

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

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PUBLIC MEETING

\* \* \* \* \*

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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A P P E A R A N C E S

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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

I N D E X

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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.

\* \* \* \* \*

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 20<sup>th</sup> day of April, 2020



Evan Bingaman,

Court Reporter