

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

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PUBLIC MEETING

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BEFORE: MEMBERS OF THE BOARD:

CHARLES FOX, PRESIDENT

Stanley Knick, JR., Vice President

Michael Mitrick, Secretary

Kristen Schnepf-Giger, Commissioner

Dennis Fredericks, Commissioner

Scott Foradora, Commissioner

Tim Layton, Commissioner

Brian Hoover, Commissioner

Bryan Burhans, Executive Director

HEARING: Tuesday, April 7, 2020 11:10 a.m.

LOCATION: Pennsylvania Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110

(Meeting held via Webex due to Coronavirus safety protocols)

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

CHRISTOPHER ROSENBERRY, Game Commission Deer and Elk

Section Supervisor

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DISCUSSION AMONG PARTIES

4 - 68

P R O C E E D I N G S

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ATTORNEY BECHTEL: Good morning. My name is Brad Bechtel. I am Chief Counsel for the Pennsylvania Game Commission. Welcome to the Commission meeting. This is Tuesday, April 7th, 2020 at 11:00 a.m.

Mr. President, would you like to call to order?

PRESIDENT FOX: The meeting of Pennsylvania Game Commission will come to order. Mr. Secretary, will you call the roll please?

COMMISSIONER MITRICK: Okay.

This is Michael Mitrick, Secretary calling to roll. Charlie Fox?

PRESIDENT FOX: Present.

COMMISSIONER MITRICK: Stanley Knick? Commissioner Knick, are you there?

COMMISSIONER KNICK: Present.

COMMISSIONER MITRICK: Okay.

Michael Mitrick, present. Scott Foradora?

COMMISSIONER FORADORA: Here.

COMMISSIONER MITRICK: Dennis

1 Fredericks?

2 COMMISSIONER FREDERICKS: Here.

3 COMMISSIONER MITRICK: Brian Hoover?

4 COMMISSIONER HOOVER: Here.

5 COMMISSIONER MITRICK: Timothy Layton?

6 COMMISSIONER LAYTON: Here.

7 COMMISSIONER MITRICK: Kristen

8 Schnepf-Giger?

9 COMMISSIONER SCHNEPP-GIGER: Here.

10 COMMISSIONER MITRICK: I'd like to say
11 that all the Commissioners are here, present.

12 ATTORNEY BECHTEL: And Mr. President,
13 next would be approval of the minutes of the
14 Commission meeting held in January 25th, 2020.

15 PRESIDENT FOX: Do I hear a motion to
16 approve the minutes?

17 COMMISSIONER KNICK: I'll move.

18 COMMISSIONER FREDERICKS: Denny
19 Fredericks, second.

20 PRESIDENT FOX: Do we have a second?

21 COMMISSIONER FREDERICKS: Denny -
22 Denny Fredericks, second.

23 PRESIDENT FOX: All those in favor,
24 say aye.

25 AYES RESPOND

1 PRESIDENT FOX: Opposed?

2 The ayes have it.

3 ATTORNEY BECHTEL: So thank you. The
4 first item on the agenda today comes from the Bureau
5 of Wildlife Management. It concerns the adopted
6 rulemaking to amend 58 PA Code Section 139.4 relating
7 to seasons and bag limits to the license year to
8 provide updated seasons and bag limits for the 2020-
9 2021 license year. The 2020 through 2021 seasons and
10 bag limits have been amended to reflect current,
11 available, scientific data, population and harvest
12 records, field surveys and professional staff
13 observations as well as recommendations received from
14 staff, organized sporting groups, members of the
15 agricultural community and others interested in the
16 management of the wildlife resources of this
17 Commonwealth.

18 The text is shown on pages 3 through 9
19 of your agenda.

20 Mr. President, staff has also
21 identified four floor amendments. If the Commission
22 desires to consider them, I will identify which
23 pages. And if the Commission wishes, then Bureau
24 Director Schnupp can discuss those as we get to them
25 for your convenience, once there's been a motion and

1 second to go through this.

2 PRESIDENT FOX: Okay. All right.

3 ATTORNEY BECHTEL: Mr. President,
4 would you like a motion?

5 PRESIDENT FOX: I'd like a motion.

6 COMMISSIONER FREDERICKS: I - Denny
7 Fredericks, so moved.

8 PRESIDENT FOX: Do we have a second?

9 COMMISSIONER FORADORA: Scott
10 Foradora, second.

11 COMMISSIONER HOOVER: I make a second,
12 Brian Hoover.

13 PRESIDENT FOX: Good. All those in
14 favor.

15 ATTORNEY BECHTEL: Mr. President,
16 would the Commission like to proceed page by page?

17 PRESIDENT FOX: Yes.

18 ATTORNEY BECHTEL: Okay.

19 So Mr. President, first is page 3.
20 Mr. President, would you like to proceed to page 4?
21 Page 4 does have a floor amendment. Would the
22 Commission like Mr. Schnupp to speak to it?

23 PRESIDENT FOX: Yes.

24 MR. SCHNUPP: Okay.

25 Charlie, this is Matthew for the

1 Commissioners, Matthew Schnupp with the Pennsylvania
2 Game Commission Bureau Director for the Wildlife
3 Management Bureau.

4 So what you see there on page 4 is
5 basically a modification of our fall turkey harvest.
6 So based on input from the Board of Commissioners,
7 biologist and from valued partners that we have,
8 we're suggesting we remove the Thanksgiving season
9 from 1A, 2A, 4A, 4B, 4D, and 4E and change it to the
10 two week season. This would allow more access to the
11 Pennsylvania turkey hunters.

12 COMMISSIONER FREDERICKS: Denny
13 Fredericks, I move to accept the floor amendment.

14 COMMISSIONER HOOVER: I make a second,
15 Brian Hoover.

16 PRESIDENT FOX: All those in favor?

17 AYES RESPOND

18 PRESIDENT FOX: We're going to move
19 forward.

20 COMMISSIONER MITRICK: Motion passed.

21 ATTORNEY BECHTEL: So moving forward

22 Mr. President to page 5, if you want to call for
23 discussion.

24 PRESIDENT FOX: Any discussion? There
25 being none, move ahead.

1 ATTORNEY BECHTEL: And - and Mr.
2 President, moving to page 6 there are two floor
3 amendments proposed by staff on this page. I'll ask
4 Bureau Director Schnupp, can we address these one by
5 one Mr. Schnupp so that we can get the Motion and
6 know how they went through?

7 MR. SCHNUPP: You bet. So the first
8 one, 6.1, is a recommendation to extend the archery
9 season. So four Commissioners asked us to look more
10 into this. We provided supportive information on
11 this topic, but basically this boils down to a social
12 issue. And so what this first amendment does is
13 extend the archery season.

14 COMMISSIONER HOOVER: This is
15 Commissioner Hoover. I make a motion that we extend
16 the archery season to November 20th. That would
17 increase the week - one week from November 16th to
18 the 20th.

19 COMMISSIONER FREDERICKS: Denny
20 Fredericks, I second.

21 PRESIDENT FOX: All those in favor?

22 AYES RESPOND

23 PRESIDENT FOX: Opposed?

24 COMMISSIONER MITRICK: The motion
25 passes.

1 MR. SCHNUPP: Okay.

2 ATTORNEY BECHTEL: And Bureau Director
3 Schnupp, the second amendment?

4 MR. SCHNUPP: Okay.

5 So what we're doing here is this is,
6 comes back to the - the split firearm season. So
7 staff is suggesting that it's a statewide
8 implementation of a concurrent season is not the
9 case, and staff is suggesting three urban units. The
10 three urban units are traditionally concurrent 2B,
11 5C, and 5D continue to have some current season. In
12 addition, staff is recommending that 2D, 2C, 2E, 4A,
13 4B, 4D, and 5A have concurrent seasons in the - to
14 help aid the management of CWD in these areas.

15 In addition to that, we did not
16 include 5B, 4E, 2F even though these units do have
17 CWD management DMAs extending into them. The 5B unit
18 was - was caused by two game farms that we're
19 currently depopulating. And the 2F and 4E were just
20 small parcels of areas that have the DMAs go into
21 that. So staff did not make that suggestion. It
22 would be up to the Board to include those.

23 PRESIDENT FOX: Any discussion?

24 COMMISSIONER HOOVER: I make a - I make
25 a motion that we accept the amendment.

1 COMMISSIONER KNICK: Commissioner
2 Knick, I second that.

3 PRESIDENT FOX: All in favor?

4 COMMISSIONER LAYTON: Could we have
5 discussion?

6 PRESIDENT FOX: Yes we do.

7 COMMISSIONER LAYTON: Let's have
8 discussion real quick if we can.

9 So initially - Mr. President, this is
10 Commissioner Layton. Initially we had asked the
11 staff, and we had proposed a two week in the
12 statewide. We have gotten enough feedback from our
13 hunter population to find out that the hunters were
14 not completely in favor of this. There was
15 misinformation I think that was out there.

16 And - and so I think because of the
17 CWD issues in those units, if we did go two weeks
18 it's important for us to have those two weeks so that
19 we can control the deer populations there. Give
20 hunters more opportunity to harvest deer there. But
21 I also think it's important that we listen to what
22 the hunters are saying in this situation, and we give
23 some information out so that in the future we might
24 be able to look at this option again.

25 PRESIDENT FOX: Any further

1 discussion?

2 COMMISSIONER HOOVER: This is
3 Commissioner Hoover. This is Commissioner Hoover. I
4 agree with Commissioner Layton.

5 I did really think that we should take
6 a look at creating a DMA season that would've gone
7 concurrent. I did not want to include all of the
8 WMUs that were - that had small portions of it, and
9 I'm glad that they did remove some of those. But we
10 still have ones that have considerable open area
11 without being in the DMA, and I hope in the future
12 that we take a look at that.

13 PRESIDENT FOX: Any further
14 discussion?

15 COMMISSIONER FREDERICKS: President
16 Fox, this is Denny - Denny Fredericks. Just to
17 reiterate, if I heard Mr. Schnupp correctly, that we
18 - we will be accepting the 14-day concurrent
19 antlerless allocation in these units. And the - and
20 the allocation, 14-day concurrent allocations are
21 significantly lower than the seven day concurrent
22 allocations. You know, like Commissioner Layton
23 said, it'll give hunters more opportunity. Am I
24 correct?

25 PRESIDENT FOX: Any further

1 discussion?

2 COMMISSIONER HOOVER: Commissioner
3 Hoover again. It's Commission Hoover again. As far
4 as giving hunters more opportunity, I think we're
5 taking away opportunity and we're reducing
6 allocations in those units considerably to go to the
7 14 day. So there are going to be hunters out there
8 that are going to complain that they did not get the
9 opportunity to get their doe allocation or doe
10 license. So I just want everyone to be aware that
11 that's what's going to occur.

12 PRESIDENT FOX: Any further
13 discussion?

14 All those in favor?

15 AYES RESPOND

16 PRESIDENT FOX: Opposed?

17 COMMISSIONER SCHNEPP-GIGER: Aye.

18 ATTORNEY BECHTEL: All right.

19 If the Commission pleases, we'll move
20 to page 7. There's also a floor amendment on page 7
21 that came from staff. Mr. Schnupp, if you would want
22 to explain that?

23 MR. SCHNUPP: Yeah, you bet. This one
24 is general housekeeping. What we did here is given
25 that the Sunday hunting for deer only was popped up,

1 what we didn't want to do is confuse our hunters by
2 saying that bear opener was on a Saturday, closed on
3 a Sunday and back open on a Monday. So the
4 recommendation from staff was to clarify that
5 regulation, just open bear season on a Monday so they
6 would, they would still be able to hunt that
7 following two Saturdays.

8 So it was a general housekeeping
9 amendment.

10 COMMISSIONER LAYTON: It's
11 Commissioner Layton. A motion to approve

12 COMMISSIONER FREDERICKS: Commissioner
13 Fredericks, second.

14 PRESIDENT FOX: Any discussion?
15 All those in favor?

16 AYES RESPOND

17 PRESIDENT FOX: Opposed?

18 COMMISSIONER MITRICK: Motion carries.

19 ATTORNEY BECHTEL: So if the
20 Commission pleases, we would move to page 8. Does
21 President desire discussion?

22 PRESIDENT FOX: Would you repeat that?

23 ATTORNEY BECHTEL: We would move to
24 page 8 if the President desires discussion.

25 PRESIDENT FOX: Any further

1 discussion?

2 ATTORNEY BECHTEL: In - in hearing
3 none, we would move to page 9 if you would want
4 discussion.

5 And at this point Mr. President, I
6 would return it back to you for discussion and
7 approval as amended of the seasons and bag limits.

8 COMMISSIONER HOOVER: This is
9 Commissioner Hoover. I make a motion that we approve
10 the amended seasons and bag limits.

11 COMMISSIONER FORADORA: Scott
12 Foradora, second.

13 PRESIDENT FOX: All those in favor,
14 say aye.

15 AYES RESPOND

16 PRESIDENT FOX: Any opposed?

17 ATTORNEY BECHTEL: All right.

18 So the next item to come before the
19 Commission is on page 10 of your agenda. It concerns
20 adopted rulemaking to amend 58 PA Code Section 141.62
21 to increase the number of authorized body-gripping
22 traps to 20 in any WMU where beaver bag limits are 60
23 per season. Beaver trappers will still be limited to
24 using no more than five traps or snares, no more than
25 two of which may be body-gripping traps in any WMU

1 with an open otter trapping season during periods
2 when the open beaver trapping season overlaps by
3 calendar dates with the open otter trapping season.

4 The text of this is shown on page 11
5 of your agenda.

6 PRESIDENT FOX: Okay.

7 Do we have any discussion?

8 ATTORNEY BECHTEL: Mr. President, we
9 need a motion -.

10 PRESIDENT FOX: Do have a motion?

11 COMMISSIONER HOOVER: I'll make the
12 motion, Hoover.

13 COMMISSIONER FREDERICKS: Commissioner
14 Fredericks, second.

15 COMMISSIONER KNICK: Commissioner
16 Knick, second.

17 PRESIDENT FOX: We have a motion and a
18 second. Any discussion?

19 COMMISSIONER LAYTON: Yes. Dr.
20 Schnupp, could you like just touch base with this a
21 little bit? Tell us how we came to this change in the
22 regulation.

23 MR. SCHNUPP: Yeah, sure Tim, I can
24 provide some but I think that Jason DeCoskey, our
25 Bureau Director of Wildlife Protection probably would

1 be able to find a little more, better detail than I
2 would.

3 Jason, would you mind taking this one?

4 MR. DECOSKEY: No, no. Not at all.

5 It's not a problem at all.

6 Basically, we're looking at trying to
7 handle some of the issues that our officers are
8 facing up in the northwest region as it deals with
9 the overpopulation of beaver and the destructive
10 nature that they bring towards the land owners up in
11 the, in those wildlife management units. We're
12 looking at the effective tool of using trappers
13 versus having our officers have to come in there and
14 take a resource that otherwise could be used by our
15 trappers.

16 COMMISSIONER LAYTON: All right.

17 Thanks, Jason.

18 PRESIDENT FOX: Any further
19 discussion?

20 We have a motion and a second. All
21 those in favor?

22 AYES RESPOND

23 COMMISSIONER MITRICK: Motion passes.

24 A motion on -.

25 TYLER HOCK: Brad - Brad, let me jump

1 in one second. Your mic was on mute. Could you
2 please start over? That last section.

3 ATTORNEY BECHTEL: Surely. The next
4 section is on page 12, Bureau of Wildlife Protection
5 for adopted rulemaking to amend 58 PA Code Section
6 141.4 to replace the current hunting hours table and
7 migratory bird hunting hours table to accurately
8 reflect the date and hours of legal hunting for the
9 2020 through 2021 hunting trapping license year.

10 The text is shown on pages 13 through
11 15 of your agenda.

12 Mr. President, would you like a
13 motion?

14 PRESIDENT FOX: I will take a motion.

15 COMMISSIONER FREDERICKS: So moved,
16 Denny Fredericks.

17 COMMISSIONER KNICK: Commissioner
18 Knick, so moved.

19 COMMISSIONER MITRICK: Commissioner
20 Mitrick, second.

21 PRESIDENT FOX: We have a motion and a
22 second.

23 COMMISSIONER MITRICK: Commissioner
24 Mitrick, second.

25 PRESIDENT FOX: All those in favor say

1 AYE.

2 AYES RESPOND

3 PRESIDENT FOX: Opposed?

4 COMMISSIONER MITRICK: Motion carries.

5 ATTORNEY BECHTEL: So the next item
6 before the Commission is on page 16 of your agenda.
7 It concerns adopted rulemaking to amend 58 PA Code
8 Section 141.29 to eliminate the September 15th crop
9 or feed manipulation cutoff date for managed dove
10 fields.

11 The text is shown on page 17 of your
12 agenda.

13 Mr. President, would you entertain a
14 motion?

15 PRESIDENT FOX: Yes. Do we have a
16 motion?

17 COMMISSIONER FREDERICKS: Commissioner
18 Fredericks - Commissioner Fredericks, so moved.

19 PRESIDENT FOX: Is there a second?

20 COMMISSIONER MITRICK: Commissioner
21 Mitrick, second.

22 PRESIDENT FOX: Discussion?

23 All those in favor, say AYE.

24 AYES RESPOND

25 PRESIDENT FOX: Opposed?

1 COMMISSIONER MITRICK: Motion carries.

2 ATTORNEY BECHTEL: And the -

3 Commissioners, the next item is on page 18 of your
4 agenda concerning adopted rulemaking to amend 58 PA
5 Code Section 141.41 to eliminate the requirement that
6 hunters lawfully tag each successive deer that they
7 have hunted before lawfully harvesting a subsequent
8 deer within their season limit.

9 The text is shown on page 19 of your
10 agenda.

11 Would the President like to entertain
12 a motion?

13 PRESIDENT FOX: Do we have a motion?

14 COMMISSIONER FREDERICKS: Commissioner
15 Fredericks, so moved.

16 PRESIDENT FOX: Do we have a second?

17 COMMISSIONER KNICK: Commissioner
18 Knick, second.

19 PRESIDENT FOX: All those in favor say
20 AYE.

21 COMMISSIONER MITRICK: No, how about
22 discussion?

23 AYES RESPOND

24 COMMISSIONER MITRICK: Wait. There
25 was no discussion.

1 PRESIDENT FOX: Do we have discussion?

2 COMMISSIONER MITRICK: Yeah. This is
3 Commissioner Mitrick. I think it's a bad idea to
4 require that - not require, that you tag your deer
5 after you shoot one. I really do not like the idea
6 of being able to shoot multiple deer. We've had a
7 lot of negative comments about that.

8 I just think it's absolutely the wrong
9 thing to do. I just think it'll result in a lot of
10 careless shooting, and deer will be shot, won't be
11 found. I just - I really don't like it. And I think
12 most of our responsible hunters don't like it.

13 PRESIDENT FOX: Any other discussion?

14 COMMISSIONER HOOVER: I'm going to go
15 on record in saying that, this is Commissioner
16 Hoover, that this has been in effect in the special
17 regulation area for years. Typically, this doesn't
18 occur. I don't know where Commissioner Mitrick is
19 getting his information about people shooting deer
20 and not recovering them or going I think that's a
21 scare tactic for this, and I believe that it's -.

22 COMMISSIONER FREDERICKS: This is
23 Commissioner Fredericks. I also, in my area, have a
24 special regulation area that this has been in effect
25 for quite some time, and I'm not aware of any issues

1 to that effect involving the area in and around the
2 Pittsburgh area.

3 PRESIDENT FOX: Mr. Secretary, would
4 you do a roll call vote?

5 COMMISSIONER MITRICK: We'll call for
6 the vote.

7 PRESIDENT FOX: Mr. Secretary, will
8 you do a roll call vote?

9 COMMISSIONER MITRICK: Well - all
10 right. Sure. We can have a roll call vote.

11 All right.

12 Charlie Fox?

13 PRESIDENT FOX: No.

14 COMMISSIONER MITRICK: No, okay.
15 Stanley Knick?

16 COMMISSIONER KNICK: Yes.

17 COMMISSIONER MITRICK: Michael
18 Mitrick, no. I think it gives the wrong idea - wrong
19 impression to everybody that we're out -.

20 COMMISSIONER LAYTON: Not time for
21 discussion. Point of order. Point of order.

22 COMMISSIONER MITRICK: Okay.

23 Scott Foradora?

24 COMMISSIONER FORADORA: Yes.

25 COMMISSIONER MITRICK: Dennis

1 Fredericks?

2 COMMISSIONER FREDERICKS: Yes.

3 COMMISSIONER MITRICK: Brian Hoover?

4 COMMISSIONER HOOVER: Yes.

5 COMMISSIONER MITRICK: Timothy Layton?

6 COMMISSIONER LAYTON: Yes.

7 COMMISSIONER MITRICK: Kristen

8 Schnepf-Giger?

9 COMMISSIONER SCHNEPP-GIGER: Yes.

10 COMMISSIONER MITRICK: Motion carries,

11 6-to-2.

12 ATTORNEY BECHTEL: So the next item
13 before the Commission is on page 20 of your agenda
14 which concerns adopted rulemaking to amend 58 PA Code
15 Section 147.674 to increase the number of DMAP
16 harvest permits that a person may receive for each
17 DMAP unit or area from two to four, except for those
18 DMAP areas designated by the Commission that will
19 remain at a maximum of two harvest permits per
20 person. The Commission intends to designate DMAP
21 units within large land areas that are sold over the
22 counter and without coupons as the units that will
23 remain at a maximum of two harvest permits per
24 person. This includes state game lands and state
25 forest lands and certain large tracts of private

1 lands.

2 The text is shown on page 21 of your
3 agenda.

4 Does the President wish to entertain a
5 motion?

6 PRESIDENT FOX: Do we have a motion?

7 COMMISSIONER FREDERICKS: Commissioner
8 Fredericks, so moved.

9 PRESIDENT FOX: Do we have a second?

10 COMMISSIONER FORADORA: Commissioner
11 Foradora, second.

12 PRESIDENT FOX: Do we have discussion?

13 COMMISSIONER HOOVER: So the question
14 has been brought up by quite a few people that they
15 were concerned about those DMAP tags that are being
16 sold over the counter. And I - and I think that it's
17 addressed here and those larger DMAP areas are going
18 to remain at two permits per person, and I think that
19 will solve a lot of problems. This will lean more
20 towards the small farmer that has individual hunting
21 on his farm. They're currently limited to two, but
22 would be able to gain four at this point.

23 PRESIDENT FOX: Any further
24 discussion?

25 MR. SCHNUPP: Mr. President, this is

1 Matthew Schnupp if I may jump in here one quick
2 second as well? Just to clarify, DMAP does not apply
3 to state forests in - in some of the other larger
4 areas. So I just wanted to clarify that too and
5 support what Brian's saying. So just thought I'd
6 mention that.

7 Thank you.

8 PRESIDENT FOX: Thank you.

9 We have a motion and a second. All
10 those in favor, say aye.

11 AYES RESPOND

12 PRESIDENT FOX: Opposed?

13 ATTORNEY BECHTEL: So the next item
14 before the Commission is on page 22 of your agenda.
15 It concerns adopted rulemaking to amend 58 PA Code
16 Section 147.804 to one, combine the species
17 eligibility list for mentored youth and mentored
18 adults to one list. Two, to issue all applicable
19 harvest tags to mentored adults and mentored youth
20 seven years of age or older in a manner consistent
21 with the purchase of a hunting license. Three,
22 expand the ability for certain mentored hunter age
23 classes to make direct application for antlerless
24 deer licenses and Deer Management Assistance Program,
25 or DMAP, harvest permits for mentored adults and

1 mentored youths seven years of age or older. And
2 four, expand the ability for all mentored hunter age
3 classes to make direct application for migratory bird
4 licenses and pheasant permits within the eligibility
5 standards and limitations of these programs.

6 The text is shown on pages 23 through
7 24 of your agenda.

8 Mr. President, would you like a
9 motion?

10 PRESIDENT FOX: Do we have a motion?

11 COMMISSIONER KNICK: Commissioner
12 Knick, so moved.

13 COMMISSIONER FREDERICKS: Commissioner
14 Fredericks -.

15 PRESIDENT FOX: Do we have a second?

16 COMMISSIONER FREDERICKS: Commissioner
17 Fredericks, second.

18 PRESIDENT FOX: Discussion?

19 COMMISSIONER HOOVER: This is
20 Commissioner Hoover. Does this amendment allow
21 mentored adult or mentored youth to purchase the add-
22 on tags as well or no?

23 MR. DECOSKEY: I believe they would
24 have to purchase them later. This is Jason DeCoskey
25 with the Bureau of Wildlife Protection.

1 PRESIDENT FOX: Any other discussion?
2 All those in favor?

3 AYES RESPOND

4 PRESIDENT FOX: Opposed?

5 COMMISSIONER MITRICK: Motion carries.

6 ATTORNEY BECHTEL: The next item
7 before the Commission is on page 26 of your agenda.
8 It concerns adopted rulemaking to amend 58 PA Code
9 Section 135.53 to expand ATV eligibility for use of
10 mobility devices by including ATVs registered with
11 the Department of Transportation as neighborhood
12 electric vehicle to properly display the valid
13 registration plates and the required 25 mile per hour
14 vehicle decal.

15 The text is shown on page 27 of your
16 agenda.

17 Mr. President, would you like a
18 motion?

19 PRESIDENT FOX: Do we have a motion?

20 COMMISSIONER LAYTON: Commissioner
21 Layton, so moved.

22 PRESIDENT FOX: Do we have a second?

23 COMMISSIONER HOOVER: This is
24 Commissioner Hoover, second.

25 PRESIDENT FOX: Do we have a second?

1 COMMISSIONER HOOVER: Commissioner
2 Hoover, second.

3 PRESIDENT FOX: Discussion?

4 We have a motion and a second. All
5 those in favor, say aye.

6 AYES RESPOND

7 COMMISSIONER MITRICK: Motion carries.

8 ATTORNEY BECHTEL: The next item
9 before the Commission is on page 28 of your agenda.
10 It concerns adopted rulemaking to amend 58 PA Code
11 Section 141.43, 141.44, and 141.47 to expand the list
12 of lawful devices authorized for applicable deer,
13 bear, and elk seasons during periods of overlap. The
14 Commission also proposed to amend Section 141.47 to
15 provide specific arms and ammunition listing for the
16 archery elk season and the elk seasons established
17 for the special conservation license and the special
18 license established under 34 Pa.C.S. Section 2706.2
19 relating to elk hunting licenses.

20 The text is shown on pages 29 through
21 34 of your agenda.

22 There is a floor amendment for your
23 consideration if you would like to hear from Bureau
24 Director DeCoskey after this would be motioned and
25 brought up for consideration.

1 Mr. President, would you like a
2 motion?

3 PRESIDENT FOX: Are we moving the
4 amendment?

5 ATTORNEY BECHTEL: No sir. Just the -
6 just on the adopted rulemaking.

7 COMMISSIONER FREDERICKS: Commissioner
8 Fredericks. For purposes of discussion, I move to
9 accept.

10 COMMISSIONER HOOVER: Commissioner
11 Hoover, I second.

12 PRESIDENT FOX: Any discussion?

13 COMMISSIONER FREDERICKS: Yeah we'd
14 like to hear from - hear what the floor amendment is.

15 ATTORNEY BECHTEL: Bureau Director
16 DeCoskey, are you able to speak to that floor
17 amendment?

18 MR. DECOSKEY: Yes I am. The floor
19 amendment returns to put flintlock season back to
20 flintlock muzzleloaders only and not bows or
21 crossbows. This is intended to eliminate any
22 confusion on allowances given that there is an
23 overlapping archery season at the same time. In
24 particular, this was an issue of using a buck tag on
25 a doe which is allowed for the flintlock season, but

1 not the archery season.

2 PRESIDENT FOX: Any further
3 discussion?

4 COMMISSIONER HOOVER: This is
5 Commissioner Hoover. Could you please explain that
6 again?

7 MR. DECOSKEY: Yes. Basically, the -
8 that late flintlock season, flintlock holder - a
9 flintlock hunter who has an unused back tag, a buck
10 tag typically, can use that for a buck or a doe
11 during that season. The traditional archery hunter
12 cannot do the same.

13 We're trying to fix the confusion that
14 was created by the proposed language, therefore
15 returning it back to the same way it used to be where
16 a flintlock hunter who has an unused back tag can use
17 that for a buck or doe.

18 COMMISSIONER FREDERICKS: This is
19 Commissioner Fredericks. I'd like to hear from Dr.
20 Schnupp about that, or - and - and or Chris
21 Rosenberry. Basically, I'm - I'm sure it's a minute
22 number, but basically that's an antlerless harvest
23 that's out of - out of - out of the data set. So I
24 don't - I don't - I mean I don't know if - if Dr.
25 Schnupp and Chris Rosenberry see that as a problem or

1 not. I'd like to hear what they have to say.

2 MR. SCHNUPP: Sure, Denny. Thanks for
3 that. I'll - I'll kind of let - let you know what we
4 think is - is that it's basically, you know, like
5 Jason said, it reestablishes the status quo that
6 archery hunters need an antlerless license and - and
7 there's flintlock guys. The flintlock season is so
8 unique as it is that just maintaining the regulation
9 for those guys makes it a little easier and a little
10 cleaner, and - and I'm a proponent of that. And so I
11 think that's what it does.

12 And so I, Chris you're more than
13 welcome to - to provide more information if you'd
14 like to as well.

15 COMMISSIONER HOOVER: This - this -
16 this is Commissioner Hoover again. This does not
17 restrict archers from hunting during the muzzleloader
18 season because we do have an - an overlap there. We
19 have two seasons in progress.

20 Correct?

21 MR. DECOSKEY: Commissioner Hoover -.

22 MR. SCHNUPP: That is correct. You
23 would -.

24 MR. DECOSKEY: I'm sorry, Dr. Schnupp.
25 Go ahead.

1 MR. SCHNUPP: No, go ahead Jason.

2 MR. DECOSKEY: I was - I was just
3 going to say Commissioner Hoover, you're correct.
4 There are two seasons going on, but this is more to
5 clarify that those - those individuals who are muzzle
6 - are a flintlock muzzle hunting are using a
7 flintlock to harvest their deer versus those who are
8 archery hunting are using bows or crossbows to
9 harvest their deer.

10 COMMISSIONER HOOVER: Thank you for
11 the clarification. I just wanted to make sure
12 everyone understood that.

13 PRESIDENT FOX: Any further
14 discussion?

15 We have a motion and a second. All
16 those in favor, say aye.

17 AYES RESPOND

18 COMMISSIONER MITRICK: Mr. President,
19 I - we haven't moved -.

20 COMMISSIONER FREDERICKS: Commissioner
21 - this is Commissioner Fredericks. I move to accept
22 the floor amendment.

23 PRESIDENT FOX: Okay.

24 COMMISSIONER KNICK: Commissioner
25 Knick. I second it.

1 PRESIDENT FOX: All those in favor,
2 say aye.

3 AYES RESPOND

4 PRESIDENT FOX: Opposed?

5 COMMISSIONER MITRICK: Motion - motion
6 carries.

7 ATTORNEY BECHTEL: And so Mr.
8 President, this would return back for a vote on the
9 adopted rulemaking as amended now.

10 PRESIDENT FOX: Do we have a motion?

11 COMMISSIONER HOOVER: This is
12 Commissioner Hoover. I make a motion -.

13 COMMISSIONER FREDERICKS: Commissioner
14 Fredericks, second.

15 PRESIDENT FOX: All those in favor say
16 aye.

17 AYES RESPOND

18 PRESIDENT FOX: Opposed?

19 Okay.

20 COMMISSIONER MITRICK: Motion carries.

21 ATTORNEY BECHTEL: So the next - so
22 the next item before the Commission is on page 35 of
23 this agenda. This concerns adopted rulemaking to
24 amend 58 PA Code Sections 147.907 to 147.905 and to
25 create 58 PA Code Section 147.904.1 to restructure

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

8 The text is shown on pages 36 through
9 38 of your agenda.

10 Mr. President, would you entertain a
11 motion?

12 PRESIDENT FOX: Do we have a motion?

13 COMMISSIONER KNICK: Commissioner
14 Knick, so moved.

15 COMMISSIONER HOOVER: Commissioner
16 Hoover, second.

17 PRESIDENT FOX: Discussion?

18 Hearing no discussion, all those in
19 favor say aye.

20 AYES RESPOND

21 PRESIDENT FOX: Opposed?

22 COMMISSIONER MITRICK: Motion carries.

23 ATTORNEY BECHTEL: And the next item
24 is on page 39 of your agenda. It concerns proposed
25 rulemaking to amend 58 PA Code Section 131.2.

1 As the nature of its name implies, a
2 muzzleloading firearm is by definition a firearm
3 designed to have its loose ammunition components
4 loaded from the muzzle. In this instance, the
5 ammunition components refer to the combination of the
6 loose or pelletized black powder or black powder
7 substitute and the projectile or projectiles. Recent
8 developments in the firearms industry have generated
9 muzzleloading firearms that can accommodate the
10 loading of a captured power charge similar to a
11 cartridge, casing, or shell that is loaded from the
12 breech with the projectile or projectiles remaining
13 to be loaded from the muzzle.

14 Current regulations specifically
15 prohibit muzzleloaders that accept cartridge
16 ammunition. However, this restriction was originally
17 intended to restrict modern firearms that are loaded
18 by cartridge or casing that contain both the powder
19 and the projectile. The Commission does intend or
20 desire for this restriction to apply to the above
21 described muzzleloaders.

22 The Commission is proposing to amend
23 Section 131.2 relating to definitions to provide
24 clarity that muzzleloading firearms that allow a
25 cartridge of loose or pelletized black powder or

1 black powder substitute to be loaded from the breech
2 while the projectile remains loaded from the muzzle
3 are lawful for use as a muzzleloading firearm.

4 The text is shown on page 39 of your
5 agenda.

6 Mr. President, would you entertain a
7 motion?

8 PRESIDENT FOX: Do I have a motion?

9 COMMISSIONER HOOVER: Commissioner
10 Hoover, so moved.

11 PRESIDENT FOX: Second?

12 COMMISSIONER LAYTON: Commissioner
13 Layton, second.

14 PRESIDENT FOX: Discussion?

15 I have - I guess my - my concern is
16 this is going to be one specific manufacturer. Is
17 that - now there may be other manufactures that come
18 on board at a later time, but we're getting awful
19 close, when I see that term cartridge in there, I
20 have concern that we've already had some folks out
21 there who have been asking about straight walled
22 cartridge. About the only difference that I see is
23 that the bullet comes down from the barrel - from the
24 muzzle as opposed to coming in from the breech. But
25 we're - we're - we're getting right there to

1 splitting hairs on this one.

2 Anyone else have discussion?

3 COMMISSIONER FREDERICKS: I agree with
4 you, Charlie. This is Commissioner Fredericks.
5 We're getting away from, you know, the - the - the
6 theory of muzzleloaders. You know, we - we - we
7 require that they be manufactured before the year
8 1800. Now we're going to load the powder in the
9 breach. And I just think it takes away from that,
10 those folks that appreciate that season to be able to
11 hunt with those - those older firearms. So I would
12 not -.

13 COMMISSIONER FORADORA: Charlie, this
14 is Scott Foradora. I agree with you.

15 COMMISSIONER MITRICK: I also do,
16 Commissioner Mitrick.

17 PRESIDENT FOX: Okay.

18 We have a motion on the floor. We
19 have a second. Those in favor, say aye. Wait - wait
20 a second.

21 COMMISSIONER LAYTON: Wait, wait,
22 wait. Commissioner Mitrick's trying to say
23 something.

24 COMMISSIONER MITRICK: I said I - I
25 agree with Charlie.

1 COMMISSIONER LAYTON: So - so what is
2 the recommendation? This is Commissioner Layton.
3 What is the recommendation? I - I'm not an avid
4 muzzleloader hunter, so the, you guys that are,
5 Charlie I respect you in this - in this regard, give
6 me a recommendation.

7 PRESIDENT FOX: I - I - I don't like
8 it, but - do we want to do a roll call vote with -?

9 COMMISSIONER MITRICK: You want a roll
10 call vote? Okay.

11 Charlie Fox?

12 PRESIDENT FOX: No.

13 COMMISSIONER MITRICK: Stanley Knick?

14 COMMISSIONER KNICK: No.

15 COMMISSIONER MITRICK: Michael

16 Mitrick, no. Scott Foradora?

17 COMMISSIONER FORADORA: No.

18 COMMISSIONER MITRICK: Dennis

19 Fredericks?

20 COMMISSIONER FREDERICKS: No.

21 COMMISSIONER MITRICK: Brian Hoover?

22 COMMISSIONER HOOVER: I'm going to say
23 yes only because it's here, and I - and I'm not a big
24 muzzleloader hunter myself. But I mean, we have to
25 take a look at what's coming on so.

1 COMMISSIONER MITRICK: Tim - Timothy
2 Layton?

3 COMMISSIONER LAYTON: No.

4 COMMISSIONER MITRICK: Kristen
5 Schnepf-Giger?

6 COMMISSIONER SCHNEPP-GIGER: No.

7 COMMISSIONER MITRICK: Motion does not
8 carry.

9 ATTORNEY BECHTEL: Before the
10 Commission for consideration from the Bureau of
11 Wildlife Habitat Management on page 40 of your agenda
12 is adopted rulemaking to amend 58 PA Code Sections
13 131.2, 135.2, and 135.41 to define and allow use of
14 Class I and Class II e-bikes on state game lands in
15 the same manner as traditional bicycles. It is
16 important to note that these amendments do not
17 eliminate current statutory restrictions prohibiting
18 the possession of loaded firearms in, on, or against
19 vehicles propelled by mechanical powder under section
20 2503 of the act.

21 The text of the rulemaking is shown on
22 pages 41 through 42 of your agenda.

23 Mr. President, would you entertain a
24 motion?

25 PRESIDENT FOX: Do we have a motion to

1 -?

2 COMMISSIONER LAYTON: So moved,
3 Commissioner Layton.

4 COMMISSIONER FREDERICKS: Commissioner
5 Fredericks. For purposes - for purposes of
6 discussion, I'll second Commissioner Layton.

7 PRESIDENT FOX: Discussion?

8 COMMISSIONER LAYTON: Commissioner
9 Layton, if I may? I - I think this is too complex of
10 an issue to - to work over the format that we're -
11 we're having this meeting at. So I would - I would
12 now make a motion to table this until our next
13 meeting.

14 COMMISSIONER KNICK: This is
15 Commissioner Knick. I'll second the motion.

16 PRESIDENT FOX: We have a motion and a
17 second to table. All those in favor, say aye.

18 AYES RESPOND

19 PRESIDENT FOX: Opposed?

20 The item's tabled.

21 ATTORNEY BECHTEL: The next item
22 before the Commission, on page 43 of your agenda
23 concerns proposed rulemaking to amend 58 PA Code
24 Section 135.41.

25 On February 25th, 2019 the Act of

1 November 27th, 2019, P.L. 739, Number 107 Section 4,
2 became effective. Among other things, the final
3 legislation amended the Section 2303 to allow the
4 Commission to authorize three designated days of
5 hunting on Sunday in addition to existing
6 authorizations. All three of the Sunday dates
7 collected by the Commission fall within the date
8 range found in Section 135.41(c)(21) which requires
9 persons entering state game lands that are not
10 hunting or trapping to wear fluorescent orange
11 colored material for their safety during the
12 overlapping big game seasons.

13 Entries on Sunday have previously been
14 exempted from the requirement since no big game
15 hunting typically occurred on these days. With the
16 passage of Act 107 this will no longer be the case.
17 The Commission is proposing to amend Section 135.41
18 relating to state game lands to eliminate the Sunday
19 exemption from the fluorescent orange wearing
20 requirement.

21 The text of this shown - of this
22 amendment is shown on page 43 of your agenda.

23 Mr. President, would you entertain a
24 motion?

25 PRESIDENT FOX: Do we have a motion?

1 COMMISSIONER KNICK: Commissioner
2 Knick, so moved.

3 COMMISSIONER HOOVER: Commissioner
4 Hoover, second.

5 PRESIDENT FOX: Discussion?
6 There being no discussion -

7 COMMISSIONER FREDERICKS: Commissioner
8 Fredericks -.

9 PRESIDENT FOX: - all those in favor,
10 say aye.

11 COMMISSIONER FREDERICKS: Hold - hold
12 on. Commissioner -

13 PRESIDENT FOX: All right.

14 COMMISSIONER FREDERICKS: -
15 Commissioner Fredericks. I would like - I'm - I'm
16 confused. I'd like clarification on that. Jason
17 DeCoskey? Hello?

18 MR. DECOSKEY: Yes, Commissioner.
19 What - what's your question?

20 COMMISSIONER FREDERICKS:
21 Clarification. I'm - I'm not quite understanding
22 this.

23 COMMISSIONER HOOVER: Denny -
24 Commissioner Hoover. I guess to be present on the
25 game lands from November 15th to December 15th when

1 not engaged in lawful hunting or trapping, you must
2 wear 250 square feet of orange.

3 COMMISSIONER FREDERICKS: I got you.
4 Thank you.

5 MR. DECOSKEY: Yeah - yeah.
6 Commissioner Fredericks, this is to cover those days
7 in between now that we hunt on Sunday.

8 COMMISSIONER FREDERICKS: Got you.
9 Okay. I'm good. Thank you.

10 PRESIDENT FOX: Any further
11 clarification needed?

12 All those in favor, say aye.

13 AYES RESPOND

14 PRESIDENT FOX: Opposed?

15 COMMISSIONER MITRICK: The motion
16 carries.

17 ATTORNEY BECHTEL: Okay.

18 The next item before the Commission
19 comes from the Bureau of Wildlife Habitat Management
20 and concerns real estate, a donation. Contract
21 number L-3762 State Game Land Number 42 in Somerset
22 County. Marion Leonard on behalf of Leonard's Land
23 Preservation, LLC is offering to donate 222 more or
24 less acres of land in Jenner Township, Somerset
25 County adjoining State Game Land Number 42 as shown

1 on exhibit RED 1 on page 45 of your agenda. Access
2 is from Roaring Run Road.

3 Mr. President, would you entertain a
4 motion?

5 PRESIDENT FOX: Do - do we have a
6 motion?

7 COMMISSIONER LAYTON: Commissioner
8 Layton, so moved.

9 COMMISSIONER FREDERICKS: Commissioner
10 Fredericks, second.

11 PRESIDENT FOX: Any discussion?

12 COMMISSIONER LAYTON: Yeah, please.

13 If I can just - this is Commissioner Layton. Again,
14 express how exciting it is to, again, expand Game
15 Lands 42. We just added acreage to that game lands
16 and this addition is - is really nice. So thank you,
17 thank you for the Bureau's work that you put into
18 this. Great job.

19 MR. SUSSENBACH: Yes, this is Pete
20 Sussenbach. I appreciate those comments,
21 Commissioner Layton. This is a great acquisition.
22 Dennis Neideigh in the real estate division, the
23 region, our friends over at WPC all had a hand in
24 this and we really appreciate the - the sizeable
25 donation. It's 222 acres from Mrs. Leonard. It's

1 some great habitat, and some additional access and
2 hunting opportunities as well for Game Land 42.

3 COMMISSIONER FREDERICKS: This is
4 Commissioner Fredericks. Question, Pete. Did I hear
5 you say that the WPC had a hand in this?

6 MR. SUSSENBACH: They did, yes. In
7 the early days, I believe they were working with Mrs.
8 Leonard, and then you know, as we - as we sometimes
9 do, they handed this parcel off to us to take it, you
10 know, through the - right to the end zone.

11 COMMISSIONER FREDERICKS: Okay, thank
12 you.

13 Mr. President, I wasn't aware of that.
14 I would like the record to show that I'm going to
15 abstain from this vote because I - I do talk and I
16 seat on their board. So therefore, I'll have to
17 abstain from voting on this issue. Although I really
18 do appreciate the donation and the addition to Game
19 Land 42.

20 PRESIDENT FOX: Okay.

21 I'll call for the vote. All those in
22 favor, say aye.

23 AYES RESPOND

24 PRESIDENT FOX: Opposed? All right.

25 COMMISSIONER MITRICK: Motion carries.

1 ATTORNEY BECHTEL: The next item
 2 before the Commission concerns contract number L-
 3 3763, State Game Land Number 156 in Lebanon County.
 4 Patricia E. Krall is offering to donate six more or
 5 less acres of land in Heidelberg Township, Lebanon
 6 County adjoining State Game Land Number 156 as shown
 7 on exhibit RED 2 on page 47 of your agenda. Access
 8 is through existing State Game Land Number 156.

9 Mr. President, would you entertain a
 10 motion?

11 PRESIDENT FOX: Do we have a motion?

12 COMMISSIONER HOOVER: Commissioner
 13 Hoover. I make the motion.

14 COMMISSIONER FREDERICKS: Commissioner
 15 Fredericks, second.

16 PRESIDENT FOX: Discussion?
 17 All those in favor, say aye.

18 AYES RESPOND

19 PRESIDENT FOX: Opposed?

20 COMMISSIONER MITRICK: Motion carries.

21 ATTORNEY BECHTEL: And Commissioners,
 22 the next item is an acquisition, contract number L-
 23 3764, State Game Land Number 55 in Columbia County.
 24 This is shown on page 48 of your agenda. Press
 25 Enterprise, Inc. is offering 80.1 more or less acres

1 of land in North Centre Township, Columbia County
2 adjoining State Game Land Number 55 as shown on
3 exhibit RED 3 on page 49 of your agenda. The option
4 price is \$80,000 lump sum to be paid with funds from
5 the Game Fund.

6 The tract provides critical access
7 from the south into the western portion of Game Land
8 Number 55. Therefore, the Commission may exceed the
9 \$400 per acre under Section 705(b) of the Game and
10 Wildlife Code. The property is subject to a
11 reciprocal easement and maintenance agreement with G.
12 Robbins, and easements and assignments with American
13 Towers, LLC and ATC Sequoia, LLC. Access is from
14 S.R. 1012, Mountain Road.

15 Mr. President, would you entertain a
16 motion for this acquisition?

17 PRESIDENT FOX: Do we have a motion?

18 COMMISSIONER KNICK: Commissioner
19 Knick, I make a motion.

20 PRESIDENT FOX: Second?

21 COMMISSIONER FREDERICKS:
22 Commissioner Fredericks, second.

23 PRESIDENT FOX: Discussion?

24 Pete, would you weigh in on this?

25 MR. SUSSENBACH: Sure. Mr. President,

1 this - this acquisition will provide, as mentioned,
2 vital access into that portion of Game Land 55.
3 We've needed it for quite some time, and with - with
4 the fact that it provides that critical access, it -
5 the Game Code does give us a little bit of additional
6 latitude under Section 705. And that's why we were
7 able to pay a little bit more for this property,
8 approximately \$1,000 an acre and - and acquire that
9 critical access. So that, the 80 acres is a great
10 addition. It fills in a little of that - that sort
11 of indenture there. But most importantly, it gives
12 us that critical access.

13 PRESIDENT FOX: I have a motion and a
14 second. All those in favor, say aye.

15 AYES RESPOND

16 PRESIDENT FOX: Opposed?

17 Now the -

18 COMMISSIONER MITRICK: Motion carries.

19 PRESIDENT FOX: - motion carried.

20 ATTORNEY BECHTEL: And the next item
21 is on page 50 of your agenda. It concerns an
22 exchange. Contract number L-3765, State Game Land
23 Number 46, State Game Land Number 156, Lancaster
24 County, and the auxiliary administration office
25 building in Huntingdon County.

1 Ken and Christa Boona of Alabaster
2 House are offering to participate in an exchange of
3 392.3 more or less acres of land in Elizabeth
4 Township, Lancaster County adjoining and connecting
5 State Game Land Numbers 46 and 156, as shown on
6 Exhibit Red 4 on page 51 of your agenda, for 9.36
7 more or less acres in Brady Township, Huntingdon
8 County, as shown on Exhibit Red 5 on page 52 of your
9 agenda.

10 The 9.36 more or less acre property
11 was acquired from the Huntingdon Area School District
12 in April, 2014 with the intent of renovating the
13 existing vacant 27,000 square feet Brady Henderson
14 Elementary School into future office space for the
15 Commission's Southcentral Regional Office. After
16 reevaluation and careful consideration, the
17 Commission has determined not to relocate the
18 Southcentral Regional Office to the Brady Henderson
19 Elementary School site.

20 Based on an appraisal of the 9.36 more
21 or less acre property, Alabaster House will provide
22 \$200,000 towards the acquisition of the 392.3 more or
23 less acres. The Commission will provide an
24 additional \$241,679 lump sum to be paid with other
25 cost charging funds from third party commitments for

1 compensation of habitat and recreational losses which
2 occurred on State Game Lands from previously approved
3 projects.

4 The acquisition of the 392.3 more or
5 less acres of land is made possible through the
6 efforts of Natural Lands Trust, Inc. who was
7 successful in receiving supplementary funding through
8 partnership grants provided by the Pennsylvania
9 Department of Conservation and Natural Resources and
10 the US Fish and Wildlife Service through the
11 Highlands Conservation Act. Covenants, conditions,
12 and restrictions associated with these funding
13 sources will be required to accept the property.

14 Access is from PA Route 501. Staff
15 has determined the portion of the 392.3 more or less
16 acres to be conveyed to the Commission by Alabaster
17 House is of equal value to the land to be conveyed to
18 Alabaster House and that the proposed exchange is in
19 the best interests of the Commission.

20 Mr. President, would you like to
21 entertain a motion for accepting this exchange?

22 PRESIDENT FOX: All right.

23 Do we - do we have any discussion on
24 that?

25 ATTORNEY BECHTEL: Well -.

1 COMMISSIONER LAYTON: We need a motion
2 first.

3 PRESIDENT FOX: We didn't do any
4 motion?

5 COMMISSIONER HOOVER: Commissioner
6 Hoover, I'll make the motion.

7 COMMISSIONER LAYTON: I'll make a
8 motion to second, Commissioner Layton.

9 PRESIDENT FOX: Discussion. Pete, do
10 you want to weigh in on that?

11 MR. SUSSENBACH: Sure. Thank you, Mr.
12 President. I got to tell you, this is probably one
13 of the more rewarding acquisitions that - that my
14 team has been a part of recently. We've got the, you
15 know, the highly populated southeast part of the
16 state. And to be able to tie together two pieces of
17 - of property, Game Lands 156 and Game Lands 46 in
18 the southeast region, and at the same time you know,
19 working with our partners to acquire that property,
20 it's really what is a reasonable rate.

21 You know, the - the Natural Lands
22 Trust, DCNR (phonetic), all very willing partners and
23 have been great partners over the years. And this is
24 really one of those - one of those moments where you
25 just highlight - highlight another exciting

1 acquisition and tying that habitat together. I
2 really appreciate everything everybody's done on
3 this, and hopefully the motion carries.

4 PRESIDENT FOX: All those in favor say
5 aye.

6 AYES RESPOND

7 COMMISSIONER MITRICK: Motion passes.

8 ATTORNEY BECHTEL: Mr. President and
9 Commissioners, at this time we're on to new business.
10 And the Commission needs to take up the issues of the
11 antlerless allocations and the elk allocations. If I
12 could just, as we change our screens a little for
13 staff here, I'd like to just explain what you're
14 going to see. And - and what we would hope is that
15 you're going to see a list of antlerless allocations.

16 These allocations are what are being recommended by
17 staff with respect to the seasons that the Commission
18 just set a short while ago.

19 So for instance, WMU 1A was just set
20 at a seven day concurrent season, and staff is
21 recommending a 49,000 allocation. Same with 1B and
22 2A. They were seven day concurrent. However, for 2B
23 a 14 day concurrent was just approved and staff is
24 recommending an allocation of 49,000 for WMU 2B. And
25 you can see those going down through.

1 So if you - if the Commission desires
2 to take these up and walk through those one WMU at a
3 time, you can have your discussion and determine what
4 numbers you wanted to have for the allocation, and we
5 can put those in. And at the end, you can a motion
6 and vote on it as it appears on your screen.

7 If that would be acceptable to the
8 Commission, Mr. President? We just to make a - have
9 a motion and second and open that up. You can move
10 forward in that manner.

11 PRESIDENT FOX: Do we have - do we
12 have a motion?

13 COMMISSIONER FORADORA: I - this is
14 Scott Foradora -.

15 COMMISSIONER KNICK: I make a motion,
16 Commissioner Knick.

17 PRESIDENT FOX: And a second?

18 COMMISSIONER FREDERICKS: Commissioner
19 Fredericks, I second.

20 PRESIDENT FOX: Okay.

21 1A, does any of you want to add - do
22 we have any discussion?

23 Moving on, 1B. Any discussion?

24 2A? 2B? 2C?

25 COMMISSIONER LAYTON: Yeah. Mr.

1 President, this is Commissioner Layton. If I can
2 just address 2C? 2C is - is one of the areas that we
3 just put into a 14 day concurrent, and because of the
4 spillover of CWD to, you know, we had hoped that for
5 the longest time that the Allegheny Ridge would kind
6 of keep the CWD on the other side of the mountain
7 into 4A. However, we're seeing more and more
8 positives popping up in 2C. And I think it's like
9 that we - that we watch the deer population and this
10 doesn't in support the allocation was set forward.

11 PRESIDENT FOX: Okay.

12 2D? 2F - 2E? I'm sorry. 2F? 2G?
13 2H? 3A? 3B? 3C? 3D? 4A?

14 COMMISSIONER LAYTON: Yeah. Mr.
15 President, Commissioner Layton again. 4A is the -
16 the heart of - management area in two where the
17 majority of our - our positives in the wild
18 population has been found. Again, it's one of those
19 areas where we've been targeting deer in town - at
20 the township level. And again, if we can increase
21 the opportunities in 4A to help stabilize or even
22 reduce the population. I think it's vital to - to
23 the CWD management program. So I, again, I support
24 full heartedly everything we're doing in 4A.

25 PRESIDENT FOX: 4B? 4C? 4D? 4E?

1 5A? 5B? 5C? And 5D? On that, do we - do we need a
2 motion to accept those as presented on the screen?
3 Is that the way that we do that?

4 COMMISSIONER HOOVER: I make - this is
5 Commissioner Hoover. I make a motion that we accept
6 the allocations as presented.

7 COMMISSIONER KNICK: This is
8 Commissioner Knick. I'll second it.

9 PRESIDENT FOX: All those in favor,
10 say aye.

11 AYES RESPOND

12 PRESIDENT FOX: Opposed?

13 COMMISSIONER MITRICK: Motion carries.

14 PRESIDENT FOX: Okay.

15 We'll move on to the elk.

16 ATTORNEY BECHTEL: Mr. President, at
17 this point you -.

18 PRESIDENT FOX: Do we have a motion to
19 accept the elk?

20 ATTORNEY BECHTEL: All right.

21 COMMISSIONER KNICK: Commissioner
22 Knick. I'll make a motion, so moved.

23 COMMISSIONER HOOVER: Commissioner
24 Hoover, I second.

25 PRESIDENT FOX: Any discussion?

1 COMMISSIONER FREDERICKS: Mr.
2 President, this is Commissioner Fredericks. I'd like
3 to hear from Jeremy Banfield if he's present?
4 Apparently he's not.

5 TYLER HOCK: One second. Let me see
6 if I can locate him and get him in the panels list.

7 COMMISSIONER FREDERICKS: Commissioner
8 Fredericks again. If we can't - if we can't get
9 Jeremy on, maybe Dr. Schnupp can speak to this?

10 MR. SCHNUPP: You bet, Denny. Just
11 give us five minutes here. I bet you we can - we can
12 get him on. I know he's - I know he's in the
13 background and he loves to talk about it, Denny.
14 Give us five minutes.

15 COMMISSIONER FREDERICKS: I don't - I
16 don't want to hold the meeting up.

17 MR. SCHNUPP: Okay.

18 No problem, Denny. Why don't we just
19 move on, and if I can't answer them, I'm sure Chris
20 can too.

21 COMMISSIONER FREDERICKS: The only -
22 the only thing that I wanted to add, I'm - I'm - I'm
23 sure that Jeremy stands behind these numbers. I
24 wanted to bring attention to the public and to the
25 medium what a - what a magnificent job that elk team

1 and deer team have been doing. And last - last
2 year's expansion of the opportunities to hunt elk
3 were absolutely off the charts. And you got so many
4 positive comments and so many people participated.

5 The expansion of that to this is just
6 super exciting, and I just want to make sure that
7 everybody knows what a great job they've done.

8 MR. SCHNUPP: Thanks, Denny. We
9 appreciate that and we look forward to presenting
10 some of our newest aerial survey data that we've
11 collected this past winter as well. I know Jeremy
12 was excited to talk about that at the last Commission
13 meeting so we look forward to providing those results
14 to you guys.

15 COMMISSIONER FREDERICKS: Yes. Thank
16 you. I did see - I did see a clip of that. And if
17 I'm not mistaken, that's the first flyover we've had
18 in probably five or six years.

19 MR. SCHNUPP: Probably even longer
20 than that, yes sir. It's pretty amazing where
21 they've come to technology.

22 COMMISSIONER FREDERICKS: Yeah. The
23 technology, it was just amazing. And I'm sure the
24 public and the media and everybody's looking forward
25 to seeing those, the results of that flyover. It's

1 pretty interesting.

2 Thank - thank you again.

3 MR. SCHNUPP: You bet. Thank you.

4 PRESIDENT FOX: Any further
5 discussion?

6 We have a motion and a second to
7 accept the elk recommendations. All those in favor,
8 say aye.

9 AYES RESPOND

10 PRESIDENT FOX: Opposed?

11 COMMISSIONER MITRICK: Motion carries.

12 PRESIDENT FOX: Motion carried.

13 ATTORNEY BECHTEL: Commissioners,
14 there was one further new business item to come
15 before you which is the Elk Management Plan. I would
16 - Deer Director Schnupp, is that prepared to be moved
17 forward at this time?

18 MR. SCHNUPP: Yes sir, it is. We're
19 prepared, we presented that at the last Commission
20 meeting. We've gone through all the appropriate
21 steps. And so at this point, we would just like the
22 - the Board has the time and management plan. We -
23 we would just need the - the acceptance of that plan
24 through a vote.

25 PRESIDENT FOX: Do we have a motion -?

1 ATTORNEY BECHTEL: So Mr. President -.

2 PRESIDENT FOX: I didn't catch that.

3 Do we have a - who made the motion?

4 COMMISSIONER HOOVER: This is

5 Commissioner Hoover. I'll make a motion to accept

6 the Elk Management Plan.

7 PRESIDENT FOX: Do we have a second?

8 COMMISSIONER KNICK: Commissioner

9 Knick, I'll second that.

10 PRESIDENT FOX: All those in favor say

11 aye.

12 AYES RESPOND

13 PRESIDENT FOX: Is there any further

14 discussion?

15 COMMISSIONER HOOVER: Should have done

16 that before.

17 PRESIDENT FOX: Yeah.

18 ATTORNEY BECHTEL: And Mr. President,

19 at this point I - I would - don't know if the

20 Commission has any other new business, but if they

21 do, this would be the time to - to request that.

22 COMMISSIONER MITRICK: Yeah. Yeah.

23 This is Commissioner Mitrick.

24 PRESIDENT FOX: Any other new

25 business?

1 COMMISSIONER MITRICK: Yeah. This is
2 Commissioner Mitrick. I had asked for a white paper
3 in regards to helping the rehabilitators in the state
4 take care of bald eagles. The period is 47
5 rehabilitators, which about ten actually would take
6 care of lead poisoned eagles. The cost of taking
7 care of a lead poisoned eagle is quite expensive. It
8 can vary from \$1,000 to up to \$3,500.

9 I did talk to some of the rehab -
10 rehabilitator's right in York. There's a Mitzy Eden
11 (phonetic). Last year she didn't take care of any
12 eagles. The year before she took care of three lead
13 poisoned eagles, one of which survived. I talked to
14 Carol Hungrin (phonetic) at Tammereck (phonetic).
15 Last year they took care of 16 eagles, seven of which
16 were lead poisoned, nine of which were injured. Out
17 of the seven that they - out of the seven lead
18 poisoned eagles, only one of them survived.

19 At any rate, they - it costs a lot of
20 money for them to take care of that. To take care of
21 these eagles. They rely strictly on donations. I
22 think that one of the proud moments in the
23 Pennsylvania Game Commission is when they
24 reintroduced eagles to the state. Quite a bit of
25 money I'm sure was spent to do that. These people

1 love the fact that the eagles have taken off in the
2 state. We're making a big push now to make the
3 public and - and the hunters aware of lead poison,
4 but I still think we can save a sizable portion, a
5 sizable number of the lead poisoned eagles.

6 I spoke to Chad Eyler, and my thought
7 was that we - we should just really have a few
8 centers to take care of these eagles, these lead
9 poisoned eagles. And he assured me that basically
10 when a lead poisoned eagle comes in, that if a
11 rehabilitator is not comfortable taking care of one
12 of these, they basically send them to one of about
13 ten different rehabilitators. So I think, and he was
14 very comfortable with it. He - he feels that this
15 mechanism is already in place.

16 So my proposal was that we give money
17 to these rehabilitators for each eagle that, each
18 lead poisoned eagle that they take care of. I had
19 asked, I was thinking that we could start out with
20 \$30,000 and Chad Eyler assured me that this money
21 would go a long way in helping these people out. He
22 - he doesn't think they'll burn right through it. He
23 thinks in the state last year there may have been
24 somewhere under 20 lead poisoned eagles, total.
25 Anywhere from 10 to 20.

1 But anyway, so that was my thought.
2 Like I said, it's been a very proud point for the
3 Pennsylvania Game Commission when we introduced
4 these. And - and when I say eagles, I'm also talking
5 about Peregrine Falcons too because a few of those
6 get poisoned as well.

7 So that was my - my pitch.

8 PRESIDENT FOX: So - okay.

9 Do I understand you're - you're making
10 the motion?

11 COMMISSIONER MITRICK: Yes. I'd like
12 to make - I'd like to make a motion that the
13 Pennsylvania Game Commission -.

14 COMMISSIONER HOOVER: Point of order -
15 wait a moment. That's not a motion. This is new
16 business.

17 PRESIDENT FOX: Okay.

18 COMMISSIONER MITRICK: So - okay. So
19 what do we have to do then?

20 PRESIDENT FOX: Guess we'll have to
21 come up with another meeting, am I right?

22 COMMISSIONER FREDERICKS: This is
23 Commissioner Fredericks. This - this is Commissioner
24 Fredericks. So Commissioner Mitrick, I think what
25 you need to do is ask staff to develop language in -

1 in regard, in your proposal to be voted on at the
2 next meeting.

3 COMMISSIONER MITRICK: Okay.

4 I'd like to do that then. I would
5 like the staff to request language that we could vote
6 on this at the next meeting.

7 PRESIDENT FOX: Yes.

8 COMMISSIONER MITRICK: Thank you.

9 COMMISSIONER FREDERICKS: Thank you,
10 Mike.

11 MR. BURHANS: This is Bryan Burhans.
12 So I'll just add a note to this. This isn't a
13 regulatory change. It was a request for financial
14 assistance to the rehabbers to support eagle rehab
15 with the lead poison. I just want to provide that
16 point of clarification.

17 PRESIDENT FOX: Okay.

18 Any more new business?

19 COMMISSIONER SCHNEPP-GIGER: Mr.

20 President - this is Commissioner Schnepp-Giger.

21 After listening to yesterday's panel of CWD experts -
22 there were a few things that really stuck in my mind
23 that were common among all those presentations. The
24 one thing was that the passive wait and see what
25 happens approach was widely counted among these

1 experts as the absolute, wrong decision.

2 Among some of the proactive and
3 successful responses that they've employed in other
4 areas of the country, we're used to sharpshooters and
5 the elimination of antler point restrictions within
6 these management areas. Responding to the
7 Pennsylvania Game Commission's CWD response plan has
8 made it very clear that they would like hunters to
9 have the first opportunity to help meet deer
10 management objectives before they would entertain the
11 idea of sharpshooters being used.

12 I believe the first step was taken
13 earlier today when we voted on the concurrent season
14 being that many WMUs that have DMAs in them. But if
15 we truly want to give our hunters the best
16 opportunity to help meet those deer management goals,
17 I think we need to talk about removing as many
18 barriers as possible for them to be successful.

19 So my question specifically to Dr.
20 Schnupp is twofold. One is I'm wondering if you and
21 your team could put together a white paper on what
22 the biological implications would be, either positive
23 or negative, if antler point restrictions were
24 removed in those WMUs that we voted concurrent
25 because of associated DMAs. And the second part of

1 the question is what would the biological
2 implications be, again either positive or negative,
3 if antler point restrictions were removed in WMUs 4A
4 and 4B. Those are currently the only two WMUs that
5 are 100 percent encompassed by DMA, and as
6 Commissioner Layton mentioned earlier during
7 antlerless allocation discussion, this is the heart
8 of the DMAs within the Commonwealth.

9 PRESIDENT FOX: Okay.

10 MR. SCHNUPP: Kristen, this is
11 Matthew. I - I appreciate - I appreciate your input
12 and applaud you and the rest of the Board. I know
13 yesterday was a really challenging day to make it
14 through, but I also feel like it's very beneficial.
15 And - and I think I took a lot of messages away from
16 yesterday as well, and I'm excited to be part of this
17 agency in - in the way that we're doing things, and
18 be happy to look into the APRs.

19 It's - it's a contentious issue, of
20 course. As you can imagine as well - as well as
21 everything as the CWD. But like we mentioned during
22 our presentation, we're here to look at the best
23 available science and make the best management
24 decisions and then adjust accordingly. And so, we'd
25 be happy to look into that and we'll provide that

1 before the next vote on that CWD response plan which
2 is proposed for next month.

3

4 COMMISSIONER SCHNEPP-GIGER:

5 Appreciate that. I - I think I speak for most of the
6 Board when I say we're looking forward to exploring
7 the best ways we can manage CWDs in the state.

8 COMMISSIONER HOOVER: This is

9 Commissioner Hoover. I just want a, the
10 clarification there. Kristen, did you say 4C or 4B?
11 Because 4C is not in - in the DMA.

12 COMMISSIONER SCHNEPP-GIGER: 4A as in
13 four alpha and 4B as in four bravo.

14 COMMISSIONER HOOVER: Thank you.

15 MR. SCHNUPP: The - the other - the
16 other thing I'd like to say is that 5C, 5D, and I
17 believe 2A were voted concurrent seasons, again. But
18 those obviously would not be in the antler - we would
19 not want to remove antler point restrictions in those
20 areas.

21 Is that correct?

22 COMMISSIONER SCHNEPP-GIGER: Yeah,

23 that's correct. My thought process goes back to a
24 lot of the science that was presented to us
25 yesterday. And looking at how young buck dispersal

1 may or may not be contributing to the spread of CWD.
2 So that's why it's specific to antler point
3 restrictions within the disease management areas.

4 COMMISSIONER MITRICK: And you had
5 said the areas that we voted for concurrent seasons,
6 which would've included the -

7 COMMISSIONER SCHNEPP-GIGER: Based -.

8 COMMISSIONER HOOVER: - 5C, 5D, and
9 2A. So -.

10 COMMISSIONER SCHNEPP-GIGER: The -
11 well the ones that were voted concurrent because of
12 associated DMAs, not because of special - other
13 special regs areas.

14 COMMISSIONER HOOVER: Okay, excellent.

15 PRESIDENT FOX: Okay.

16 Any further discussion? Any further
17 new business?

18 COMMISSIONER LAYTON: Mr. President,
19 Commissioner Layton. I'm just wondering if we could
20 get staff to maybe add a species to the mentors hunt
21 - to the mentor's hunt list such as bear, an extra
22 turkey tag and another species maybe they can get the
23 information together for it, get a white paper
24 together and present that to us at our next working
25 group session.

1 that you provide some language based around the white
2 paper that you provided which basically puts a bottom
3 limit on the calibers for white tailed deer and bear
4 at six millimeter. We've already taken care of elk
5 we already have other restrictions for archery and
6 shotguns, and we - and we restrict or regulate
7 ammunition or implement accordingly for humane take.
8 And I would like - I would like for you folks to
9 develop language for the Board's consideration at the
10 next meeting to address white tailed deer and bear
11 and the six millimeter caliber minimum.

12 MR. DECOSKEY: Commissioner
13 Fredericks, I'll get right on that for you.

14 COMMISSIONER FREDERICKS: Thank you,
15 sir. Appreciate it.

16 MR. DECOSKEY: Thank you.

17 PRESIDENT FOX: Does anyone have
18 anything else they'd like to bring before us?

19 ATTORNEY BECHTEL: So Mr. President,
20 before you adjourn, I - I just wanted to ask Mr.
21 Burhans if there are any announcements that need to
22 be made. Usually we announce at this time either
23 some sort of press conference or something. I didn't
24 know if you wanted to do that before your
25 adjournment.

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MR. BURHANS: Sure. There'll be a Commission meeting - next Commission meeting on July 24th and 25th, 2020 in Harrisburg, COVID-19 permitting. And there will be a call in to the media for the - for a press conference call for the press that can attend. That was distributed through Travis Lau, our media liaison, out to the press.

COMMISSIONER HOOVER: This is Commissioner Hoover. I make a motion to be adjourned.

COMMISSIONER FREDERICKS: Commissioner Fredericks, second.

PRESIDENT FOX: Meeting adjourned.

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MEETING CONCLUDED AT 12:36 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceeding was reported by me on 04/07/2020 and that I, Evan Bingaman, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 20th day of April, 2020

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

Evan Bingaman,

Court Reporter