

BEFORE THE
PENNSYLVANIA GAME COMMISSION

* * * * *

BEFORE: TIMOTHY LAYTON, President
 Stanley Knick, Jr., Secretary
 Brian Hoover, Commissioner
 Scott Foradora, Commissioner
 Michael Mitrick, Commissioner
 Charles Fox, Commissioner
 Kristen Schnepf-Giger, Commissioner
 Dennis Fredericks, Commissioner
 Bryan Burhans, Executive Director
 Thomas Grohol, Deputy Director
 Rich Palmer, Deputy Director

HEARING: Saturday, January 25, 2020
 12:59 p.m.

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

WITNESSES: None

Reporter: Evan Bingaman

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BRADLEY BECHTEL, ESQUIRE

PA Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110

Counsel for Pennsylvania Game Commission

ALSO PRESENT:

MATTHEW SCHNUPP, Director of Bureau of Wildlife
Management

JASON DECOSKEY, Director of Bureau of Wildlife
Protection

PETE SUSSENBACH, Director of Bureau of Wildlife
Habitat Management

I N D E X

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PRESIDENT LAYTON: I'm going to call the meeting back to order. We're going to begin with the agenda, the voting agenda for today.

At this time, I'm going to have to Secretary call the roll, please?

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: Present.

COMMISSIONER KNICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Present.

COMMISSIONER KNICK: Commissioner Foradora?

COMMISSIONER FORADORA: Present.

1 COMMISSIONER KNICK: Commissioner
2 Schnepp-Giger.

3 COMMISSIONER SCHNEPP-GIGER: Present.

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

6 All present.

7 PRESIDENT LAYTON: I need a motion to
8 approve the minutes from the meeting held July 23rd,
9 2019.

10 COMMISSIONER HOOVER: So moved.

11 PRESIDENT LAYTON: We have a motion.

12 Do we have a second?

13 COMMISSIONER MITRICK: Second.

14 CHAIR: We have a motion and a second
15 on the floor. Is there any discussion? Mr.
16 Secretary, call the vote.

17 COMMISSIONER KNICK: All in favor?

18 AYES RESPOND

19 COMMISSIONER KNICK: Opposed?

20 Ayes have it, eight to nothing.

21 PRESIDENT LAYTON: Mr. Bechtel?

22 ATTORNEY BECHTEL: Thank you, Mr.

23 President. The first item to come before the
24 Commission today is from the Bureau of Wildlife
25 Management concerning Proposed Rulemaking to amend

1 58 Pa. Code Section 139.4.

2 To effectively manage the wildlife
3 resources and provide hunting and trapping
4 opportunities in this Commonwealth during the
5 upcoming license year. The Commission is proposing
6 to amend Section 139.4 relating to seasons and bag
7 limits for the license year. To provide updated
8 seasons and bag limits for the 2020 through 2021
9 license year. The 2020 through 2021 seasons and bag
10 limits have been amended to reflect current
11 available scientific data, population and harvest
12 trends, field surveys and professional staff
13 observations as well as the recommendations received
14 from staff, organized sporting groups, members of
15 the agricultural community and others interested in
16 the management of the wildlife resources of this
17 Commonwealth.

18 For small game, earlier opening dates
19 are proposed for youth in regular squirrel seasons
20 to increase opportunity on this under-utilized
21 species at a time when most other hunting seasons
22 are closed. Also WMUs 4E and 5A are proposed to be
23 open to either-sex pheasant hunting, except within
24 the wild pheasant recovery areas, to maximize
25 hunting opportunity for stocked pheasants.

1 A one-week decrease in the fall
2 turkey season is recommended for WMUs 4D and 4E in
3 response to declining turkey population trends in
4 these units. Also, for those WMUs where turkey
5 populations can support a Thanksgiving season, this
6 season is proposed to be increased from two to three
7 days, in a Wednesday through Friday format.

8 For deer, a 14-day concurrent
9 antlered and antlerless firearms season is
10 recommended to provide increased opportunity,
11 especially for younger hunters. As now authorized
12 by statute, Sunday hunting for deer is proposed for
13 one Sunday, November 15th, during the statewide
14 archery season and one Sunday, November 29th, during
15 the statewide firearm season.

16 Overall, black bear season
17 recommendations are similar to those in 2019, but
18 with two changes in format. First, the two-week
19 statewide archery season is proposed to be shifted
20 one week earlier, with the first week of this season
21 overlapping with muzzleloader and special firearms
22 seasons to simplify regulations. Second, the
23 statewide firearms season is proposed to include the
24 newly authorized third Sunday, or November 22nd, but
25 to close on Tuesday, rather than Wednesday to

1 accommodate a one-day expansion in the Thanksgiving
2 segment of the fall turkey season.

3 Expansions of bobcat hunting and
4 trapping opportunity to WMU 2B, and of river otter
5 trapping opportunity to WMUs 1A, 1B and 2F, are
6 recommended in light of population indices in these
7 units that are comparable to those in other WMUs
8 where harvest is occurring sustainably. For beaver,
9 an increase in the season bag limit from 40 to 60 is
10 recommended for WMUs 1A and 1B in response to
11 increasing nuisance complaints in these units.

12 No elk have ever been harvested in
13 the extended elk season during the nine years in
14 which it has been in existence. To simplify
15 regulations, elimination of this season is
16 recommended for 2020.

17 The texts of these regulations is
18 shown on pages four through ten of your agenda.

19 PRESIDENT LAYTON: Do we have a
20 motion to accept the proposed seasons and bag
21 limits?

22 COMMISSIONER HOOVER: So moved.

23 COMMISSIONER FREDERICKS: Second.

24 PRESIDENT LAYTON: We have a first
25 and a second. Any discussion? What we'll do, again,

1 is we will go through the seasons and bag limits
2 page by page, and if any discussion is needed, we'll
3 have it then.

4 So let's turn to page four. The
5 first one is, I would like to make a motion to amend
6 the squirrel season, beginning on September 12, to
7 include all hunters, not just junior hunters. So I
8 would like that squirrel season to be from September
9 12th through November 27th.

10 COMMISSIONER FREDERICKS: Second.

11 PRESIDENT LAYTON: We have a first
12 and a second. Any discussion on that proposed
13 extension of the squirrel season?

14 Mr. Secretary, will you call the
15 vote?

16 COMMISSIONER KNICK: All in favor?

17 AYES RESPOND

18 COMMISSIONER KNICK: Opposed?

19 Ayes have it, eight to zero.

20 PRESIDENT LAYTON: Thank you.

21 Is there anything else on page four?
22 We'll move to page five?

23 So I'm not sure - if we can have a
24 little discussion here. I'm not sure if we're
25 looking at page five or page six, but there was a

1 proposal today from the National Wild Turkey
2 Federation to look at that one-week season as
3 opposed to the three-day Thanksgiving season.

4 Can you comment on that just for -?

5 MR. SCHNUPP: Sure. Well, first of
6 all, we appreciate everything National Wild Turkey
7 Federation has done for us, and as we do all our
8 collaborators, but specifically they're supporting
9 science-based management decisions. Which for this
10 example isn't necessarily, it's more of a social
11 dynamic, and so what we would like to do is take
12 some time and evaluate that and get feedback from
13 that group and other turkey hunters and see where it
14 falls as far as the social component of all this and
15 then report that back to you in April so you guys
16 can make a final decision.

17 PRESIDENT LAYTON: Very good. So
18 from the recommendation from the Bureau, we'll leave
19 the turkey season as it's presented to us here.

20 Page six. Any comments on page six,
21 page seven, page eight?

22 COMMISSIONER FREDERICKS: Mr.
23 President, I'd like to make a motion to amend the
24 bear archery season as proposed by staff. The
25 proposal by staff was to have archery bear moved

1 back a week. October 17th through October 31st with
2 the first week overlapping with the muzzleloader and
3 rifle opportunities for deer.

4 And after speaking with the organized
5 archers and Mark Ternent, the bear biologist, the
6 bow hunters would like to see the ending date moved
7 up to November 7th and generally, just make it like
8 it was last year without any change. So my motion
9 would be to have bear archery read October 17th
10 through November the 7th.

11 PRESIDENT LAYTON: Do we have a
12 second?

13 COMMISSIONER FORADORA: Second.

14 PRESIDENT LAYTON: We have a motion
15 and a second. Is there any comment? Mr. Secretary,
16 call the vote.

17 COMMISSIONER KNICK: All in favor?

18 AYES RESPOND

19 COMMISSIONER KNICK: Opposed?

20 Ayes have it, eight to zero.

21 PRESIDENT LAYTON: Anything on page
22 nine that needs to be addressed, page ten?

23 I think at this point I do want to
24 make a comment, if I can. There's been some
25 discussion about whether or not we're going to open

1 up those Sundays for all species or for small game.
2 And the discussion amongst the members of the Board
3 were to take this in small steps. So I think the -
4 the proposal that was laid out here, those Sundays
5 are only specifically for deer for the deer seasons
6 and bear for the bear season. There would be no
7 other species that you could hunt, other than those
8 that are already legal to hunt on a Sunday.

9 So is that -?

10 MR. SCHNUPP: That's correct.

11 PRESIDENT LAYTON: Are we good with
12 that?

13 MR. SCHNUPP: Yes. That's the
14 recommendation.

15 PRESIDENT LAYTON: Okay. Thank you.

16 Any comments, questions about that?
17 So hearing none, we've got a - we've got a motion on
18 the floor to accept the amended seasons and bag
19 limits.

20 COMMISSIONER FREDERICKS: So moved

21 PRESIDENT LAYTON: Do we have a
22 second?

23 COMMISSIONER FORADORA: Second.

24 PRESIDENT LAYTON: Any comments?

25 Mr. Secretary, call the vote.

1 COMMISSIONER KNICK: All in favor?

2 AYES RESPOND

3 COMMISSIONER KNICK: Opposed?

4 Ayes have it eight to zero.

5 ATTORNEY BECHTEL: The next item
6 before the Commission appears on page 11 of your
7 agenda to amend 58 Pa. Code Section 141.62.

8 The Commission has recently observed
9 a notable increase in beaver populations and beaver-
10 related complaints and Wildlife Management Units 1A
11 and 1B. As a result, the Commission is seeking to
12 increase harvest success rates in these WMUs in an
13 effort to better control the beaver population and
14 resulting beaver-human conflicts. The Commission has
15 previously proposed an amendment to Section 139.4 to
16 increase the beaver bag limit in these WMUs from 40
17 to 60. The Commission is also proposing to amend
18 Section 141.62 to increase the number of authorized
19 body gripping traps to 20 in any WMU where beaver
20 bag limits are 60 per season. Beaver trappers will
21 still be limited to using no more than five traps or
22 snares, no more than two of which may be body-
23 gripping traps and any WMU within an open otters
24 trapping season during periods when the open beaver
25 trapping season overlaps by calendar date with the

1 open otter trapping season.

2 The text is shown on page 11 of your
3 agenda.

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

6 COMMISSIONER KNICK: So moved.

7 PRESIDENT LAYTON: Second?

8 COMMISSIONER FREDERICKS: Second.

9 PRESIDENT LAYTON: Any comments? Any
10 questions?

11 Mr. Secretary, call the vote, please.

12 COMMISSIONER KNICK: All in favor?

13 AYES RESPOND

14 COMMISSIONER KNICK: Opposed?

15 Ayes have it, eight to zero.

16 ATTORNEY BECHTEL: The next item
17 appears on page 12 of your agenda. It's the Bureau
18 of Wildlife Protection and concerns for Proposed
19 Rulemaking to amend 58 Pa. Code Section 141.4.

20 The Commission is proposing to amend
21 Section 141.4 to replace the current hunting hours
22 table and migratory bird hunting hours table to
23 accurately reflect the dates and hours of legal
24 hunting for the 2020/2021 hunting trapping license
25 year.

1 The text is shown on pages 12 through
2 14 of your agenda.

3 PRESIDENT LAYTON: Motion to accept?

4 COMMISSIONER HOOVER: So moved.

5 PRESIDENT LAYTON: Second?

6 COMMISSIONER FREDERICKS: Second.

7 PRESIDENT LAYTON: Any comments? Any
8 questions?

9 Mr. Secretary, call the vote?

10 COMMISSIONER KNICK: All in favor?

11 AYES RESPOND

12 COMMISSIONER KNICK: Opposed?

13 Ayes have it, eight to zero.

14 ATTORNEY BECHTEL: And the next item
15 appears on page 15 of your agenda, amending 58 Pa.
16 Code Section 141.29.

17 It is currently unlawful to hunt
18 mourning doves on or over lands or areas where grain
19 or other feed has been distributed or scattered as a
20 result of manipulation of an agricultural crop or
21 other feed after September 15th of each license
22 year. This restriction was intended to minimize
23 baiting conflicts for hunters pursuing species other
24 than doves, which remain unlawful to hunt in lands
25 or areas affected by such manipulation. For

1 example, hunting waterfowl over a manipulated crop
2 field remains prohibited by both state and federal
3 law notwithstanding the authorization for the
4 hunting of mourning doves. However, the Commission
5 has also observed that the September 15th cutoff
6 date disallows a significant degree of flexibility
7 for weather and planting related delays in the
8 maturation and proper drying of the vegetation
9 planting in the crop fields. This has resulted in
10 instances of lost hunting opportunities and wasted
11 investments in these areas prepared and intended for
12 mourning dove hunting. The Commission is proposing
13 to amend Section 141.29 to eliminate the September
14 15th cutoff date.

15 The text is shown on page 15 of your
16 agenda.

17 PRESIDENT LAYTON: Do we have a
18 motion to accept?

19 COMMISSIONER FREDERICKS: So moved.

20 PRESIDENT LAYTON: Second.

21 COMMISSIONER FORADORA: Second.

22 PRESIDENT LAYTON: Okay.

23 We have a motion and a second. Just
24 if I could make a brief comment. We kind of ran
25 into this issue this year with our dove fields that

1 we had a wet season, crops got planted late. I
2 think we've run through all of the issues of baiting
3 and you're satisfied with what we're doing here?

4 MR. DECOSKEY: Yes, I am.

5 PRESIDENT LAYTON: Okay. Very good.

6 Any other comment? Mr. Secretary,
7 call the vote.

8 COMMISSIONER KNICK: All in favor?

9 AYES RESPOND

10 COMMISSIONER KNICK: Opposed?

11 Passed, eight to zero.

12 ATTORNEY BECHTEL: The next item to
13 come up is on page 16 of your agenda to amend 58 Pa.
14 Code Section 141.41.

15 Outside of special regulations areas,
16 current regulations prohibit hunters from harvesting
17 a subsequent deer before they have lawfully tagged
18 each successive deer they have harvested. This
19 restriction is intended to prevent waste of the
20 Commonwealth's wildlife resources by causing hunters
21 to follow up on shots and promote recovery of
22 mortally wounded deer before an attempting to
23 harvest subsequent animals. However, this
24 restriction has also been observed to force hunters
25 to pass up additional harvest opportunities that

1 occur contemporaneous to the first as they are
2 fleeting and certainly diminish with the noise and
3 movement associated with tagging activities for the
4 previous harvest. Special regulations areas are
5 currently exempt from this requirement and the
6 Commission is not aware that any significant
7 problems have resulted from its absence. The
8 Commission is proposing to amend Section 141.41 to
9 eliminate the requirement that hunters lawfully tag
10 each successive deer that they have harvested before
11 lawfully harvesting a subsequent deer within their
12 season limits.

13 The text is shown on page sixteen of
14 your agenda.

15 PRESIDENT LAYTON: Do we have a
16 motion?

17 COMMISSIONER MITRICK: So moved.

18 PRESIDENT LAYTON: A second.

19 COMMISSIONER FOX: 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 Ayes have it, eight to zero.

1 ATTORNEY BECHTEL: And on page 17 of
2 your agenda is the next item before the Commission
3 to amend 58 Pa. Code Section 147.674.

4 A longstanding provision of the Deer
5 Management Assistant Program regulations has limited
6 individual hunters to receive no more than two DMAP
7 permits for each unit or area enrolled in the
8 program. The Commission has reviewed this limitation
9 and determined that it may be unreasonably limiting
10 private landowners from effectively using the
11 program to harvest enough deer on their lands to
12 meet their deer management goals. This issue has
13 been raised by both DMAP users and Commission staff
14 as part of an ongoing broad review of the DMAP and
15 Red Tag programs. However, the Commission is also
16 equally cautious against moving too far towards
17 privatizing access to antlerless deer harvest under
18 the DMAP program and outside of the standard
19 antlerless deer license allocations. Both external
20 users and Commission staff agree that an increase in
21 the number of DMAP permits per unit is warranted,
22 except in certain areas designated by the
23 Commission. The Commission is proposing to amend
24 Section 147.674 to increase the number of DMAP
25 harvest permits that a person may receive for each

1 DMAP unit or area from two to four, except for those
2 DMAP areas designated by the Commission that will
3 remain at a maximum of two harvest permits per
4 person.

5 The text is shown on page 17 of your
6 agenda.

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

9 COMMISSIONER HOOVER: So moved.

10 PRESIDENT LAYTON: A second?

11 COMMISSIONER FREDERICKS: Second.

12 PRESIDENT LAYTON: Is there any
13 conversation? Do you need - you good?

14 MR. DECOSKEY: I'm good.

15 PRESIDENT LAYTON: All right.

16 Mr. Secretary, call the vote, please.

17 COMMISSIONER KNICK: All in favor?

18 AYES RESPOND

19 COMMISSIONER KNICK: Opposed?

20 Ayes have it, eight to zero.

21 ATTORNEY BECHTEL: The next item
22 appears on page 18 of your agenda. It's the
23 amendment of 58 Pa. Code Section 147.804.

24 Since the mentored hunting program's
25 initial inception in 2006, the program has gradually

1 grown and expanded to allow the hunting of many
2 additional species of game and wildlife. The
3 program has also incrementally expanded eligibility
4 standards to now allow participation by all age
5 groups. However, with this progressive linear
6 expansion, the mentored hunting program has built up
7 a complex and inconsistent web of eligibility
8 standards and limitations for each of the three
9 program age groups. Couple this complexity with its
10 differences to the traditional hunting license
11 structures and the Commonwealth's sporting men and
12 women have understandably been challenged in fully
13 understanding and consistently operating within the
14 program's multifaceted standards. Furthermore, the
15 Commission recognizes that the current complexity of
16 these regulations themselves may, in fact, be
17 undermining the recruitment and retention of the
18 participants the program was intended to improve.
19 With this in mind, the Commission has determined
20 that the mentored hunting program is due for a
21 significant streamlining of its standards.

22 The first improvement involves
23 combining the species eligibility list for mentored
24 youth and mentored adults to one list. This change
25 alone will expand species eligibility for all age

1 groups. The second change involves issuing all
2 applicable harvest tags to mentored adults and
3 mentored youth seven years of age or older in a
4 manner consistent with the purchase of a hunting
5 license. This change primarily affects mentored
6 adults and does not change standards for mentored
7 youth who are under seven years of age at the time
8 of application. This change eliminates the transfer
9 of any harvest tags to mentored adults and mentored
10 youth seven years of age or older.

11 The third change builds off of the
12 second by expanding the ability to make direct
13 application for antlerless deer licenses and Deer
14 Management Assistance Program harvest permits for
15 mentored adults and mentored youth seven years of
16 age or older. The fourth change allows all mentored
17 hunter age classes to make direct application for
18 migratory bird licenses and pheasant permits within
19 the eligibility standards and limitations of these
20 programs. Each of these improvements brings a
21 greater degree of simplicity to the mentored hunting
22 program and also brings it into closer alignment to
23 the Commission's traditional hunting license
24 structures.

25 The text is shown on pages 19 through

1 21 of your agenda.

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

4 COMMISSIONER FREDERICKS: So moved.

5 PRESIDENT LAYTON: Second?

6 COMMISSIONER FORADORA: Second.

7 PRESIDENT LAYTON: We have a motion
8 and a second. Any discussion?

9 So just for the record, a lot of our
10 game wardens were confused by the way the mentored
11 youth and mentored adult programs kind of ran
12 together. Sometimes what the adults were allowed to
13 do, the youth weren't - do you want to talk a little
14 bit about just why we're simplifying and -?

15 MR. DECOSKEY: Well, the last couple
16 of years, of course, I've been here in Harrisburg,
17 so the phone calls alone dealing with how to
18 decipher the mentored program versus youth or adult
19 was very conflicting for not only our own officers,
20 like you said, but the general public. And those
21 adults that were trying to get the youth involved.

22 So this is an exceptional step to
23 clarification so it makes it easier for everybody
24 involved, not only our officers who have to enforce
25 the law, but the general public who want to abide by

1 the law, it makes it a lot easier to follow.

2 PRESIDENT LAYTON: I certainly want
3 to welcome you here. Jason's our new Bureau
4 Director of Wildlife Protection.

5 MR. DECOSKEY: Thank you.

6 PRESIDENT LAYTON: It's nice to have
7 you here. Thank you.

8 MR. DECOSKEY: Thank you.

9 PRESIDENT LAYTON: Any other
10 questions or comments?

11 Mr. Secretary, call the vote.

12 COMMISSIONER KNICK: All in favor?

13 AYES RESPOND

14 COMMISSIONER KNICK: Opposed?

15 Ayes have it, eight to zero.

16 ATTORNEY BECHTEL: The next item
17 appears on page 22 of your agenda. It concerns the
18 amendment of 58 Pa. Code Section 135.53.

19 Current regulations require that any
20 ATV used as a mobility device, must be registered
21 with the Department of Conservation and Natural
22 Resources. The Commission has learned that certain
23 ATVs that are additionally defined as, quote,
24 neighborhood electric vehicles, unquote, and
25 registered with the Department of Transportation

1 cannot be dual registered with the Department of
2 Conservation and Natural Resources. This
3 restriction has the unfortunate effect of excluding
4 otherwise eligible ATVs from being utilized as
5 mobility devices by the mere fact that the device is
6 properly registered with another Commonwealth
7 agency. The Commission is proposing to amend Section
8 135.53 to expand ATV eligibility for use as mobility
9 devices by including ATVs registered with the
10 Department of Transportation as neighborhood
11 electric vehicles that properly display the valid
12 registration plate and the required 25 mph vehicle
13 decal.

14 The text is shown on page 22 of your
15 agenda.

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

18 COMMISSIONER FREDERICKS: So moved.

19 PRESIDENT LAYTON: And a second?

20 COMMISSIONER HOOVER: Second.

21 PRESIDENT LAYTON: Any questions or
22 comments?

23 Mr. Secretary, call the vote.

24 COMMISSIONER KNICK: All in favor?

25 AYES RESPOND

1 COMMISSIONER KNICK: Opposed?

2 Ayes have it, eight to zero.

3 ATTORNEY BECHTEL: And on page 23 of
4 your agenda is a proposal to amend 58 Pa. Code
5 Sections 141.43, 141.44 and 141.47.

6 During the 2019 fall hunting seasons,
7 the Commission received a significant number of
8 inquiries from the public concerning what arms and
9 ammunition was lawful for users during the overlap
10 of the archery deer season and its overlap with the
11 muzzleloader bear season. Current regulations
12 generally prohibit the possession of firearms during
13 the deer archery season and archery tackle is not
14 listed as a lawful device for muzzleloader bear
15 seasons. In an effort to clarify these issues and
16 provide greater opportunity during these overlap
17 seasons, the Commission is proposing to amend
18 Sections 141.43, 141.44 and 141.47 to expand the
19 list of lawful devices authorized for applicable
20 deer, bear and elk seasons during periods of
21 overlap. The proposal also amends Section 141.47 to
22 provide specific arms and ammunition listings for
23 the archery elk season and the elk seasons
24 established for the Special Conservation License and
25 the Special License established under 34 Pa.C.S.

1 Section 2706.2, relating to elk hunting licenses.

2 The text is shown on pages 23 through
3 29 of your agenda.

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

6 COMMISSIONER FREDERICKS: So moved.

7 PRESIDENT LAYTON: A second?

8 COMMISSIONER FORADORA: Second.

9 PRESIDENT LAYTON: Any comment?

10 Mr. Secretary, call the roll.

11 COMMISSIONER KNICK: All in favor?

12 AYES RESPOND

13 COMMISSIONER KNICK: Opposed?

14 Ayes have it, eight to zero.

15 ATTORNEY BECHTEL: There's also
16 proposed rulemaking that was set forth on a blue
17 insert to your agenda. This was a proposal to amend
18 58 Pa. Code Sections 147.901 through 147.905 and to
19 create 58 Pa. Code Section 147.904.1.

20 The Commission has determined that an
21 update and restructuring of its guiding permit
22 regulations is needed, especially as it relates to
23 elk guiding. The Commission is proposing to amend
24 Sections 147.901 through 147.905 and create Section
25 147.904.1 to restructure the application

1 requirements for commercial and non-commercial
2 guiding permits, create a non-commercial elk guiding
3 permit, create a new guide permit fee structures for
4 commercial and non-commercial elk guiding permits,
5 create recordkeeping and reporting requirements for
6 commercial guides and address other minor
7 housekeeping items.

8 The text of this amendment is shown
9 on pages - well, it's shown on your insert.

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

12 COMMISSIONER FREDERICKS: So moved.

13 PRESIDENT LAYTON: Second?

14 COMMISSIONER HOOVER: Second.

15 PRESIDENT LAYTON: Any discussion?

16 COMMISSIONER KNICK: Yes. I'd like to
17 amend it for motion for e-bikes -.

18 PRESIDENT LAYTON: No, no, no.
19 That's the next one.

20 COMMISSIONER KNICK: Oh, sorry.

21 PRESIDENT LAYTON: We're not there
22 yet. We're not there yet.

23 COMMISSIONER KNICK: I thought we
24 were on that page. Sorry.

25 PRESIDENT LAYTON: So just to

1 clarify, we've been talking about the guide permits
2 for quite some time now and we have not been able,
3 really, to wrap our head around the whole guide
4 permit issue. But what we wanted to do specifically
5 was to address the elk hunt in this proposal.

6 So in this proposal - and you can
7 correct me if I'm wrong, so if somebody were to be
8 drawn for an elk tag, they would get four free
9 permits for family and friends?

10 MR. DECOSKEY: As long as it was a
11 non-commercial, yes.

12 PRESIDENT LAYTON: A non-commercial,
13 right. Who could assist them in the hunt? If they
14 had additional - additional help would be \$25 per
15 permit, which is what we charge now.

16 MR. DECOSKEY: Correct.

17 PRESIDENT LAYTON: Okay.

18 So as far as the commercial guides
19 go, there would be a fee -?

20 MR. DECOSKEY: Correct.

21 PRESIDENT LAYTON: Do you want to
22 just touch on that?

23 MR. DECOSKEY: Okay.

24 PRESIDENT LAYTON: The fee for the
25 permittee.

1 MR. DECOSKEY: The fee for the guide
2 itself as a commercial venture would be \$500 for
3 residents and non-resident. Currently - it used to
4 be \$25 and \$50, \$25 for resident, \$50 for
5 non-resident. And then, that includes four - for
6 four sub-permittees under that guide permit. For
7 additional permits under that, that would be
8 additional \$50 fee to include.

9 PRESIDENT LAYTON: And those are
10 specifically for people who are charging a hunter a
11 fee to be a guide for them?

12 MR. DECOSKEY: Correct.

13 PRESIDENT LAYTON: Okay.

14 Any other questions or comments?

15 Mr. Secretary, call the roll.

16 COMMISSIONER KNICK: All in favor?

17 AYES RESPOND

18 COMMISSIONER KNICK: Opposed?

19 Ayes have it, eight to zero.

20 ATTORNEY BECHTEL: And the next item
21 appears on page 30 of your agenda. It's from the
22 Bureau of Wildlife Habitat Management. It concerns
23 Proposed Rulemaking to amend 58 Pa. Code Sections
24 131.2, 135.2 and 135.41.

25 The Commission has observed that

1 electric bicycles, or e-bikes, are gaining
2 popularity within the Commonwealth and many hunters
3 are exploring use of e-bikes to assist them in
4 reaching their hunting and trapping locations.
5 Under current regulation, it is unlawful to use or
6 operate any type of e-bike on state game lands,
7 unless used by individuals with mobility
8 disabilities. The Commission also recognizes that
9 there are many areas within its state game lands
10 system that are difficult to access often due to a
11 lack of a comprehensive road system that could
12 sustain routine road vehicle traffic. In many
13 cases, it is simply impractical to build new and/or
14 maintain comprehensive road system in these areas.

15 As a result, the Commission has
16 determined that permitted use of certain e-bikes
17 could greatly improve state game lands access and
18 the hunting and trapping experience for many of our
19 hunters, including those that do not suffer from a
20 mobility disability. The Commission believes that
21 allowing responsible use of certain e-bikes can be
22 accommodated without significant damage to existing
23 state game lands road and trail systems, wildlife
24 populations or the peace and tranquility of the
25 Commission's wilderness areas.

1 PRESIDENT LAYTON: Any comments?

2 COMMISSIONER KNICK: Yes. I'd like
3 to make an amendment to the motion to include Class
4 I and Class II.

5 PRESIDENT LAYTON: So there's a
6 motion to allow Class I and Class II. Is there a
7 second?

8 I will second that. Do we have a
9 discussion? Pete, do you want to explain that, the
10 difference between Class I and Class II?

11 MR. SUSSENBACH: Sure.

12 So basically a Class I e-bike would
13 be a bike that only gives assistance when the
14 individual is actually pedaling. So the Class II is
15 an e-bike that allows an individual to pedal and get
16 assistance but also have a throttle, which allows
17 them mobility without actually pedaling.

18 PRESIDENT LAYTON: Each one of those
19 Class I and Class II are considered non-motorized
20 vehicles according to - if we went to a Class III,
21 that puts us in a different -.

22 MR. SUSSENBACH: Class III puts you
23 in a whole other level with a bunch of other
24 regulations through PennDOT as well.

25 PRESIDENT LAYTON: Any other

1 questions or comments?

2 COMMISSIONER FREDERICKS: What's your
3 rules and regulations for DCNR and State Forest?

4 MR. SUSSENBACH: Right now, it is a
5 Class I e-bike that they permit.

6 COMMISSIONER FREDERICKS: Only. Not
7 two and three.

8 MR. SUSSENBACH: That's correct.

9 PRESIDENT LAYTON: And three would
10 not be permittable (sic) because it's considered a
11 motorized vehicle.

12 COMMISSIONER. FREDERICKS: And for
13 you're asking for Class I and II?

14 PRESIDENT LAYTON: One and two, which
15 are both, essentially, the same bike. One you have
16 to pedal, one you can just use a throttle.

17 COMMISSIONER FREDERICKS: And DCNR
18 just doesn't allow Class II?

19 MR. SUSSENBACH: At this time, that
20 is correct.

21 COMMISSIONER FORADORA: So question
22 on that. Whenever you unload a bike at the game
23 land gate, you never touch a pedal? Is that what
24 you're - I'm not familiar with them. It's the same
25 as a motorcycle.

1 PRESIDENT LAYTON: No, it's not.

2 COMMISSIONER FORADORA: Well, I
3 understand that, but for a layperson, you have a
4 throttle and -.

5 MR. SUSSENBACH: So the Class II,
6 correct, you could unload your bike and not have to
7 pedal with it -

8 COMMISSIONER FORADORA: Never touch -
9 right.

10 MR. SUSSENBACH: - ever. Correct.

11 COMMISSIONER FORADORA: What is the -
12 do we have a comment on Class II?

13 PRESIDENT LAYTON: It's the same
14 bike, it's just one you don't have to pedal.

15 COMMISSIONER FORADORA: But you do
16 have to pedal to have -.

17 PRESIDENT LAYTON: Class I.

18 COMMISSIONER FORADORA: Class I you
19 have to pedal to have throttle.

20 COMMISSIONER FREDERICKS: Mr.
21 President, at this time this is a proposal due for
22 final adoption in April, even with the amendment -
23 with your - the amendment?

24 PRESIDENT LAYTON: Right. That's
25 right.

1 COMMISSIONER FREDERICKS: It's a
2 proposal?

3 PRESIDENT LAYTON: Sure.

4 COMMISSIONER FREDERICKS: And subject
5 to public input between now and April -

6 PRESIDENT LAYTON: Absolutely.

7 COMMISSIONER FREDERICKS: - final
8 adoption in April. Good.

9 PRESIDENT LAYTON: Yep. Any other
10 comment?

11 Okay.

12 We have a motion on the floor to
13 amend with a second.

14 Mr. Secretary, call the vote.

15 COMMISSIONER KNICK: All in favor?

16 AYES RESPOND

17 COMMISSIONER KNICK: Opposed?

18 PRESIDENT LAYTON: Any other comment?

19 COMMISSIONER KNICK: Ayes have it,
20 eight to zero.

21 PRESIDENT LAYTON: Okay.

22 So we also have a motion on the floor
23 and a second for the adoption.

24 Mr. Secretary, call the vote.

25 COMMISSIONER KNICK: All in favor?

1 AYES RESPOND

2 COMMISSIONER KNICK: Opposed?

3 Ayes have it, eight to zero.

4 ATTORNEY BECHTEL: The next item from
5 your agenda comes from real estate and concerns a
6 donation, Contract Number L-3753, State Game Land
7 Number 29 in Monroe County.

8 Blakeslee DG, LLC is offering to
9 donate 9.39 more/less acres of land in Tunkhannock
10 Township, Monroe County, adjoining State Game Land
11 Number 129, as shown on Exhibit RED 1 on page 35 of
12 your agenda. Access is through existing State Game
13 Land Number 129.

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

16 COMMISSIONER FREDERICKS: So moved.

17 PRESIDENT LAYTON: Second?

18 COMMISSIONER MITRICK: Second.

19 PRESIDENT LAYTON: Any commentary?

20 Mr. Secretary, call the vote.

21 COMMISSIONER KNICK: All in favor?

22 AYES RESPOND

23 COMMISSIONER KNICK: Opposed?

24 Ayes have it, eight to zero.

25 ATTORNEY BECHTEL: And the next item

1 concerns an acquisition, it appears on page 36 of
2 your agenda. It's Contract Number L-3754, State
3 Game Land Number 151 in Mercer County.

4 Wetlands America Trust, Inc., a
5 supporting organization of Ducks Unlimited, Inc., is
6 offering 130.37 more/less acres of land in Liberty
7 Township, Mercer County, near State Game Land Number
8 151, referred to as the Hohmann tract, as shown on
9 Exhibit RED 2 on page 37 of your agenda. The option
10 price is \$400 per acre to be paid with funds from
11 the Game Fund. Ducks Unlimited, Inc. was successful
12 in receiving funding through partnership grants
13 provided by the Department of Conservation and
14 Natural Resources, North American Wetlands
15 Conservation Act and Waterfowl USA. Covenants,
16 conditions and restrictions associated with these
17 funding sources will be required to accept
18 restrictions associated with these funding sources
19 will be required to accept the property. The
20 property is located within the Celery Swamp
21 Important Bird Area and within Northwest
22 Pennsylvania Waterfowl Focus Areas of the Atlantic
23 Coast Joint Venture. The tract consists of ten
24 acres of forest, four acres of grassland, and 92
25 acres of wetlands, mostly comprised of a system of

1 65 ponds/dikes. Black run provides inflow and
2 outflow. Access is from T-768, Black Run Road, and
3 T-327, West Valcourt Road.

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

6 COMMISSIONER HOOVER: So moved.

7 COMMISSIONER FREDERICKS: Second.

8 CHAIR: Motion and a second. Any
9 comment?

10 MR. SUSSENBACH: Mr. President, if I
11 may?

12 PRESIDENT LAYTON: Yes, sir.

13 MR. SUSSENBACH: So in looking at the
14 photograph on page 37, it doesn't look all that
15 impressive right now, but I guarantee you that our
16 staff will turn that place into something magical
17 over the next decade.

18 Not only with the help of Ducks
19 Unlimited, our partners, have - you know, we
20 acquired the property, but beyond that there's a
21 plan in place to actually fund taking all those
22 raceways out and turning them into extremely
23 productive waterfowl and wetland habitat. So we're
24 really excited about this acquisition, the
25 partnership with DCNR, Ducks Unlimited, NAWCA and

1 the future that we're going to turn this place into.

2 PRESIDENT LAYTON: Great. Any other
3 comment?

4 Okay.

5 Mr. Secretary, call the vote?

6 COMMISSIONER KNICK: All in favor?

7 AYES RESPOND

8 COMMISSIONER KNICK: Opposed?

9 Ayes have it, eight to zero.

10 ATTORNEY BECHTEL: The next item
11 concerns an acquisition Contract Number L-3755,
12 State Game Land Number 282 in Warren County.

13 Karen A. Beardsley is offering 0.34
14 more/less acres of land in Pine Grove Township,
15 Warren County, an interior within State Game Land
16 Number 282, as shown on Exhibit RED 3 on page 39 of
17 your agenda. The option price is \$1,100 lump sum to
18 be paid with funds from the Game Fund. The parcel
19 is located within an existing State Game Land and
20 therefore the Commission may exceed \$400 per acre
21 under Section 705(b) of the Game and Wildlife Code.
22 The tract lies within the Akeley Swamp Important
23 Bird Area.

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

1 COMMISSIONER FREDERICKS: So moved.

2 PRESIDENT LAYTON: Second?

3 COMMISSIONER FORADORA: Second.

4 PRESIDENT LAYTON: Any comment?

5 Mr. Secretary, call the vote.

6 COMMISSIONER KNICK: All in favor?

7 AYES RESPOND

8 COMMISSIONER KNICK: Opposed?

9 Ayes have it, eight to zero.

10 ATTORNEY BECHTEL: And the next item

11 concerns Contract Number L-3756, State Game Land

12 Number 256 in Perry County.

13 The Estate of Regina L. Rice is
14 offering 33.58 more/less acres of land in Wheatfield
15 Township, Perry County, an interior within State
16 Game Land Number 256, as shown on Exhibit RED 4 on
17 page 41 of your agenda. The option price is \$95,000
18 lump sum to be paid with funds from the Game Fund.
19 The parcel is located within an existing State Game
20 Land and therefore the Commission may exceed \$400
21 per acre under Section 705(b) of the Game and
22 Wildlife Code. Access is through existing State
23 Game Land Number 256.

24 PRESIDENT LAYTON: Is there a motion
25 to accept?

1 COMMISSIONER HOOVER: So moved.

2 PRESIDENT LAYTON: Second?

3 COMMISSIONER FREDERICKS: Second.

4 PRESIDENT LAYTON: Comment?

5 MR. SUSSENBACH: Mr. President, just
6 real quick. This - this acquisition and the
7 previous one on the previous pages really identifies
8 the places that we have been targeting through the
9 last Strategic Plan trying to close out as many of
10 these in holdings indentures as we can, and we've
11 been working hard.

12 And if you look at the last few
13 agendas, you'll notice that there's several, just
14 about in each of those agendas. And we've worked
15 hard at it, we've got some great partners that have
16 helped us along the way and this is just another one
17 to close out. Because you can imagine the
18 challenges that it creates if we want to do habitat
19 management, boundary painting and the potential
20 conflict should someone try to develop or do
21 something with that property in the future.

22 PRESIDENT LAYTON: Any other comment?

23 COMMISSIONER MITRICK: Are you
24 working on any other parcels?

25 MR. SUSSENBACH: Excuse me?

1 COMMISSIONER MITRICK: Are you
2 working to get the other parcel in there?

3 MR. SUSSENBACH: Yes.

4 PRESIDENT LAYTON: Any other comment?
5 Okay.

6 Mr. Secretary, call the vote.

7 COMMISSIONER KNICK: All in favor?

8 AYES RESPOND

9 COMMISSIONER KNICK: Opposed?

10 Ayes have it, eight to zero.

11 ATTORNEY BECHTEL: The next item

12 before the Commission concerns Contract Number
13 L-3757, State Game Land Number 91, Luzerne County.

14 North Branch, Land Trust is offering
15 182 more/less acres of land in Bear Creek Township,
16 Luzerne County, adjoining State Game Land Number 91,
17 referred to as the Alexandrian tract, as shown on
18 Exhibit RED 5, on page 43 of your agenda. The option
19 price is \$400 per acre to be paid with funds from
20 the Game Fund. North Branch Land Trust was
21 successful in receiving funding through partnership
22 grants provided by the Department of Conservation
23 and Natural Resources and Open Space Institute.
24 Covenants, conditions and restrictions associated
25 with these funding sources will be required to

1 accept the property. Access is from S.R. 115 on the
2 south and from Bear Creek Camp Road on the north.

3 PRESIDENT LAYTON: Do I have a
4 motion?

5 COMMISSIONER KNICK: So moved.

6 PRESIDENT LAYTON: And a second?

7 COMMISSIONER FREDERICKS: Second.

8 PRESIDENT LAYTON: Any commentary?

9 Comments from the Commissioners?

10 Mr. Secretary, call the vote.

11 COMMISSIONER KNICK: All in favor?

12 AYES RESPOND

13 COMMISSIONER KNICK: Opposed?

14 Ayes have it, eight to zero.

15 ATTORNEY BECHTEL: And the next item
16 is Contract Number L-3758, State Game Land Number
17 211 in Schuylkill County.

18 David and Cecilia Daubert and Daniel
19 and Beverly Bode are offering 31.5 more/less acres
20 of land in Pine Grove Township, Schuylkill County,
21 adjoining State Game Land number 211, as shown on
22 Exhibit RED 6 on page 45 of your agenda. The option
23 price is \$44,100 lump sum to be paid with funds from
24 third party commitments for compensation of habitat
25 and recreational losses which occurred on state game

1 lands from previously approved projects. Access is
2 through existing State Game Land Number 211.

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

5 COMMISSIONER HOOVER: So moved.

6 PRESIDENT LAYTON: Second?

7 COMMISSIONER FREDERICKS: Second.

8 PRESIDENT LAYTON: Any commentary?
9 Comments?

10 Mr. Secretary, call the vote?

11 COMMISSIONER KNICK: All in favor?

12 AYES RESPOND

13 COMMISSIONER KNICK: Opposed?

14 Ayes have it, eight to zero.

15 ATTORNEY BECHTEL: And the next item
16 is Contract Number L-3759, State Game Land Number
17 211 in Schuylkill County.

18 Lela M. Forry is offering 19.2
19 more/less acres of land in Pine Grove Township,
20 Schuylkill County, adjoining State Game Land Number
21 211, as shown in Exhibit RED 7, on page 47 of your
22 agenda. The option price is \$28,800 lump sum to be
23 paid with funds from third party commitments for
24 compensation of habitat and recreational losses
25 which occurred on state game lands from previously

1 approved projects. Access is through existing State
2 Game Land Number 211.

3 PRESIDENT LAYTON: Motion to accept?

4 COMMISSIONER FREDERICKS: So moved.

5 PRESIDENT LAYTON: Is there a second?

6 COMMISSIONER FORADORA: Second.

7 PRESIDENT LAYTON: We have a motion
8 and a second. Any comment?

9 MR. SUSSENBACH: Mr. President, if I
10 may?

11 PRESIDENT LAYTON: Sure.

12 MR. SUSENBACH: Just looking at the
13 map real quickly, this - excuse me, this piece of
14 property fits into that other piece of property,
15 3758 on the previous page perfectly. And we'll
16 enhance opportunities in the southeast. And any
17 time that we can do that, we really look forward to
18 trying to give those other opportunities to people
19 in the southeast region where it is becoming ever
20 more challenging to purchase any land. And this is
21 just one more example of - of our staff working with
22 some willing partners and landowners to do that.

23 PRESIDENT LAYTON: Very good. Any
24 questions?

25 COMMISSIONER HOOVER: Does this - or

1 is there a possibility of access from outside the
2 State Game Lands to this property, or is there -?

3 MR. SUSSENBACH: Correct. We're
4 still refining the deeds at this point, doing some
5 more due diligence, but there is the possibility
6 that that may exist. We're not quite sure.

7 COMMISSIONER HOOVER: Okay. Thank
8 you.

9 PRESIDENT LAYTON: Any other
10 questions?

11 Mr. Secretary, call the vote.

12 COMMISSIONER KNICK: All in favor?

13 AYES RESPOND

14 COMMISSIONER KNICK: Opposed?

15 Ayes have it, eight to zero.

16 ATTORNEY BECHTEL: The next item
17 concerns Contract Number L-3760, State Game Land
18 Number 217 in Schuylkill County.

19 The Nature Conservancy is offering
20 125 more/less acres of land in West Penn Township,
21 Schuylkill County, adjoining State Game Land Number
22 217, as shown on Exhibit RED 8, on page 49 of your
23 agenda. The option price is \$34,215 lump sum to be
24 paid with funds from the Game Fund. The Nature
25 Conservancy was successful in receiving funding

1 through partnership grants provided by the
2 Department of Conservation and Appalachian Trail
3 Conservancy. Covenants, conditions and restrictions
4 associated with these funding sources will be
5 required to accept the property. There is a rock
6 outcropping on the southern boundary along the top
7 of Kittatinny Ridge which is designated as a
8 Globally Important Bird Area. The property has been
9 identified by both the Kittatinny Ridge Land
10 Protection Partnership and Appalachian Trail
11 Landscape Initiative as a high priority parcel for
12 protection. The property shares a boundary with
13 National Park Service Property to the south across
14 which the Appalachian Trail is located. Access is
15 through existing State Game Land Number 217.

16 PRESIDENT LAYTON: Motion to accept?

17 COMMISSIONER FORADORA: So moved.

18 PRESIDENT LAYTON: Is there a second?

19 COMMISSIONER SCHNEPP-GIGER: Second.

20 PRESIDENT LAYTON: We have a motion

21 and a second. Any comment? Questions?

22 Mr. Secretary, call the vote.

23 COMMISSIONER KNICK: All in favor?

24 AYES RESPOND

25 COMMISSIONER KNICK: Opposed?

1 Ayes have it, eight to zero.

2 ATTORNEY BECHTEL: And the next item
3 before the Commission concerns an exchange, Contract
4 Number L-3761, State Game Land Numbers 179 and 223
5 in Greene County.

6 Cumberland Contura, LLC is offering
7 to exchange 148.7 more/less acres of land in
8 Whiteley and Jackson Townships, Greene County,
9 adjoining State Game Land Numbers 223 and 179, as
10 it's shown on Exhibit RED 9, on page 51 of your
11 agenda and RED 10, as shown on page 52 of your
12 agenda, to the Commission for allowing Contura to
13 create and/or enhance certain stream and wetland
14 resources located within State Game Land Number 223
15 in Whiteley Township, Greene County, as shown on
16 Exhibit RED 9, on page 51 of your agenda. Contura
17 approached the Commission seeking approval to create
18 and/or enhance stream and wetland resources as part
19 of mitigation required by federal and state agencies
20 to replace certain functions and values associated
21 with impacts to streams and wetlands from Contura's
22 proposal to construct a coal refuse facility on
23 property owned by Contura situated in Whiteley
24 Township, Greene County. In exchange for allowing
25 Contura to use designated portions of State Game

1 Land Number 223 for required stream and wetland
2 mitigation associated with constructing a coal
3 refuse facility, specific conditions will be placed
4 upon these designated conservation areas to ensure
5 compliance with governmental permitting
6 requirements.

7 The 148.7 more/less acres of land are
8 located in three tracts; 15 more/less acres and 69
9 more/less acres both adjoining State Game Land
10 Number 223 in Whiteley Township, Greene County and
11 64.7 more/less acres adjoining State Game Land
12 Number 179 in Jackson Township, Greene County. The
13 15 more/less acre parcel provides critical access
14 into State Game Land Number 223 from Polecat Hollow
15 Road. The 69 more/less acre tract is an indenture
16 into State Game Land Number 223 and provides access
17 from Dutch Run Road. The 64 more/less acre tract is
18 accessed from Jones Road. Staff has determined the
19 proposed exchange is in the best interest of the
20 Commission.

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

23 COMMISSIONER FREDERICKS: So moved.

24 PRESIDENT LAYTON: Second?

25 COMMISSIONER FORADORA: Second.

1 PRESIDENT LAYTON: Any comment?

2 MR. SUSSENBACH: Mr. President, -

3 PRESIDENT LAYTON: Yes, sir.

4 MR. SUSSENBACH: - just real briefly,
5 this is a really great collaborative project between
6 Contura, regional staff, Harrisburg staff. Not only
7 are we going to fill out an indenture, obtain
8 critical access, but there's going to be a
9 tremendous amount of stream improvement, and
10 potentially some ponds and things worked in there
11 for some additional wetland habitat for wildlife.
12 Really a great project.

13 PRESIDENT LAYTON: Thank you. Any
14 other comments, questions?

15 Mr. Secretary, call the vote.

16 COMMISSIONER KNICK: All in favor?

17 AYES RESPOND

18 COMMISSIONER KNICK: Opposed?

19 Ayes have it, eight to zero.

20 ATTORNEY BECHTEL: The next item is
21 an informational item concerning the purchase of
22 property at auction. Subject to certain limitations
23 58 Pa. Code Section 135.241 authorizes the director
24 to bid on real estate, oil, gas or mineral rights at
25 auction or tax sale and to request down payment

1 checks to bid on property at auction. Successful
2 bids must be made known to the general public at the
3 next regularly scheduled meeting of the Board of
4 Commissioners.

5 This is known as Contract Number
6 L-3752, State Game Land Number 293 in Cameron
7 County.

8 On October 9th, 2019, Executive
9 Director Bryan Burhans notified the Board of
10 Commissioners of the pending public auction sale
11 date of October 17, 2019, and the urgent need to
12 react to the sale of the 66 more/less acre Charles
13 S. Novosel property adjoining and providing critical
14 access to State Game Land Number 293. On October 17,
15 2019, the Game Commission was the successful bidder
16 on the Novosel property offered for sale at a public
17 auction ordered by the United States Bankruptcy
18 Court for the Western District of Pennsylvania and
19 held in Bankruptcy Courtroom, U.S. Courthouse, Erie,
20 PA. The property is located in Shippen Township,
21 Cameron County and is adjacent to State Game Land
22 Number 293, as shown on Exhibit RED 11, on page 55
23 of your agenda. The property was acquired with the
24 successful bid of \$85,000. The lump-sum amount was
25 paid with funds from third-party commitments for

1 compensation of habitat and recreational losses
2 which occurred on State Game Lands from previously
3 approved projects. Reed Hollow Road bisects the
4 property running diagonally from northwest to
5 southeast providing access through the property to
6 an inaccessible 1,000-acre portion of existing State
7 Game Land Number 293. Access is from SR 4002,
8 Beechwood Road, where it intersects with Reed Hollow
9 Road.

10 This is an informational item only;
11 therefore, no action is required.

12 ATTORNEY BECHTEL: The next item
13 concerns oil/gas and minerals in a non-coal surface
14 mining agreement and land exchange, Tract 79A-20,
15 State Game Land Number 79 on Cambria County.

16 New Enterprise Stone & Lime Company,
17 Inc. of New Enterprise, Pennsylvania has requested a
18 25-year Agreement and a 233.1-acre expansion of its
19 existing 169-acre operation on State Game Lands
20 Number 79. The Commission owns the stone on the
21 proposed mining areas. The proposal entails surface
22 mining and reclamation operations on the Kittanning
23 and Clarion sandstones as well as removal of any
24 coal incidental to the stone operation on four areas
25 of SGL Number 79, as shown Exhibit 1 OGM, on page 57

1 of your agenda. New Enterprise will relocate the
2 stone crushing and processing plant operation from
3 the state game lands to private lands. Concurrent
4 reclamation will begin once mining is completed on
5 the existing permitted area and the 21.9 acres, and
6 no more than 82 acres will be utilized for mining
7 operations at any given time. As compensation to the
8 Commission, New Enterprise will pay a royalty rate
9 of \$.25 cents per ton of stone, which is an increase
10 from the current \$.18 cents per ton. A yearly cost
11 of living increase will also be applied to the
12 royalty rate to ensure a consistent revenue stream
13 to the Commission.

14 The reclamation plan will be
15 developed in coordination with the Commission's
16 Harrisburg and regional land management staff. The
17 nature of the operation and availability of more
18 than 50 percent of the volume of rock removed from
19 the pit for reclamation provides flexibility in
20 developing the reclamation plan to encompass
21 wetlands, shallow ponds and impoundments, gentle
22 slopes, grasslands and/or forested areas.

23 As additional compensation and to
24 offset the temporary habitat loss and recreational
25 use of the State Game Land, New Enterprise will

1 convey three separate tracts of land totaling
2 approximately 1,620 acres to the Commission. The
3 Judy Hollow property consists of approximately 1,370
4 acres in Broad Top Township, Bedford County and is
5 near both State Game Land Number 261 and 73, as
6 shown on Exhibit OGM 2 on page 58 of your agenda.

7 The 106-acre Union Furnace Tract is
8 located in Warriors Mark Township, Huntingdon County
9 and is adjacent to State Game Land Number 131, as
10 shown on Exhibit OGM 3 on page 89 of your agenda.
11 The Strides Mill property consists of 144 acres and
12 is located adjacent to State Game Land Number 113 in
13 Granville and Oliver Townships, Mifflin County, as
14 shown on Exhibit OGM 4 on page 60 of your agenda.
15 Mining will be regulated by the Commonwealth's
16 Mining Regulations and the Commission's Surface
17 Mining Agreement.

18 PRESIDENT LAYTON: Do we have a
19 motion to accept? Is there a motion to accept?

20 Hearing none, this fails by lack of a
21 motion.

22 ATTORNEY BECHTEL: Mr. President,
23 that completes the written portion of the agenda.

24 PRESIDENT LAYTON: Thank you, Mr.
25 Bechtel. So the next issue that we need to talk

1 about is the next Commission Meeting, which is
2 scheduled for April 3rd and 4th, 2020, in
3 Harrisburg. It's been brought to our attention that
4 that is the opening day of trout season in the
5 southeast. So I'm asking the Commissioners if they
6 would be acceptable to going back for this meeting,
7 to the Monday, Tuesday meetings, which would be
8 then, what, the 6th and 7th of April?

9 Is there any comment, any concern
10 about that? No? Are we good with it? Is the staff
11 - we can make those changes?

12 Okay.

13 So we will change those dates to -
14 what did I say, April 6th and 7th?

15 COMMISSIONER KNICK: Yes.

16 PRESIDENT LAYTON: So the next
17 meeting will be April 6 and 7 here in Harrisburg.
18 At this time, I'd like to open up the floor to any
19 new business. Do we have any new business?

20 COMMISSIONER FREDERICKS: Mr.
21 President, I have a couple items under new business
22 that I'd like to bring up. Quite often we get
23 accused by the public of not hearing what people
24 have to say. In the case of extensive testimony
25 today from the public, we've heard several comments

1 from the archery community about the possible
2 extension of archery deer season up until the first
3 day of bear season.

4 And also we also heard from a
5 Houndsmen Association that is interested in hunting
6 of raccoons with hounds. I would - I would like to
7 ask staff to evaluate both of these items thoroughly
8 both biologically and socially and report back to us
9 on the possibility of implementing both of these
10 things.

11 MR. SCHNUPP: We'd be happy to do
12 that. We appreciated the comments that came in
13 today and the folks that showed up. So we'd be
14 happy to investigate further.

15 COMMISSIONER FREDERICKS: Thank you,
16 Matthew.

17 PRESIDENT LAYTON: Thank you. Any
18 other? We good with that?

19 COMMISSIONER FREDERICKS: I'm good.

20 PRESIDENT LAYTON: All right.

21 Any other new business? So at this
22 time, I'm going to turn the chair over to
23 Commissioner Fredericks, and we will hold elections
24 for the 2020 year.

25 COMMISSIONER FREDERICKS: Thank you,

1 Mr. President.

2 President Layton asked me to chair
3 the nominating committee for this year for a new
4 slate of officers. And after pooling the entire
5 Board for interests that anybody might have in the
6 seats, I've come up with the following
7 recommendation for the chairs for the year 2020, and
8 they are as follows.

9 Mr. Charlie Fox, as President. Mr.
10 Stanley Knick as Vice President and Dr. Mike Mitrick
11 as Secretary. So I move that that slate of officers
12 be accepted for the year 2020.

13 COMMISSIONER FORADORA: Second.

14 PRESIDENT LAYTON: Call for comment.

15 COMMISSIONER FREDERICKS: Comment?

16 Any further nominations?

17 I have a motion and a second. All
18 those in favor?

19 AYES RESPOND

20 COMMISSIONER FREDERICKS: Opposed?

21 We have a new slate of officers.
22 Congratulations to the new officers. And I'd like
23 to thank President Layton for his outstanding
24 leadership over the last couple of years. I don't
25 think anybody can deny some of the progress that's

1 been made by this board over the last couple of
2 years.

3 And quite frankly, a lot of - you
4 know, I've been around this game a long time. And I
5 told the Commissioners in private, and I'll say it
6 again in public, some of the decisions made last
7 year took a lot of courage from folks sitting up
8 here, especially issues like the Saturday opener.

9 And we've got some very difficult
10 issues coming up in the near future. They're also
11 going to also be very difficult for us to make and
12 it's going to take a lot of courage on behalf of
13 each and every one of us, and we've made it through,
14 as far as I'm concerned with shining colors thanks
15 to the leadership of our - our current chairs.
16 Thank you all very much, especially President
17 Layton. Thank you.

18 PRESIDENT LAYTON: Thank you.

19 MR. BURHANS: President Layton, as
20 your last act, I'd ask a few minutes on the floor?

21 PRESIDENT LAYTON: Sure. Go ahead.

22 MR. BURHANS: President Layton, I
23 speak for all the Board and the staff, thank you for
24 what you've done. And you know, oftentimes we
25 probably wonder what does the President do that's

1 different from any other board member?

2 Well, he's actually the luckiest
3 person on the Board, because he gets to talk to me
4 about once a day. But you know, I'm lucky, I've
5 been Director now for three years, and I was lucky -
6 I had a great president under Mr. Hoover, President
7 Hoover and now with President Layton, you know, I
8 just really appreciate everything you've done for
9 me.

10 You know, what does the President do.
11 Well, the President is really the one that sets the
12 meeting agendas and stuff for - we do kind of the
13 leg work on the backside, but he's the one that
14 really develops the agenda. He's the person that I
15 bounce the ideas. You know, as the Director, we
16 really rely on that president to bounce ideas and
17 give us a lot of support, because although we love
18 what we do, not every day is rainbows and unicorns,
19 as most people would think.

20 The President is one person you can
21 call on, and if you've got a good president, he's
22 there to support you and help you through some tough
23 times. And President Layton has always been there.

24 It's a tough job, though, I mean,
25 because it does take a lot of work and constant

1 communications to get things done.

2 I really appreciate how supportive
3 you've been to staff despite the fact that you have
4 a mean warden near your house that is constantly
5 harassing you. Yeah, we tried talking to his
6 supervisor, but it won't help. But you know, it's
7 been a great ride. You've worked your butt off, you
8 were always there. You answered every phone call.
9 And usually when I get in my truck and drove home, I
10 hit Tim's number and we call and we catch up to
11 what's going on.

12 A lot of things that come up last
13 minute where I can't call all eight Commissioners or
14 I'd spend all day on the phone. The president is
15 who I go to as director to say, hey, I think we got
16 to go this way, what do you think? I need a fast
17 decision on behalf of the Board. Because a lot of
18 the decisions we make really are Board decisions and
19 where we go with things.

20 So you've done a fantastic job. I've
21 worked with board of directors now for, I don't know
22 20, 25 years of my career, and I'll tell you, you've
23 done an amazing job, an amazing leader, and you
24 know, when you walk into the room, everybody smiles.
25 So it's a good time.

1 PRESIDENT LAYTON: I think they're
2 laughing.

3 MR. BURHANS: Well, as a token of the
4 appreciation of the Board of Directors and the
5 staff, Steve, if you'd come down, we want to present
6 to you this print. What do you got?

7 PRESIDENT LAYTON: It's a deer.

8 MR. BURHANS: Yeah, I ran out of
9 turkeys. I'm sorry. Get your photo, too.

10 PRESIDENT LAYTON: Thank you.

11 MR. BURHANS: Thank you.

12 PRESIDENT LAYTON: And so now I get
13 to say a couple things, -

14 MR. BURHANS: Yes, you do.

15 PRESIDENT LAYTON: - because I
16 appreciate this. I appreciate the comments. But
17 you can't be effective without a great board and we
18 have a great group of people. And with Kristen
19 coming on board, I'm excited about where everybody's
20 - where the Board is going.

21 We've got an outstanding Executive
22 Director. It's easy - you know, we did talk a lot,
23 but when times were tough - Bryan is not afraid to
24 make decisions. And the Bureaus that we have, the
25 regional directors - I'm telling you, the staff that

1 we've put together, that Bryan has put together, is
2 a class act. And I just want to thank all of you
3 for the work that you put in to make this job kind
4 of easy for me. And so thank you and good luck.

5 Congratulations to Charlie Fox.

6 This meeting is adjourned.

7 * * * * *

8 HEARING CONCLUDED AT 2:01 P.M.

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CERTIFICATE

22 I hereby certify that the foregoing proceeding
23 was reported by me on 01/25/2020 and that I, Evan
24 Bingaman, read this transcript, and that I attest
25 that this transcript is a true and accurate record of

1 the proceeding.

2

3 Dated the 19th day of February, 2020

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5

A handwritten signature in cursive script, appearing to read "Evan Bingaman", is written over a horizontal line.

6

Evan Bingaman,

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Court Reporter

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