COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

BEFORE: STANLEY KNICK, President
Michael Mitrick, Vice President
Kristen Schnepp-Giger, Secretary
Scott Foradora, Commissioner
Dennis R. Fredericks, Commissioner
Timothy Layton, Commissioner
Jason Raup, Counsel
Bryan Burhans, Executive Director
David Mitchell, Deputy Executive Director
Thomas Grohol, Deputy Executive Director

HEARING: Saturday, July 24, 2021
8:40 a.m.

LOCATION: 2001 Elmerton Avenue
Harrisburg, PA 17110

ALSO PRESENT: Ian Gregg, Pete Sussenbach

Reporter: Samantha Sabatini

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P R O C E E D I N G S

PRESIDENT KNICK: I'd like to bring this July 24, 2021, meeting to order with the Pledge of Allegiance.

WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREUPON, PUBLIC COMMENT WAS HELD

COMMISSIONER SCHNEPP-GIGER: Okay. We're going to - President Knick?

PRESIDENT KNICK: Here.

COMMISSIONER SCHNEPP-GIGER: Vice President Mitrick?

COMMISSIONER MITRICK: Here.

COMMISSIONER SCHNEPP-GIGER: Mr. Foradora?

COMMISSIONER FORADORA: Here.

PRESIDENT KNICK: Mr. Fredericks is attending virtually.

COMMISSIONER SCHNEPP-GIGER: Commissioner Layton?

COMMISSIONER LAYTON: Present.

COMMISSIONER SCHNEPP-GIGER: Do you
want me to get on my cellphone?

MR. BURHANS: He is unmuted. He's here.

COMMISSIONER SCHNEPP-GIGER:
Commissioner Fredericks, can you hear us?

MR. BURHANS: I'll try him on my cellphone. Okay. Sounds like you're on.

COMMISSIONER FREDERICKS: Yeah, but I'm muted on the webinar.

COMMISSIONER SCHNEPP-GIGER:
Commissioner Fredericks, we're going through roll call. You wanted to verify that you were with us?

MR. BURHANS: Lori, can you hear us? It sounds like you can't hear us, but we can hear you. Can we just put him on?

ATTORNEY RAUP: As long as he can hear us and you can - he can hear us.

MR. BURHANS: I'll put you on my cellphone and put you on speaker.

COMMISSIONER FREDERICKS: All right.

COMMISSIONER SCHNEPP-GIGER: Okay.
Denny, if you could, we're just going to confirm your presence.

COMMISSIONER FREDERICKS: Okay.
COMMISSIONER SCHNEPP-GIGER: Confirm your presence one more time.

COMMISSIONER FREDERICKS: Dennis Fredericks. I'm here.

PRESIDENT KNICK: Thank you very much. We have a quorum. I'd like to make a motion to approve the minutes of April 10th, 2021. Do we have a motion? Do we have a second?

COMMISSIONER LAYTON: So moved.

COMMISSIONER MITRICK: Mitrick second.

PRESIDENT KNICK: Madam secretary?

COMMISSIONER SCHNEPP-GIGER: All in favor, aye.

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: The ayes have it.

ATTORNEY RAUP: Mr. President, thank you. The first item up for consideration is from
the Bureau of Wildlife Habitat - excuse me, Wildlife Management. It concerns the proposed rulemaking to amend 58 Pa. Code, Section 133.21.

Commission is proposing two changes under this rulemaking to the Commonwealth's list of threatened and endangered species based upon current monitoring data.

First, the Commission is proposing to amend Section 133.21, relating to classification of birds, to add the northern goshawk to the Commonwealth's list of endangered species. A large secretive raptor of mature, mixed forests, the northern goshawk is found in the northern tier and high elevations across Pennsylvania and has experienced both range contraction and breeding population decline over the past 20 years.

Primary threats to the goshawks include forest fragmentation and degradation, nest site disturbance, disease, and predation. Pennsylvania lies at the southern limits of the range of the northeastern population of the northern goshawk, which makes this population more susceptible to the above effects. Several recent agency-supported efforts to better understand this species have documented a dramatic decline in the
state's population. The agency's advisory Ornithological Technical Committee has recommended a change to endangered status. This proposed change would tailor protections for the species, including (but not limited to) limiting or delaying certain activities within known breeding northern goshawk habitat during courtship and nesting seasons.

Second, the Commission is also proposing to amend 133.21 to remove the peregrine falcon from the Commonwealth's list of threatened birds. Pennsylvania’s population of nesting peregrine falcons has continued to increase since the Commission's upgraded the species from endangered to threatened in 2019, and the objectives established in the Commission's 2013 through 2022 Peregrine Falcon Management Plan have been achieved.

The current status revision comes after more than 40 years of conservation recovery action in Pennsylvania and nationally, in which the Commonwealth has taken an active role. The proposed status change accomplishes a significant victory for the Commission as the third high-profile raptor recovery, following the Bald Eagle and Osprey, and demonstrating that an endangered or threatened species listing is not a permanent designation and
that recovery is an achievable goal.

You'll find the text of these amendments on pages two and three of your agenda.

Motion to accept? Madam Secretary, please call roll. Any discussion?

Do you have a motion?

COMMISSIONER LAYTON: Motion to accept.

PRESIDENT KNICK: Second?

COMMISSIONER MITRICK: Second.

PRESIDENT KNICK: Madam Secretary, please call a vote. Any discussion first?

COMMISSIONER SCHNEPP-GIGER: I'd like to chime in on that. With goshawks being literally in my backyard as a resident of Warren County, I spent some time talking to some large timber industries in that area, and you know, they control a lot of property in and around the Allegheny National Forest. And you know, they said to me, you know, make no mistake about it, we're not happy about this, but we understand the reasoning why it's necessary.

So I just want to give shout-out to the Game Commission staff for facilitating those discussions with the industry and getting their
support for the listing of this species. In the scientific community, I mean, all indications are the decline is precipitous and it's our duty as wildlife managers and as an agency to not stand by and watch it continue to happen.

So I, for one, am looking forward to the recovery plan coming out for this. And I'm looking forward to the day that goshawks are scratched off the way peregrine falcons are today.

PRESIDENT KNICK: Thank you. Do you want to call for roll?

COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Any opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: The ayes have it.

ATTORNEY RAUP: The next item up for consideration concerns the proposed rulemaking to
amend 58 Pa. Code 147.551 through 147.559. The Commission has initiated a review of the DMAP and Red Tag Programs in response to public requests for various modifications. The Deer and Elk Sections organized the meeting of organizations who use or represent groups who use DMAP and Red Tag Programs. These participants were asked to provide input on three separate questions, what works, what doesn't work, and thirdly, how do we fix the items that do not work.

The Deer and Elk Section provided an overview of input from the external organizations followed by an open discussion of potential changes to both programs to address external and internal needs. The following recommendations of changes to Sections 147.551 through 559 are offered to improve the efficiency and effectiveness of the Red Tag Program were generated as a result of these efforts. These changes are not intended to take effect immediately but rather will take effect July 1st, 2022, to allow for a smooth transition to the new program standards.

The changes are as follows. Number one, remove the public access requirement and signage requirements. Number two, change to four
permits per season to be consistent with DMAP.

Number three, Red Tag Permit will be valid from August 1st through September 15th and February 1st through April 15th each year, and it will effectively remove the summer dates normally associated with the Red Tag Program. Change the permit start and that's expiration date of July 1st through June 30th to be consistent with other PGC permits and auto-renewal. Five, remove the limit of one deer per hunter utilization, allowing hunters to keep all deer harvested. Six, remove farmer/landowner reporting requirements and instead require hunters to report both positive and negative harvest for each year – excuse me, for each harvest by permit by April 30th each year. Number seven, remove the PA residency eligibility requirements. Eight, replace the snap tags with standard harvest permit tags issued through the PALS system. And lastly, nine, refer the baiting authorization text to 141.1, relating to special regulations area for improved consistency.

The text of your amendments can be found on pages four through nine of your agenda.

PRESIDENT KNICK: Do we have a motion?
COMMISSIONER FORADORA: Motion.

PRESIDENT KNICK: And a second?

COMMISSIONER SCHNEPP-GIGER: Second.

PRESIDENT KNICK: Discussion.

COMMISSIONER LAYTON: Mr. President, if I may, so again, another shout-out to the staff. This is something that was worked out from field staff up to Bureau, recognizing that what we had was kind of outdated and not working. So the only thing I would encourage is everybody in the agency could look at the Red Tag Program and tell you that it was just not productive anymore. So I would encourage staff, field staff, Bureau staff, to just keep an eye on this program, and when it runs its course figure out what the next step is. But thanks to you and all the people, the deer management team, the field staff, the Bureau people who put some time and effort into this, I think it's a step in the right direction.

MR GREGG: Thank you. It's much appreciated. Yeah, I'd be remiss if I didn't say I can't personally take any credit for this. And it's not even just our bureau and the field staff and our constituents that all got together and provided input, but other bureaus as well. Administrative
Services and BATS play an important part in making this work. Bureau of Wildlife Protection helped us translate what we had in our minds into the legalese that's on the agenda items. So like anything else, this has been a real team effort and, as you say, it's - we think it's an improvement and we'll continue to monitor that and make improvements as we go along. Thanks.

COMMISSIONER SCHNEPP-GIGER: We have a couple constituents here that voiced their support. So Commissioner Layton, this is my word to you, that since I'm on this Board longer than you will be, I'll keep on those guys for follow-up because their input on this is critical and the partnerships that we have with those organizations is critical. They provide our food, and so we're looking forward to hearing what you guys have to say about this.

PRESIDENT KNICK: Okay.

We can call for a vote, Madam Secretary.

COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)
COMMISSIONER SCHNEPP-GIGER: Opposed?

(WHEREUPON, THERE WAS NO RESPONSE.)

COMMISSIONER SCHNEPP-GIGER: Ayes have it.

ATTORNEY RAUP: All right.
The next item up for consideration concerns the adoptive rulemaking to amend 58 Pa. Code Section 141.62, to effectively manage the wildlife resources of the Commonwealth, the Game Commission, at its April 10th, 2021 meeting, amended Section 141.62, relating to beaver and otter trapping, to eliminate the restriction on the number of traps that beaver trappers can set during the five-day period after the closure of the otter trapping season. The text of these amendments can be found on page 11 of your agenda.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER MITRICK: So moved.
COMMISSIONER LAYTON: Second.

PRESIDENT KNICK: Discussion? No discussion. Madam Secretary, would you call the
vote, please?

COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: Ayes have it.

ATTORNEY RAUP: The next item up for consideration is from the Bureau of Wildlife Protection and it concerns the proposed rulemaking to amend 58 Pa. Code Section 131.8. The Pennsylvania population of nesting peregrine falcons, Falco peregrinus, has continued to increase since the Commission's upgrade of the species from endangered to threatened. This action allows the Commission's Peregrine Falcon Management Plan, dated 2013, which the objectives for delisting of the species were established. Section 925(i) of the Code states that, in addition to the fines and costs imposed for the violations pursuant to subsection
(b), the costs incurred by the Commission for the replacement of the species involved in the violation shall be assessed by the Magisterial District Judge in such amount as is fixed by the Commission. From the peregrine falcon's delisting replacement costs for the species will be reduced from $5,000, that's current status as a threatened species, to a default of $200. Notwithstanding its efforts to delist the peregrine falcon, the Commission has determined that the species necessitates further protection from unlawful takings in the form of an increased replacement cost upon its effective delisting date. The Commission is proposing to amend 131.8 relating to replacement costs for wildlife killed to increase the replacement costs for peregrine falcons from $200 to $2,500. You'll find the text of these amendments on pages 12 and 13 of your agenda.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER LAYTON: So moved.

COMMISSIONER FORADORA: Second.

PRESIDENT KNICK: Any discussion? None being heard, Madam Secretary, would you please call for a vote?
COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: Ayes have it.

ATTORNEY RAUP: The next item up for consideration concerns the adopted rulemaking to amend 58 Pa. Code Section 131.2 and 141.1. To effectively manage the wildlife resources of this Commonwealth, the Game Commission at its April 10th, 2021, meeting amended Section 131.2 and 141.1 relating to definitions in special regulations areas to define and authorize the use of firearms that utilize straight-walled cartridges within most areas designated as special regulations areas and also reorganize Section 141.1 to provide a clearer and more seamless construction within the section itself and with related arms and ammunition provisions. You'll find the text of these amendments on pages 15
through 17 of your agenda.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER MITRICK: So moved.

COMMISSIONER LAYTON: Second.

PRESIDENT KNICK: We have a motion and a second. Is there any discussion? None being heard, Madam Secretary, will you call the vote?

COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: The ayes have it.

ATTORNEY RAUP: The next item up for your consideration concerns the adoptive rulemaking to amend 58 Pa. Code Section 147.804. To effectively manage the wildlife resources of this Commonwealth, the Game Commission at its April 10th, 2021 meeting, amended Section 147.804 relating to
expanding the species eligibility for Mentored Hunting Program to include participation of waterfowl, bear, an expanded spring or special turkey seasons. Existing regulatory structures will continue to authorize mentored youth hunting over the age of eight - over the age of seven at the time of application and mentored adults to make application for bear licenses and special wild turkey licenses as a direct applicant.

Mentored youth hunter under the age of seven years of age at the time of application will be authorized to receive the harvest tags from bear and special wild turkey licenses by transfer from a mentor in a similar fashion to other big game harvest tags. You'll find the text of these amendments on pages 19 and 20 of your agenda.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER FORADORA: Motion.

PRESIDENT KNICK: Have a second?

COMMISSIONER SCHNEPP-GIGER: Second.

PRESIDENT KNICK: Discussion? None being heard, Madam Secretary, would you take the vote?

COMMISSIONER SCHNEPP-GIGER: All in
favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: Ayes have it.

ATTORNEY RAUP: All right.

The next item up for consideration comes from the bureau of Wildlife Habitat Management and concerns Contract Number L-3776 on State Game Lands 157 in Bucks County.

At the Commission meeting on January 23rd, 2021, the Board of Commissioners approved the donation from Natural Lands Trust, Inc., of 15 plus or minus, acres of land in Haycock Township, Bucks County, an indenture into State Game Lands 157.

NLT was successful in receiving funding through a partnership grant provided by the Pennsylvania Department of Conservation and Natural Resources and the United States Fish & Wildlife
Service through the Highlands Conservation Act.

However, the Highlands Conservation Act funds are payable to the Commonwealth only as reimbursement.

The Commonwealth has determined that the most expeditious way to move forward is for the Commission to accept a subaward for the federal funds from DCNR and provide the HCA award amount of $85,000 to NLT from the Commission's restricted revenue account set through the treasury for other cost-sharing funds and then directly to HCA federal reimbursement amount of $85,000 back into the restricted revenue account. This has the double benefit of being efficient as well as ensuring federal dollars can be tracked directly to the acquisition project as intended by the HCA.

The net effect to the restricted revenue account or the Game Fund is zero dollars.

To accomplish this the Board of Game Commissioners must approve the use of the restricted revenue account payment from the account and the subsequent acceptance of the Federal HCA funds deposited into the account.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER MITRICK: So moved.
PRESIDENT KNICK: Second?

COMMISSIONER FORADORA: Second.

PRESIDENT KNICK: Any discussion?

COMMISSIONER LAYTON: Pete, can you just touch on this a little bit?

MR. SUSSENBACH: Sure. So the previously-approved agenda item, in order to fund that fully we need to provide some financial resources to the Natural Lands Trust for that acquisition. In return, we will be able to accept some federal funds through our restricted revenue account. It's basically being utilized as a pass-through, but it was the only way to make the grant work.

Everybody was onboard from the DCNR side, Natural Lands Trust, and this was the only way to really make that happen. So there will be more of these in the future, in fact, there's another agenda item very similar to this, but this seems like the most expeditious way in order to accomplish what we're trying to ultimately accomplish, which is filling out the indenture on Haycock Mountain.

PRESIDENT KNICK: Thank you.

Anything else? Madam Secretary, would you call the vote, please?
COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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PRESIDENT KNICK: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: The ayes have it.

ATTORNEY RAUP: The next item up for consideration concerns Contract Number L3782 on State Game Lands 168, in Northampton County. Rodney and Judith Holzer are offering 19.2 plus or minus, acres of land in Lehigh Township, Northampton County, adjoining State Game Land Number 196, as shown on Exhibit Red 1 on page 23 of your agenda. The option price is $33,000, lump sum, to be paid with funds from the Game Fund's restrictive revenue account Other Cost Sharing Funds. Access is through the existing State Game Land Number 168.

COMMISSIONER LAYTON: Motion to accept.

COMMISSIONER MITRICK: Second.
PRESIDENT KNICK: Any discussion?

None being heard, Madam Secretary, would you take

the vote?

COMMISSIONER SCHNEPP-GIGER: All in

favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: The ayes

have it.

MR. RAUP: The next item up for

consideration concerns Contract Number L3765, State

Game Lands 46 and 156 in Lancaster County. This is

an informational item that requires no further

action from the Board.

At the Commission meeting held on

April 7th, 2020, the Board of Game Commissioners

approved an exchange of a 9.36 more or less, acre

property known as the Brady Henderson Elementary

School in Huntingdon County to Alabaster House in

exchange for a portion of the consideration for the
acquisition of 392.3 more or less, acres of land in Elizabeth Township, Lancaster County.

The exchange of the Lancaster County property was to be completed in cooperation with the Natural Lands Trust, Inc., NLT, with funding provided by the department of Conservation and Natural Resources, DCNR, and the United States Fish & Wildlife Service through the Highlands Conservation Act, HCA.

The school building has been transferred and the money made available to NLT for the exchange by Alabaster House, Inc. However, the HCA monies are payable to the Commonwealth only as a reimbursement. The Commonwealth has determined that the most expeditious way to move forward is for the Commission to accept the subaward for the federal funds from DCNR, provide the HCA an award amount of $1,471,041 to NLT from the Commission's restricted revenue account set through the Treasury or other cost-sharing funds, and then directly to accept the HCA federal reimbursement back into the restricted revenue account. This has the double benefit of being efficient as well as ensuring federal dollars can be tracked directly to the acquisition project as intended by the HCA. The net effect to the
restricted revenue account or the Game Fund is zero dollars.

To further reduce delays in NLT receiving the payment of HCA funds, approval to use the restricted revenue account, payment from the account and subsequent acceptance of the HCA funds deposited into the restricted revenue account, was permitted - submitted as a notational vote to the Board of Commissioners on April 12th, 2021. By a unanimous vote the Board of Commissioners voted to approve the use of the restricted revenue account for the above-described purposes. Again, this is an informational item only and no further Board action is required.

The next item up for consideration concerns the Non-Surface Oil and Gas Cooperative Agreement, Tract 66A-21, on State Game Land 66 in Sullivan County.

Chesapeake Appalachia, LLC, of Oklahoma City, Oklahoma, requested the Commission offer its oil and gas ownership under a portion of State Game Land Number 66 for oil and gas development. The proposed tract containing approximately 600 more or less, acres is located in Colley Township, Sullivan County, as shown in
Exhibit OGM-1 and 2 on pages 26 and 27 - actually 20
- OGM-1 on page 26 of your agenda.

The terms of the agreement are paid-up five-year Non-Surface Oil Use and Gas Agreement, a $1,500 per-acre bonus payment and an 18-percent royalty. Chesapeake Appalachia, LLC, has a strong lease position surrounding this portion of State Game Lands Number 66 and has initiated well drilling and development programs on adjacent private lands. Chesapeake Appalachia has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no disturbance to the game land surface. Game Commission staff has negotiated with Chesapeake Appalachia, LLC, in an effort to ensure that the prudent development of the Commission's oil and gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Lands Number 66.

The proposed payment of $900,000 shall be paid directly into the Game Fund. And as an additional compensation, Chesapeake will also convey a .39-acre anterior parcel located on State Game Lands Number 285 in Darlington Township, Beaver County, to the Commission. This is as shown on Exhibit OGM-2 on page 27 of your agenda.
Further rentals and royalties shall be directly deposited into the Game Fund. Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's Standard Non-Surface Use and Gas Development Agreement.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER FORADORA: Motion.

PRESIDENT LAYTON: Second?

PRESIDENT KNICK: Any discussion?

Madam Secretary, would you please call the vote?

COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: The ayes have it.

ATTORNEY RAUP: The next item up for consideration concerns Underground Mining Mineral
Agreement Tract 153A-21 on State Game Lands 153, Indiana County.

Britt Energies, Incorporated, of Indiana, Pennsylvania, have requested a 25-year agreement to deep mine and remove the Loyalhanna limestone from beneath approximately 616 acres of State Game Lands Number 153, as shown on Exhibit OGM-3 on page 30 of your agenda. The proposal entails developing an underground mine to access approximately 584 acres of Commission-owned stone reserve through a mine portal in a processing area located on the recently-acquired 33-acre Stilley tract, portion of the State Game Land No. 153.

The Stilley tract was deeded to the Commission on February 18th, 2021, after surface coal mine operations were completed. The surface impacts will be limited to the 33-acre Stilley tract and the proposed underground portion of the operation entails mining an estimated of 149,140 tons of Loyalhanna limestone per acre by removing approximately 60 feet of stone and leaving 50-foot by 50-foot pillars in place to assure that no subsidence occurs as a result of the mining.

As compensation to the Commission, Britt Energies will pay a royalty rate of $.50 cents
per ton of stone for years 1 through 10 and $.60
cents per ton for stone for years 11 through 20, and
$.70 cents per ton of stone for years 21 and beyond.
As additional compensation and to offset the habitat
loss and recreational use of the state game land
from the portal and processing plant, Britt Energy,
through Mystic Development, will convey 190-acre
tract in Brush Valley Township, Indiana County, as
shown on Exhibit OGM-4 on page 31 of your agenda.
The Mystic Development tract is an indenture in
State Game Lands 273 with public road frontage that
provides access to an area of the game land
previously not readily accessible to the public.
Mining will be regulated by the Commonwealth's
mining regulations and the Commission's Standard
Industrial Surface Mining Agreement.

PRESIDENT KNICK: Do we have a
motion?

COMMISSIONER LAYTON: So moved.
PRESIDENT KNICK: Do we have a
second?

COMMISSIONER FORADORA: Second.
PRESIDENT KNICK: Any discussion?
COMMISSIONER LAYTON: Pete, how much
- as we're reading here, February 18th, 2021, is
that when the mining ended and we took ownership of
the property?

MR. SUSSENBACH: That is correct.
And that is that 33 acres, the Stilley tract.
Correct.

COMMISSIONER LAYTON: Has that been
reclaimed? Where are we at on that?

MR. SUSSENBACH: From what I've been
told from the regional staff and Mike DiMatteo and
his team, that it's been reclaimed, but we could
have done better. I think there's more work to be
done there. And that's why, you know, if we drifted
them up to that site, because of the impacts we're
going to be pretty limited as far as quality, you
know, habitat was concerned.

COMMISSIONER LAYTON: Okay. Thank
you.

PRESIDENT KNICK: Anything else? No
other comments? Madam Secretary, will you call for
the vote, please?

COMMISSIONER SCHNEPP-GIGER: All in
favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?
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(WHEREUPON, THERE WAS NO RESPONSE.)
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COMMISSIONER SCHNEPP-GIGER: Ayes
have it.

ATTORNEY RAUP: The last item up for
consideration in old business concerns the
Bituminous Coal Surface Mining Agreement Transfer
and Mine Expansion on Tract 198A-21, on State Game
Lands 198, Blair County.

RES Coal, LLC, of Armagh,
Pennsylvania, has requested the Commission to
authorize an additional 95 acres of surface coal
mining to facilitate the transfer of the existing EP
Bender Coal, Incorporated Agreement, and to continue
mining operations in a manner to ensure reclamation
of the current job, 86 Surface Mine operation.

The 273-acre tract, 198A-21 area,
will be comprised of the existing agreement of 178
acres and the expansion area of 95 acres. The 178-
acre surface mining operation was approved by the
Board in October of 2003 and is currently operating
under an approved Commission Bituminous Coal Surface
Mining Agreement. The 178-acre lease agreement with
EP Bender Coal Company will be transferred to RES and the mine would be expanded by an additional 95 acres, of which 84 would be the new mining area, as shown on Exhibit OGM-5 on page 33 of your agenda.

Approximately 921,240 - excuse me, approximately 921,240 recoverable tons of coal exist within the expansion area. The Commission does not own the coal rights on this property. RES will assume all reclamation responsibility of the existing permit lease area, which includes backfilling, regrading and reclamation of an estimated 1.3 million cubic yards of current open cut. The reclamation plan will be developed in coordination with the Commission's Harrisburg and Regional Habitat Management staff.

The terms are a ten-year agreement and a royalty rate of five-percent FOB pit price per ton of coal removed from the state game land. All coal royalty payments will be deposited into the Game Fund. Mining will be regulated by the Commonwealth's mining regulations and the Commission's Standard Bituminous Coal Surface Mining Agreement.

COMMISSIONER LAYTON: Motion to accept.
PRESIDENT KNICK: Motion? Second?

Is there a second?

COMMISSIONER FORADORA: Second.

PRESIDENT KNICK: Any discussions?

COMMISSIONER LAYTON: Mr. President, if I can, so I had an opportunity to meet with a representative from RES Coal on this site, where they'll be taking over the operations where Bender Coal Company currently has.

Bender has pretty much halted operations, if I'm correct, on this site. So right now that site is kind of sitting stagnant. There's a lot of work to be done to reclaim this land. And I would just ask the Commission to support this so that they can finish this project. The amount of acreage that is coming up is pretty negligible at this point, but the reclamation that we're going to get out of this is going to be great. So I would just ask that you support this one.

PRESIDENT KNICK: Thank you, Commissioner Layton. Any other comments? None being heard, Madam Secretary, will you call the vote?

COMMISSIONER SCHNEPP-GIGER: All in favor?
(WHEREUPON, THE AYES RESPOND.)

COMMISSIONER SCHNEPP-GIGER: Opposed?

(WHEREUPON, THERE WAS NO RESPONSE.)

COMMISSIONER SCHNEPP-GIGER: The ayes have it.

PRESIDENT KNICK: At this time, new business. Jason, we have two resolutions. Would you please read them?

ATTORNEY RAUP: Yes. I have two prepared Board resolutions before me. I will address them one at a time.

The first is a Resolution of the Board of Commissioners, whereas the Commonwealth has experienced a consistent decline in hunting participation over the past several decades and whereas these declines have negatively affected participation, both by resident and non-resident hunters, and has resulted in accompanying steady decline in the number of licenses sold and revenues generated. And whereas, the Commission recognizes that youth participation is vital to maintaining the
longstanding tradition of hunting within the Commonwealth. And whereas, Section 2303 of the Game and Wildlife code relating to hunting on Sunday prohibited currently provides very limited Sunday hunting opportunities within the Commonwealth. Whereas, expanded Sunday hunting can be an effective means of recruiting new hunting - new hunters and retaining current hunters by increasing the value of a hunting license by offering additional opportunities to spend time in the field. And whereas, the Commission recognizes that it can effectively double the number of hunting days for youth during the school year by offering additional Sunday hunting opportunities. And whereas, many residents of this Commonwealth seek additional hunting opportunities and hunting leases in neighboring states that offer Sunday hunting. Whereas, the Commission has determined that Sunday hunting will help keep Pennsylvania hunters in Pennsylvania. And whereas, the Commonwealth has a longstanding tradition of hunting camps and clubs. And whereas, expanded Sunday hunting opportunities could effectively double the number of hunting days for camp owners and club members. And whereas, expanded Sunday hunting opportunities have the
potential to provide substantial economic benefits to the rural areas and businesses by increasing money spent by hunters on lodging, food, gas, and other incidental items. And whereas, expanded Sunday hunting opportunities have the potential to generate a substantial increase in out-of-state licenses and the accompanying revenue for the Commission. And whereas, the hunting license sales and their associated federal matching funds are a primary revenue source for the Commission in carrying out its mission, including maintaining 1.5 million acres of state game lands and the acquisition of additional public lands, research and management of wildlife and providing information and education to the public. And whereas, expanded Sunday hunting opportunities could effectively generate $629 million in additional spending and create 5,300 new jobs, resulting in 18 million in additional sales and income tax. And whereas, the mission of the Pennsylvania Game Commission is to manage wildlife and its habitat for current and future generations. And whereas expanded Sunday hunting opportunities would have – would provide the Commission biologists with a new tool to manage wildlife populations. And whereas, the Commission
has observed that the 43 states that currently permit Sunday hunting have not experienced any discernible negative impact on the health or vibrancy of game populations by allowing Sunday hunting. And whereas, the Commission's Board of Commissioners recognizes that the authority to expand Sunday hunting lies entirely with the General Assembly of Pennsylvania. And whereas, if the General Assembly repeals the restrictions on Sunday hunting and grants the Commission the authority to regulate Sunday hunting, the Board recognizes that many stakeholder groups that any actions on Sunday hunting will affect and will endeavor to engage these stakeholders before passing any new regulations in regard to Sunday hunting. Now, therefore, be it resolved that the Board of Commissioners of the Pennsylvania Game Commission does hereby urge the General Assembly of Pennsylvania to repeal the prohibition on Sunday hunting in the Commonwealth of Pennsylvania.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER LAYTON: Motion.

COMMISSIONER MITRICK: Second.

PRESIDENT KNICK: Is there any
discussion? None being heard, Madam Secretary, you can call the vote, please.

COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: Ayes have it.

MR. RAUP: The second resolution is a Resolution on the Blue Ribbon Panel recommendations. Resolution made this 24th day of July, by the Pennsylvania Game Commission Board of Commissioners, an independent administrative agency of the Commonwealth of Pennsylvania, supporting the recommendation of the Blue Ribbon Panel on sustaining America's diverse fish and wildlife resources and recommending Congress dedicate to the states and its territories $1.3 billion annually in existing revenue to diversify funding and management of all wildlife. Whereas, Article 1, Section 27 of
the Pennsylvania Constitution provides for the
preservation of the natural values of the
environment as a birthright of every Pennsylvania
citizen, including generations yet to come.
Whereas, Title 34, Section 103 of the Game Code,
provides ownership jurisdiction and control of Game
and Wildlife code - wildlife to the commission.
Whereas, the mission of the Pennsylvania Game
commission is to manage Pennsylvania's 480 wild
birds, wild mammals and their habitats for current
and future generations. Whereas, the Pennsylvania
Game Commission does not receive revenue from the
Pennsylvania General Fund. Whereas, there is a
recognized need to expand the dedicated and
sustainable funding base for wildlife conservation
in Pennsylvania and throughout the nation. And
whereas, the Blue Ribbon Panel on Sustaining
Americans - America's Diverse Fish and Wildlife
Resources made up of 26 business and conservation
leaders was tasked with recommending a new funding
mechanism to support state, fish and wildlife
conservation to ensure the sustainability of all
fish and wildlife for current and future
generations. And whereas, the Blue Ribbon Panel on
sustaining America's diverse fish and wildlife
resources has recommended that Congress dedicate to the states and territories 1.3 billion annually to the Wildlife Conservation Restoration Program for diversified funding and management of all wildlife. Whereas, the Recovering America's Wildlife Act would fund recommendations of the Blue Ribbon Panel on sustaining America's diverse fish and wildlife resources by making funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies in each state's Wildlife Action Plan. And whereas, securing dedicated funding - federal funding is likely to require non-federal state match similar to that in place for Pittman & Robertson. And whereas - oh excuse me, therefore, be it resolved to support the recommendation of the Blue Ribbon Panel on sustaining America's Diverse Fish and Wildlife resources. But it further resolved to that the Pennsylvania Game Commission encourage other state fish and wildlife agencies throughout the country to do the same. Be it further resolved to support broadening non-federal dedicated funding mechanisms for wildlife conservation and implementation of the Pennsylvania's Wildlife Action Plan, and to serve as
the state's 25 percent match, in the event that the new dedicated funding is secured.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER LAYTON: So moved.

PRESIDENT KNICK: Second?

COMMISSIONER SCHNEPP-GIGER: Second.

PRESIDENT KNICK: Any discussion?

None being heard, Madam Secretary, will you call the vote, please?

COMMISSIONER SCHNEPP-GIGER: All in favor?

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(WHEREUPON, THE AYES RESPOND.)

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COMMISSIONER SCHNEPP-GIGER: Opposed?

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(WHEREUPON, THERE WAS NO RESPONSE.)

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COMMISSIONER SCHNEPP-GIGER: The ayes have it.

PRESIDENT KNICK: We held an executive session this morning, discussed the release of the Quail Plan for public comment. The Board supports the release of the Quail Plan for
public comment. No action is needed on that.

    Our next meeting will be September 10th and 11th of 2021.

    Do I have a motion to adjourn? Any other new business? Is there any more? Go ahead.

    COMMISSIONER MITRICK: I just wanted to say that in an executive session the Board has also agreed to release $30,000 a year to the rehabbers who treat lead-poisoned eagles, ospreys and peregrine falcons. We have - a year ago we had previously agreed to $15,000, but we decided to up it to $30,000 a year. And I think this is for an extremely good cause, and I thank all the Commissioners for their support on that.

    PRESIDENT KNICK: Do you have any other comments? Then motion to adjourn?

    COMMISSIONER LAYTON: Motion to adjourn.

    PRESIDENT KNICK: Second?

    COMMISSIONER SCHNEPP-GIGER: Second.

    PRESIDENT KNICK: All in favor?

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    (WHEREUPON, THE AYES RESPOND.)

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    MR. BURHANS: We'll take about a ten-
minute break and there will be a press conference for the press right here in this room here.

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HEARING WAS CONCLUDED AT 10:04 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing was held before President Knick, was reported by me on July 24, 2021 and that I, Samantha Sabatini, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 22 day of October, 2021.

Samantha Sabatini,
Court Reporter