. Secretary, will you please call the roll?

COMMISSIONER KNICK: Commissioner Layton?

PRESIDENT LAYTON: Present.

COMMISSIONER KNICK: Commissioner Hoover?

COMMISSIONER HOOVER: Present.

COMMISSIONER KNICK: Commissioner Fox?

COMMISSIONER FOX: Present.

COMMISSIONER KNICK: Commissioner Mitrick?

COMMISSIONER MITRICK: Here.

COMMISSIONER KNICK: Commissioner

1 Fredericks? He's excused.

2 Commissioner Foradora?

3 COMMISSIONER FORADORA: Here.

4 COMMISSIONER KNICK: And myself,
5 Commissioner Knick here.

6 PRESIDENT LAYTON: Can we have a
7 motion to approve the minutes of the meeting held
8 April 9th, 2019?

9 COMMISSIONER HOOVER: So moved.

10 PRESIDENT LAYTON: Do we have a
11 second?

12 COMMISSIONER MITRICK: Second.

13 PRESIDENT LAYTON: We have a motion
14 and a second.

15 Are there any comments?

16 Mr. Secretary, call the vote.

17 COMMISSIONER KNICK: All in favor?

18 AYES RESPOND

19 SECRETARY KNICK: Opposed?

20 Motion passed.

21 PRESIDENT LAYTON: At this time I
22 would like to make a motion to reorganize the Board,
23 like to open the floor up for a nomination.

24 Do I have a second for that?

25 COMMISSIONER HOOVER: Second.

1 PRESIDENT LAYTON: Can we have a
2 motion to open the floor for reorganization? We have
3 a second.

4 Is there any - any discussion?
5 Mr. Secretary, call the vote to open
6 the floor.

7 COMMISSIONER KNICK: All in favor?

8 AYES RESPOND

9 COMMISSIONER KNICK: Opposed?

10 Passes.

11 PRESIDENT LAYTON: I'd like to make a
12 motion to nominate Commissioner Charlie Fox as Vice
13 President.

14 Do we have a second?

15 MR. KNICK: I'll second it.

16 PRESIDENT LAYTON: We have a motion
17 and a second.

18 Is there any comment?

19 Okay. Mr. Secretary, call the vote.

20 COMMISSIONER KNICK: All in favor?

21 AYES RESPOND

22 COMMISSIONER KNICK: Opposed?

23 Motion passed.

24 PRESIDENT LAYTON: So Mr. Fox, you
25 will step in and serve as Vice President of the

1 Board. Congratulations.

2 Mr. Bechtel?

3 ATTORNEY BECHTEL: The first item
4 before the Commission this morning from the Bureau of
5 Wildlife Management, concerns adopted rule making to
6 amend the 58 PA Code Section 141.28, relating to wild
7 pheasant recovery areas, to eliminate the Hegins-
8 Gratz Wild Pheasant Recovery Area or WPRA, to modify
9 boundaries of the Central Susquehanna and Franklin
10 County areas for better representation of existing
11 populations of wild pheasants, and to remove the dog
12 training restrictions within WPRAs. The text is
13 shown on pages three and four of your agenda.

14 Do we have a motion?

15 COMMISSIONER HOOVER: So moved.

16 ATTORNEY BECHTEL: Second?

17 COMMISSIONER FOX: I do.

18 PRESIDENT LAYTON: Any conversation?

19 Any comments?

20 COMMISSIONER HOOVER: I just have one.

21 PRESIDENT LAYTON: Commissioner

22 Hoover?

23 COMMISSIONER HOOVER: I really wish we
24 had taken a little bit of time on the Hegins Gratz
25 motion so that the - we could have saved a little bit

1 if we reorganize that WPRA and just done a couple of
2 farms in the area where they are holding wild
3 pheasants. I'm going to vote for this, but I just
4 wish we had taken a little bit of time to fix some of
5 the assets that we have.

6 PRESIDENT LAYTON: Thank you.

7 Any other comments?

8 Mr. Secretary, call the vote.

9 COMMISSIONER KNICK: All in favor?

10 AYES RESPOND

11 COMMISSIONER KNICK: Opposed?

12 Ayes have it, 6-0.

13 ATTORNEY BECHTEL: The next item is
14 from the Bureau of Wildlife Protection. It concerns
15 the adopted rule making to amend 58 PA Code Sections
16 141.63, 141.67 and 141.68, to provide greater clarity
17 in common trapping terminology and increased
18 understanding in what trapping devices are permitted
19 within the Commonwealth. To this end, the Commission
20 is proposing to amend Section 141.63, to add
21 definitions to the terms body-gripping trap, cage or
22 box trap, and leg-hold traps. The text is shown on
23 pages six through eight of your agenda.

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

1 AYES RESPOND

2 COMMISSIONER KNICK: Opposed?

3 Motion passes 6-0.

4 ATTORNEY BECHTEL: The next item is
5 concerning adoption of amendments, 58 PA Code Section
6 147.322, to require applicants to provide specific
7 hunter and hunter harvest information from previous
8 public hunting activities with the application. The
9 text is shown on pages 12 through 13 of the agenda.

10 COMMISSIONER LAYTON: Motion to
11 accept?

12 COMMISSIONER HOOVER: So moved.

13 PRESIDENT LAYTON: Second?

14 COMMISSIONER FOX: Second.

15 PRESIDENT LAYTON: We have a motion
16 and a second.

17 Any questions? Any comments?

18 Mr. Secretary, call the vote.

19 COMMISSIONER KNICK: All in favor?

20 AYES RESPOND

21 COMMISSIONER KNICK: Opposed?

22 Passes 6-0.

23 ATTORNEY BECHTEL: The next item on
24 the agenda is from the Bureau of Wildlife Habitat
25 Management. It concerns real estate and a donation

1 of contract number L-3748, State Game Land number 276
2 in Indiana County. William L. Kinter is offering to
3 donate his one-half interest in 1.3 more-or-less
4 acres of land in Brush Valley Township, Indiana
5 County, which is an indenture into State Game Land
6 number 276, shown in EXHIBIT RED 1, on page 15 in
7 your agenda. The property is forested with oak,
8 cherry, and poplar. Access is from Township Route
9 611, known as Rhine Road, which borders the property
10 to the north.

11 PRESIDENT LAYTON: Do we have a motion
12 to accept?

13 MR. KNICK: Motion.

14 PRESIDENT LAYTON: Second?

15 COMMISSIONER FOX: Second.

16 PRESIDENT LAYTON: So we have a motion
17 and a second.

18 Any questions? Any comments?

19 Mr. Secretary, call the roll.

20 COMMISSIONER KNICK: All in favor?

21 AYES RESPOND

22 COMMISSIONER KNICK: Opposed?

23 Passes 6-0.

24 ATTORNEY BECHTEL: And the next item
25 is a donation, Contract Number L-3749 in York County.

1 York and Adams County Coon Protective Association,
2 doing business as York and Adams Beagle Club, is
3 offering to donate two adjoining parcels of land
4 totaling 264.87 more-or-less acres in Paradise and
5 Jackson Townships, York County, EXHIBIT RED 2. York
6 and Adams Beagle Club is excepting and reserving the
7 right and privilege of using the property as a Beagle
8 Club, for as long as the York and Adams County Beagle
9 Club exists.

10 The rights to use the property for the
11 Beagles Club include the rights to operate and
12 maintain the clubhouse and existing buildings,
13 provided no new development or improvements occur
14 contrary to the terms and conditions as set forth in
15 the Conservation Easement dated December 15, 2016, by
16 and between York Adams Beagle Club and the Farm and
17 Natural Lands Trust of York County. The rights to
18 lawfully hunt, trap, and train dogs, and to
19 reasonably excluding non-members from hunting, fur
20 taking and dog training, the rights to mow grass,
21 hay, and plant agricultural crops; cut or remove
22 hedgerows or trees; the rights to remove invasive
23 species; and other legal uses directly related to and
24 incidental to use of the property as a Beagle Club.
25 For purposes of this exception and reservation, the

1 York Adams Beagle Club will cease to exist when it no
2 longer has any living members, when existing members
3 vote to disband, when any charters or authorizations
4 for use of the name York and Adams County Coon
5 Protective Association end or are revoked, or when
6 the club is deemed abandoned. York and Adams Beagle
7 Club will be deemed to be abandoned when no taxes are
8 paid for a period of two years, no management such as
9 mowing takes place for a period of two years, when
10 York and Adams Beagle Club does not use the property
11 for a period of two years, or when the totality of
12 the circumstances indicates York and Adams Beagle
13 Club is no longer in existence.

14 The property is intensively managed
15 for rabbits with mowed grass fields interspersed with
16 hedgerows and woodlots bisected by mowed grass roads
17 and trails. Access is from Orchard Road to the north
18 and Jackson Square Road on the south.

19 Founded in 1939, York and Adams Beagle
20 Club has a committed, viable membership and is
21 financially sound; however, the present club
22 membership has the foresight and desire to ensure the
23 property will remain undeveloped and continue as
24 wildlife habitat regardless of the future of York and
25 Adams Beagle Club. The current members want to

1 guarantee that should the interest in the Beagle Club
2 diminish and membership be unable to support the club
3 in the future, that their founders' vision and the
4 dedication and hard work of previous members would be
5 honored by ensuring the land would continue as
6 wildlife habitat. To be clear, this property will
7 remain as a private Beagle Club until York and Adams
8 Beagle Club no longer exists.

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

11 COMMISSIONER MITRICK: So moved.

12 PRESIDENT LAYTON: Is there a second?

13 COMMISSIONER HOOVER: Second.

14 PRESIDENT LAYTON: Any questions?

15 So just to be clear, because we had
16 some questions yesterday and we talked about this a
17 little bit, because just at face value it's a little
18 confusing. People always wonder why people donate
19 property to the Pennsylvania Game Commission and this
20 is a perfect example, where this Beagle Club has a
21 property that is prime for development in that area,
22 and they don't want that to happen. So they put it
23 into our trust, as long as they can continue to
24 maintain it as their own private club. And so if
25 something would happen to that club and they would

1 fold, that property would just revert to us, and we
2 would pick up maintenance and care of the property.

3 MR. NEIGHDEIGH: That's correct.

4 PRESIDENT LAYTON: Is that it in a
5 nutshell?

6 MR. NEIGHDEIGH: Yes, it is.

7 PRESIDENT LAYTON: All right. Very
8 good.

9 Do we have any other - any other
10 comments? Any other questions?

11 Mr. Secretary, please call the vote.

12 COMMISSIONER KNICK: All in favor?

13 AYES RESPOND

14 COMMISSIONER KNICK: Opposed?

15 Ayes have it 6-0.

16 ATTORNEY BECHTEL: The next item is
17 the donation, Contract Number L-3750, State Game Land
18 number 180, Pike County. Robert Bittel is offering
19 to donate 3.78 more-or-less acres of land in Blooming
20 Grove Township, Pike County, adjoining State Game
21 Land number 180, as shown on EXHIBIT RED 3 on page 19
22 of your agenda. The property contains an oak heath
23 forest with lowbush and highbush blueberry in the
24 understory. An unnamed perennial stream flows from
25 the south to the north across the parcel creating

1 wetlands along poorly drained low-lying soils. The
2 tract falls within an Important Bird Area - Shohola
3 Waterfowl Management Area. Access is from U.S. Route
4 6.

5 PRESIDENT LAYTON: Motion to accept?

6 COMMISSIONER HOOVER: So moved.

7 PRESIDENT LAYTON: Do we have a
8 second?

9 COMMISSIONER MITRICK: Second.

10 PRESIDENT LAYTON: Any comments?

11 Mr. Secretary, call the vote.

12 COMMISSIONER KNICK: All in favor?

13 AYES RESPOND

14 COMMISSIONER KNICK: Opposed?

15 Ayes have it 6-0.

16 ATTORNEY BECHTEL: The next item
17 before the Commission is an exchange, Contract Number
18 L-3751, State Game Land number 168, in Carbon County.
19 Lehigh Gap Nature Center is offering to exchange 103
20 more-or-less acres of land in Lower Towamensing
21 Township, Carbon County, adjacent to State Game Land
22 number 168, as shown on EXHIBIT RED 4 of page 21 of
23 your agenda, for ten more or less acres in Washington
24 Township, Lehigh County, part of State Game Land
25 number 217.

1 Lehigh Gap Nature Center wants to
2 consolidate their land holdings around their Nature
3 Center and connect their Warlber Trail to Woodpecker
4 Trail, which is a spur trail off the Appalachian
5 Trail. The 103 more or less acre property is located
6 on the northern aspect of Blue Mountain, forested
7 with dry oak mixed hardwoods, has lowbush blueberry
8 in the understory and miscellaneous herbaceous
9 openings throughout. The Appalachian Trail bisects
10 the southern portion of the property. Access is
11 through existing State Game Land number 168. Staff
12 has determined the exchange is in the best interest
13 of the Commission.

14 PRESIDENT LAYTON: Motion to accept?

15 MR. KNICK: Motion.

16 PRESIDENT LAYTON: Second?

17 COMMISSIONER MITRICK: Second.

18 PRESIDENT LAYTON: We have a motion
19 and a second on the floor.

20 Is there any comment?

21 Mr. Secretary, call the vote

22 COMMISSIONER KNICK: All in favor?

23 AYES RESPOND

24 COMMISSIONER KNICK: Opposed?

25 Motion passes 6-0.

1 ATTORNEY BECHTEL: The next item is an
2 informational item concerning the purchase of
3 property at auction. Subject to certain limitations,
4 58 PA Code Section 135.241, authorizes the Director
5 to bid on real estate, oil, gas or mineral rights at
6 auction or tax sale and to request down payment
7 checks to bid on property at auction. Successful
8 bids must be made known to the general public at the
9 next regularly scheduled meeting at the Board of
10 Commissioners.

11 This is Contract Number L-3747, State
12 Game Land number 81, Huntingdon County. On April
13 22nd, 2019, Director Bryan Burhans notified the Board
14 of Commissioners of the pending auction sale of April
15 26th, 2019, and the urgent need to react to the sale
16 of property adjoining and providing critical access
17 into State Game Land number 81. On April 26, 2019,
18 the Game Commission was the successful bidder on
19 three of seven tracts of land being offered for sale
20 at public auction by Scott L. Kelley. The three
21 tracts located in Dublin Township, Huntingdon County
22 and are adjacent to State Game Land number 81,
23 EXHIBIT RED 5 page 23 of your agenda. Tract 5 is
24 20.345 more or less acres, Tract 6 is 44.657 more-or-
25 less acres, and Tract 7 is 43.518 more-or-less acres.

1 All three tracts, totaling 108.519 more or less were
2 acquired with the successful bid of \$475,000. The
3 lump sum amount was paid with funds from an escrow
4 account established from a prior land exchange on
5 State Game Land number 176 with The Pennsylvania
6 State University and required approval from the US
7 Fish and Wildlife Service. The property is mostly
8 forested with mixed hardwood with redbud and
9 flowering dogwood in understory. An approximate
10 eight-acre field running parallel to Tannery Road is
11 located on Parcel 5. A shallow one-tenth acre
12 spring-fed vernal pond exists on Parcel 6. Access is
13 from Tannery Road (T-304). This is an informational
14 item only therefore no action is required.

15 ATTORNEY BECHTEL: The next item is
16 again an informational item, a Notational Vote,
17 Contract Number 50486 in Blair County. The following
18 item was sent to the Board of Commissioners on April
19 30th, 2019, for action through a notational vote and
20 was unanimously approved on May 7th, 2019, to not
21 accept the gift of real estate from the Estate of
22 Gianni Blackbear, it was a donation through will.

23 The Last Will and Testament of Gianni
24 Blackbear had made a request of real estate to the
25 Pennsylvania Game Commission consisting of 22.86

1 acres located in Snyder Township, Blair County, as
2 shown on EXHIBIT RED 6 on page 25. The gift was made
3 with the condition that this property not be sold but
4 be held in perpetuity for the wildlife that live in
5 this area, and for hunters to be able to hunt there.

6 After careful consideration and research, and due to
7 the location of the land and restrictions placed on
8 the property, the Southcentral Region and the Bureau
9 of Wildlife Habitat Management have recommended that
10 the Pennsylvania Game Commission should not accept
11 this property. The deadline to file a Disclaimer of
12 Interest for the bequest was June 7th, 2019, and
13 therefore required the notational vote. This is an
14 informational item only, therefore no action is
15 required.

16 ATTORNEY BECHTEL: The next item is
17 also from Bureau of Wildlife Habitat Management and
18 concerns oil, gas and minerals, non-surface use of
19 oil and gas cooperative agreement, Tract 35A-19,
20 State Game Land number 35, Susquehanna County.
21 Southwestern Energy Company of Spring, Texas, has
22 requested the Commission offer its oil and gas rights
23 under a portion of State Game Land number 35 for non-
24 surface use development. The proposed tract,
25 containing approximately 4,224 more-or-less acres, is

1 located in Great Bend and Oakland Townships,
2 Susquehanna County, and is shown EXHIBIT OGM1 on page
3 27 of your agenda.

4 Southwest Energy Company has
5 successfully developed approximately 1,598 acres on
6 an existing non-surface use agreement and desires to
7 further develop an additional unleased portion of
8 State Game Land number 35. Southwest Energy Company
9 can access the Commission's gas reserve from its
10 current and planned drilling operations on adjacent
11 properties by horizontal drilling with no surface use
12 or disturbance to the game land. The Commission has
13 negotiated the proposed terms of the agreement in an
14 effort to prudently develop the Commission's oil, gas
15 reserve and simultaneously protect the wildlife
16 resources and recreational use of State Game Land
17 number 35.

18 The terms of the agreement are a five
19 year, paid-up non-surface use oil and gas agreement,
20 a \$1,500 per net oil and gas acre bonus payment and a
21 stepped royalty structure that has an initial royalty
22 of 17 percent for all oil, gas and other liquids or
23 condensates produced and sold from the proposed tract
24 for the first 24 months of production for each well,
25 then stepping up to 18 percent for the remaining life

1 of each well. The bonus payment of approximately
2 \$6,336,000 and future rental and royalty payments
3 shall be deposited into the Game Fund.

4 The agreement will also include a two
5 year option for Southwestern Energy Company to
6 execute an agreement to develop an additional 1,691
7 acres of State Game Land number 35 under the same
8 terms and conditions. This area is depicted as the
9 option area on exhibit OGM 1, on page 27 of your
10 agenda.

11 Oil and gas development will be
12 regulated by the Commonwealth's oil and gas
13 regulations and the Commission's standard restricted
14 surface use oil and gas cooperative agreement.

15 PRESIDENT LAYTON: Do we have a motion
16 to accept?

17 COMMISSIONER HOOVER: So moved.

18 PRESIDENT LAYTON: Second?

19 COMMISSIONER MITRICK: Second.

20 PRESIDENT LAYTON: Any comment?

21 Mr. Secretary, call the vote.

22 COMMISSIONER KNICK: All in favor?

23 AYES RESPOND

24 COMMISSIONER KNICK: Opposed?

25 Passes 6-0.

1 ATTORNEY BECHTEL: The next item
2 concerns a non-surface use oil and gas cooperative
3 agreement, Tract 247A-19, State Game Land number 247
4 in Armstrong County. Snyder Brothers, Inc. of
5 Kittanning, Pennsylvania has requested the Commission
6 offer its oil and gas rights from the Tully limestone
7 to the top of Onandoga formation under State Game
8 Land number 247, for non-surface use development.
9 The proposed tract containing approximately 452.3
10 acres is located in North Buffalo Township, Armstrong
11 County, is shown in EXHIBIT OGM 2, on page 29 of your
12 agenda.

13 Snyder Brothers has a strong,
14 privately-owned oil, gas lease position surrounding
15 State Game Land number 247. They have initiated
16 unconventional well drilling and development in the
17 vicinity of the proposed tract, and also have the
18 ability to unitize and develop the Commission's oil
19 and gas reserve under the proposed tract by
20 horizontal drilling with no surface use or
21 disturbance to the game land. The Commission has
22 negotiated the proposed terms of the agreement with
23 Snyder Brothers in an effort to prudently develop the
24 Commission's oil and gas reserves and simultaneously
25 protect the wildlife resources and recreational use

1 of State Game Land number 247.

2 The terms of the agreement are a
3 ten-year paid-up non-surface use oil and gas
4 agreement, a \$2,000 per net oil and gas acre bonus
5 payment, and 18 percent royalty for all oil, gas, and
6 other liquids or condensates produced and sold from
7 the proposed tract. The bonus payment of
8 approximately \$904,600 and future rental and royalty
9 payments shall be deposited into the Game Fund.

10 Oil and gas development will be
11 regulated by the Commonwealth's oil and gas
12 regulations and the Commission's standard restricted
13 surface use oil and gas cooperative agreement.

14 PRESIDENT LAYTON: Motion to accept?

15 COMMISSIONER HOOVER: So moved.

16 PRESIDENT LAYTON: Second?

17 COMMISSIONER MITRICK: Second.

18 PRESIDENT LAYTON: Any comment?

19 Mr. Secretary, please call the vote.

20 COMMISSIONER KNICK: All in favor?

21 AYES REPOND

22 COMMISSIONER KNICK: Opposed?

23 Ayes have it, 6-0.

24 ATTORNEY BECHTEL: And the next item
25 is a non-Surface Use Oil and Gas Cooperative

1 Agreement, Tract 287A-19, State Game Land Number 287,
2 Armstrong County. Snyder Brothers, Inc. of
3 Kittanning, Pennsylvania has requested the Commission
4 offer its oil and gas rights under portions of State
5 Game Land number 287 for non-surface use development.
6 The proposed tract contains approximately 95.81
7 acres, is located in Boggs Township, Armstrong
8 County, as shown on EXHIBIT OGM 3 on page 31 of your
9 agenda.

10 Snyder Brothers has a strong
11 privately-owned oil/gas lease position surrounding
12 this portion of State Game Land Number 287. They
13 initiated unconventional well drilling and
14 development in the vicinity of the proposed tract,
15 and also have the ability to unitize and develop the
16 Commission's oil and gas reserve under the proposed
17 tract by horizontal drilling with no surface use or
18 disturbance to the game land. The Commission has
19 negotiated the proposed terms of the agreement with
20 Snyder Brothers in an effort to prudently develop the
21 Commission's oil and gas reserves and simultaneously
22 protect the wildlife resources and recreational uses
23 of State Game Land Number 247.

24 The terms of the agreement are a
25 five-year Non-Surface Use Oil and Gas Agreement, a

1 \$4,000 per net oil and gas acre bonus payment, an 18-
2 percent royalty for all oil, gas and other liquids or
3 condensates produced and sold from the proposed
4 tract. The bonus payment well be paid upon
5 penetration and unitization of each well bore. The
6 bonus payment of approximately - and I would like to
7 note - there's a typo. The correct number is
8 \$383,240. And future rental and royalty payments
9 shall be deposited into the Game Fund.

10 Oil and gas development will be
11 regulated by the Commonwealth's Oil and Gas
12 Regulations and the Commission's Standard Restricted
13 Surface Use Oil and Gas Cooperative Agreement.

14 PRESIDENT LAYTON: Do we have a motion
15 to accept?

16 COMMISSIONER HOOVER: So moved.

17 PRESIDENT LAYTON: Is there a second?

18 COMMISSIONER FOX: Second.

19 PRESIDENT LAYTON: Any comment?

20 Mr. Secretary, call the vote.

21 COMMISSIONER KNICK: All in favor?

22 AYES RESPOND

23 COMMISSIONER KNICK: Opposed?

24 Ayes have it, 6-0.

25 PRESIDENT LAYTON: I just want to take

1 a minute if I can. Chairman Keith Gillespie from the
2 House Game and Fisheries Committee just walked in.
3 Welcome, Chairman. Glad to have you here.

4 CHAIRMAN GILLESPIE: Good morning.
5 Good to be here.

6 PRESIDENT LAYTON: Rich, thank you.

7 MR. PALMER: We just want to take a
8 minute to recognize Chairman Gillespie for his
9 leadership. He's been the chairman of the committee
10 for several sessions now, several years. And it's
11 truly been a pleasure to work with him and he
12 continually demonstrates that he is a true hunter and
13 a conservationist and a definite supporter of the
14 Game Commission. And his most recent effort, which
15 was not insignificant, was not only introducing House
16 Bill 615 which produced the Equitable Retirement Bill
17 for game wardens across the state, to be on par with
18 all other law enforcement officers, all our state law
19 enforcement officers in the state. Keith worked
20 diligently on this, expended a lot of time and
21 energy, and I'm sure some political capital, to make
22 sure that it was moved forward. But I can't say
23 enough about how much he does for the sportsmen and
24 the wildlife of the Commonwealth. True
25 conservationist. I'm not sure what else I can say.

1 John, John Wyant, who's a Warden, is President of the
2 Union, he worked as well with us and Keith on the
3 bill. John, would you like to say a few words?

4 MR. WYANT: President Layton, members
5 of the Board, the Executive Office, I was actually
6 the second one in the auditorium this morning, I had
7 about a two-hour drive. And while I was sitting
8 here, I knew that Chairman Gillespie was going to be
9 on his way today, and it struck me that I was now
10 sitting in the room with just about everyone that was
11 responsible for making this bill happen. As the
12 Board may remember, I appeared here in January and
13 asked for the Board to pass resolution supporting
14 this bill. And I can't stress enough that the
15 resolution that you folks have passed was one of the
16 key features in the presentation that we would give
17 at the House and Senate when we were seeking this
18 bill.

19 As the bill progressed along the
20 pathway here, certainly the Executive Office, Rich
21 Palmer, specifically, Josh Zimmerman, we had worked
22 very closely with them. They opened up many doors.
23 They allowed us to sit down and talk about it in a
24 collaborative effort about why this bill was good for
25 not only the game wardens in Pennsylvania, but also

1 for the Game Commission as a whole. And certainly
2 Chairman Gillespie, it has been a sincere pleasure of
3 mine to have many evenings with you to sit down and
4 talk about not only this bill, but certainly the
5 hunting and our life's experiences as well. The only
6 folks that were unable to be here today was the State
7 Fraternal Order of Police and I would be very remiss
8 if I didn't mention Joe Regan and Les Neri, who is
9 the President and the Secretary of the State
10 Fraternal Order of Police.

11 And last folks is the rank and file
12 that made this bill happen. One of the things that
13 we did along the way was we had approached the
14 Executive Office to encourage every officer within
15 the state to seek out his elected representatives and
16 sit down and talk about not only this bill but also
17 other Commission initiatives. And our hope was that
18 we could foster many relationships. We just had a
19 class that recently graduated, and it was certainly a
20 prime time to indoctrinate those folks into taking
21 the time to sit down with their elected
22 representatives so that they may begin to foster a
23 personal relationship with those folks.

24 So if you would just bear me one
25 moment here, I really thought about what I wanted to

1 say today. And one of my favorite lines out of all
2 of the - out of all of the movies I've ever seen came
3 out of the movie called The Shawshank Redemption,
4 maybe some of you have seen it. And it said "hope,
5 it's a good thing and maybe the best of things." And
6 after the bill passed and the Governor signed it, I
7 had one of the Wardens send this to me, and I think
8 that - I'll try to be brief with it, but I think it
9 really captures the essence of exactly what this bill
10 has done for the rank and file of the Pennsylvania
11 Game Commission.

12 The effect of this bill provides an
13 individual life insurance policy for each of our game
14 wardens. Unlike most life insurance policies which
15 are paid out when the policyholder dies, this -
16 sorry, I got to turn it sideways I'm getting a little
17 older here. Unlike most life insurance policies that
18 are paid out when the policyholder dies, this policy
19 is a reverse life insurance policy. It pays out long
20 before the death of the policyholder and in fact, if
21 the policyholder decides to cash it in, it will most
22 likely extend both the length and the quality of the
23 life of the policyholder. What you have just ensured
24 for the rank and file is the potential for a richer,
25 healthier life for those who choose to cash the

1 policy in.

2 The initial effect of Act 52, which is
3 what House Bill 615 turned into when the Governor
4 signed it, will do as all insurance policies do, is
5 provide peace of mind for everyone. All PA Game
6 Wardens now know that if they have a personal crisis,
7 physical or mental, as they approach the end of their
8 career, they are covered and can cash that policy in.
9 That is a great feeling to have.

10 A lot of the rank and file had a
11 preconceived expectation that this bill may or may
12 not be accurate. But a lot of us look at it as
13 potential for early retirement, period. You and I
14 know the true intention and value recognized by the
15 authors of the original legislation many, many years
16 ago. And being a game warden is not an old man's
17 game physically or emotionally. And I - I won't read
18 the rest of it, but what I will tell you is there are
19 - there are two that come right to my mind that were
20 basically put in the position right now to say either
21 "I have to take a disability retirement or go out
22 standing on my own two feet." And the folks in this
23 room have allowed those gentlemen the integrity to
24 say now "I can go out on my own two feet."

25 So from the bottom of my heart, from

1 all of the officers that are out there, we wish to
2 thank each and every one of you.

3 MR. PALMER: Mr. President, Executive
4 Director Burhans would you like to join down here
5 too? Keith, would you please come down and be
6 recognized.

7 COMMISSIONER MITRICK: I would also
8 like to thank Representative Gillespie- Keith is from
9 York, and is the representative where I live and he
10 was extremely supportive of my getting on board here.

11 Which I very much appreciated. But I just want to
12 say, Keith has been a true friend of this agency, we
13 need more people like him in the House. And he
14 certainly has been a tremendous pleasure to work
15 with. So Keith, thank you so so much from the bottom
16 of my heart

17 CHAIRMAN GILLESPIE: I just want to
18 say one thing here. Yeah, my name's on this bill,
19 this bill, but there was a lot of people that pulled
20 the wagon to make this happen, as we heard here
21 today. And it was an absolute pleasure to work with
22 them throughout this process. So on behalf of
23 everybody, I really do appreciate all the recognition
24 that's associated with this. You guys are a world
25 class, fine organization. And it's a story that

1 hasn't been told enough. And I'll do everything I
2 can in my power, as long as I'm in the General
3 Assembly, to tell the great story of the work that
4 you guys do. Thank you.

5 MR. PALMER: As a token of our
6 appreciation, we would like to present you with this
7 print.

8 PRESIDENT LAYTON: At this time, I
9 have a resolution that I would like to introduce.
10 The resolution of the Blue Ribbon panel
11 recommendations. The resolution dated this 23rd day
12 of July, the Pennsylvania Game Commission Board of
13 Commissioners, an independent administrative agency
14 of the Commonwealth of Pennsylvania, supporting the
15 recommendations of the Blue Ribbon panel on
16 sustaining America's diverse fish and wildlife
17 resources and recommending Congress dedicate to
18 states and territories \$1.3 billion annually in
19 existing revenue to diversify funding and management
20 of all wildlife. Whereas Article 1, Section 27 of
21 the Pennsylvania Constitution, provides for the
22 preservations of the natural values of the
23 environment as a birthright of every Pennsylvanian
24 citizen, including generations yet to come.

25 And whereas, the Title 34, Section 103

1 of the Game and Wildlife Code provides ownership,
2 jurisdiction and control of game and wildlife to the
3 PGC. And whereas, the mission of the Pennsylvania
4 Game Commission is to manage Pennsylvania's 480 wild
5 birds, wild mammals, and their habitats for current
6 and future generations. And whereas, the
7 Pennsylvania Game Commission does not receive revenue
8 from the Pennsylvania General Fund. And whereas,
9 there is a recognized need to expand the dedicated
10 and sustainable funding base for wildlife
11 conservation in Pennsylvania and throughout the
12 nation.

13 And whereas, the Blue Ribbon panel on
14 sustaining America's diverse fish and wildlife
15 resources, made up of 26 businesses and conservation
16 leaders, are tasked with recommending a new funding
17 mechanism to support the state fish and wildlife
18 conservation to ensure the sustainability of all fish
19 and wildlife for current and future generations. And
20 whereas, the Blue Ribbon panel on sustaining
21 America's diverse fish and wildlife resources has
22 recommended that Congress dedicate to states and
23 territories \$1.3 billion annually for the Wildlife
24 Conservation and Restoration Program to diversify
25 funding and management of all wildlife.

1 And whereas, the Recovering America's
2 Wildlife Act would fund recommendations of the Blue
3 Ribbon panel on sustaining America's diverse fish and
4 wildlife resources by making funds available for
5 management of fish and wildlife species of the
6 greatest conservation need as determined by the State
7 Fish and Wildlife agencies and each state's Wildlife
8 Action Plan. And whereas, secure and dedicated
9 federal funding is likely to require a non-federal
10 state match similar to that in place for Pittman-
11 Robertson.

12 And therefore, be it resolved to
13 support the recommendation of the Blue Ribbon panel
14 on sustaining America's diverse fish and wildlife
15 resources and further be it resolve to that the PGC
16 encourage other state fish and wildlife agencies
17 throughout the country to do the same. And further
18 be it resolved to support broadening a non-federal
19 dedicated funding mechanism for wildlife
20 conservation, and implementation of the Pennsylvania
21 Wildlife Action Plan, and to serve the state's 25
22 percent match in the event that new dedicated federal
23 funding is secured. Signed by the Board of
24 Commissioners. Approved this 23rd day of July, 2019.

25

1 PRESIDENT LAYTON: Can we get a second
2 to approve the resolution?

3 COMMISSIONER HOOVER: Second.

4 PRESIDENT LAYTON: We have a motion
5 and a second.

6 Is there any comment?

7 MR. BURHANS: You know, this is really
8 - this legislation has - is a historic if passed- the
9 Pittman-Robertson Act which passed, we all know what
10 impact that's had long term for wildlife conservation
11 across the country. This Act is just as remarkable
12 and impactful as the Pittman-Robertson Act. The key
13 to wildlife conservation is to keep species off the
14 list, and that requires a lot of work and investment
15 on the part of agencies and partners to get that
16 done. So looking forward, this Act is critical to
17 the future of wildlife conservation. And especially
18 for species of greatest conservation need.

19 PRESIDENT LAYTON: Thank you.

20 Is there any other comment?

21 Mr. Secretary, please call the vote.

22 COMMISSIONER KNICK: All in favor?

23 AYES RESPOND

24 COMMISSIONER KNICK: Opposed?

25 Passes. 6-0.

1 PRESIDENT LAYTON: So the next item
2 I'd like to bring up under new business is - is the
3 support that we have always had for Hunters Sharing
4 The Harvest. Mr. Plowman was here yesterday and
5 spoke to us. He's not here today. I don't see him.

6 But he - he talked about the amount of donations
7 that have gone up, to Hunters Sharing the Harvest and
8 of course the increased cost that goes along with
9 that. In the past, the - the Pennsylvania Game
10 Commission has supported Hunters Sharing the Harvest
11 with a donation annually of \$20,000.

12 We would like to - and I would like to
13 propose - that we increase that spending to Hunters
14 Sharing the Harvest to \$55,000. That money is going
15 to go a long way for their mission and what they
16 need. Again, that money enables hunters to donate
17 deer to the program without having to pay money out
18 of their pockets to process the deer. We've
19 supported John and that program for years, and I hope
20 we continue to support them in the years to come. So
21 - we need a motion. I will present that in the form
22 of a motion, and if we have a second -.

23 COMMISSIONER HOOVER: Second.

24 PRESIDENT LAYTON: Are there any
25 comments? Any questions?

1 Mr. Secretary, please call the vote.

2 COMMISSIONER KNICK: All in favor?

3 AYES RESPOND

4 COMMISSIONER KNICK: Opposed?

5 Ayes have it, 6-0.

6 PRESIDENT LAYTON: The next item I'd
7 like to bring under new business, If Mr. Raup would
8 come forward please - we've had some presentations on
9 e-bikes in the past. I think that we would like to
10 hear from you about where we are, and maybe at the
11 next meeting we can look at maybe some regulations
12 that we put together to see how e-bikes work with the
13 Commission on the game land, so if you'd like to
14 address that.

15 MR. RAUP: Yes. Just very briefly, as
16 the Board is aware, a - a few members of the senior
17 staff were tasked by Executive Director Burhans to
18 take a look at developing some review of the use of
19 e-bikes on, in particular, state game lands, that
20 resulted in a briefing paper that covered a number of
21 the issues that are created by such an expansion of
22 use of these electric or motor-powered devices. And
23 with that review, I was tasked by Director Shoup to
24 sit down and come up with some draft regulations to
25 take a look at what these devices could look like in

1 their allowance.

2 We're dealing with a couple
3 prohibitions on use of electric or more particularly
4 motor-powered devices on game lands. Initially, we
5 had looked at maybe treating them the same as
6 non-motorized devices, such as horses or bicycles.
7 But in the regulation it created some additional
8 complexities that we were not interested in creating.
9 So at present we are going to treat them as an
10 additional category of authorized devices. And we'll
11 share those regulations with you.

12 The most notable and important factor
13 is the definition of which devices are going to be
14 lawful. And if I can read that to you, I think
15 that'll help highlight the type of devices that we're
16 interested in allowing pursuant to this regulation.
17 They're going to be defined as class one electric
18 bicycles. I will note that this term is something
19 that is reflected in both federal legislation as well
20 as a number of other states around the country, who
21 class electric bicycles in three different tiers.

22 We are most interested in focusing on
23 the first tier, which is the lowest level device.
24 Class one electric bicycle, a two-wheel bicycle
25 equipped with a fully operable pedals and an electric

1 motor of 750 watts which is the equivalent of one
2 horsepower or less that provides assistance only when
3 the rider is actively pedaling and that ceases to
4 provide assistance when that bicycle reaches the
5 speed of 20 miles an hour. The term does not include
6 any device that is equipped with a throttle or that
7 provides any degree of assistance when the rider is
8 not pedaling.

9 So with these devices and this
10 definition, it will allow for devices that provide
11 assistance in addition to the power provided by the
12 rider. But it's not going to operate in the form of
13 - of another type of device that would be solely
14 powered by the device itself. This will allow both
15 recreational users who are already authorized to
16 operate on game lands on designated trails and
17 roadways. But in particular, it's going to also
18 focus and allow for hunters and trappers to gain
19 access to state game lands in places that maybe have
20 been more difficult to get to because of distance
21 and/or the lack of - of a really robust road system
22 to make those areas more accessible.

23 So these regulations will be provided
24 to the Board for your review and we need take a look
25 at any adjustments. But I think we have a pretty

1 good working product at this point that we can move
2 forward with, review for preliminary approval in
3 September.

4 PRESIDENT LAYTON: Very good.

5 Anyone have any questions?

6 Alright. Thank you.

7 Do we have any other new business that
8 we need to bring forward?

9 Okay. Hearing none, the next
10 Commission meeting - or the next Board meeting will
11 be held August 19th, 2019. The next Commission
12 meeting will be set for September 30th to October
13 1st, 2019, and that will be held in Erie,
14 Pennsylvania. Our location I guess will be
15 determined and announced.

16 And we are adjourned.

17 * * * * *

18 HEARING CONCLUDED AT 9:17 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before President Timothy S. Layton, was reported by me on 07/23/19 and that I, Bridget Hockenbroch, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 27th day of August, 2019



Bridget Hockenbroch,

Court Reporter

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