

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

\* \* \* \* \*

BEFORE: STANLEY KNICK, President  
Michael Mitrick, Vice President  
Kristen Schnepf-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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NONE OFFERED

P R O C E E D I N G S

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

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(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

1 want me to get on my cellphone?

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

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

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

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

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

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

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

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

20 COMMISSIONER FREDERICKS: All right.

21  
22 COMMISSIONER SCHNEPP-GIGER: Okay.  
23 Denny, if you could, we're just going  
24 to confirm your presence.

25 COMMISSIONER FREDERICKS: Okay.

1                   COMMISSIONER SCHNEPP-GIGER: Confirm  
2 your presence one more time.

3                   COMMISSIONER FREDERICKS: Dennis  
4 Fredericks. I'm here.

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

9                   COMMISSIONER LAYTON: So moved.

10                   COMMISSIONER MITRICK: Mitrick  
11 second.

12                   PRESIDENT KNICK: Madam secretary?

13                   COMMISSIONER SCHNEPP-GIGER: All in  
14 favor, aye.

15   ---

16 (WHEREUPON, THE AYES RESPOND.)

17   ---

18                   COMMISSIONER SCHNEPP-GIGER: Opposed?

19   ---

20 (WHEREUPON, THERE WAS NO RESPONSE.)

21   ---

22                   COMMISSIONER SCHNEPP-GIGER: The ayes  
23 have it.

24                   ATTORNEY RAUP: Mr. President, thank  
25 you. The first item up for consideration is from

1 the Bureau of Wildlife Habitat - excuse me, Wildlife  
2 Management. It concerns the proposed rulemaking to  
3 amend 58 Pa. Code, Section 133.21.

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

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

17 Primary threats to the goshawks  
18 include forest fragmentation and degradation, nest  
19 site disturbance, disease, and predation.  
20 Pennsylvania lies at the southern limits of the  
21 range of the northeastern population of the northern  
22 goshawk, which makes this population more  
23 susceptible to the above effects. Several recent  
24 agency-supported efforts to better understand this  
25 species have documented a dramatic decline in the

1 state's population. The agency's advisory  
2 Ornithological Technical Committee has recommended a  
3 change to endangered status. This proposed change  
4 would tailor protections for the species, including  
5 (but not limited to) limiting or delaying certain  
6 activities within known breeding northern goshawk  
7 habitat during courtship and nesting seasons.

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

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



1 that recovery is an achievable goal.

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

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

6 Do you have a motion?

7 COMMISSIONER LAYTON: Motion to  
8 accept.

9 PRESIDENT KNICK: Second?

10 COMMISSIONER MITRICK: Second.

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

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

23 So I just want to give shout-out to  
24 the Game Commission staff for facilitating those  
25 discussions with the industry and getting their

1 support for the listing of this species. In the  
2 scientific community, I mean, all indications are  
3 the decline is precipitous and it's our duty as  
4 wildlife managers and as an agency to not stand by  
5 and watch it continue to happen.

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

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

12 COMMISSIONER SCHNEPP-GIGER: All in  
13 favor?

14 ---  
15 (WHEREUPON, THE AYES RESPOND.)

16 ---  
17 COMMISSIONER SCHNEPP-GIGER: Any  
18 opposed?

19 ---  
20 (WHEREUPON, THERE WAS NO RESPONSE.)

21 ---  
22 COMMISSIONER SCHNEPP-GIGER: The ayes  
23 have it.

24 ATTORNEY RAUP: The next item up for  
25 consideration concerns the proposed rulemaking to

1 amend 58 Pa. Code 147.551 through 147.559. The  
2 Commission has initiated a review of the DMAP and  
3 Red Tag Programs in response to public requests for  
4 various modifications. The Deer and Elk Sections  
5 organized the meeting of organizations who use or  
6 represent groups who use DMAP and Red Tag Programs.  
7 These participants were asked to provide input on  
8 three separate questions, what works, what doesn't  
9 work, and thirdly, how do we fix the items that do  
10 not work.

11                   The Deer and Elk Section provided an  
12 overview of input from the external organizations  
13 followed by an open discussion of potential changes  
14 to both programs to address external and internal  
15 needs. The following recommendations of changes to  
16 Sections 147.551 through 559 are offered to improve  
17 the efficiency and effectiveness of the Red Tag  
18 Program were generated as a result of these efforts.  
19 These changes are not intended to take effect  
20 immediately but rather will take effect July 1st,  
21 2022, to allow for a smooth transition to the new  
22 program standards.

23                   The changes are as follows. Number  
24 one, remove the public access requirement and  
25 signage requirements. Number two, change to four

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

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

24                   PRESIDENT KNICK: Do we have a  
25 motion?

1                   COMMISSIONER FORADORA: Motion.

2                   PRESIDENT KNICK: And a second?

3                   COMMISSIONER SCHNEPP-GIGER: Second.

4                   PRESIDENT KNICK: Discussion.

5                   COMMISSIONER LAYTON: Mr. President,  
6 if I may, so again, another shout-out to the staff.

7 This is something that was worked out from field  
8 staff up to Bureau, recognizing that what we had was  
9 kind of outdated and not working. So the only thing  
10 I would encourage is everybody in the agency could  
11 look at the Red Tag Program and tell you that it was  
12 just not productive anymore. So I would encourage  
13 staff, field staff, Bureau staff, to just keep an  
14 eye on this program, and when it runs its course  
15 figure out what the next step is. But thanks to you  
16 and all the people, the deer management team, the  
17 field staff, the Bureau people who put some time and  
18 effort into this, I think it's a step in the right  
19 direction.

20                   MR GREGG: Thank you. It's much  
21 appreciated. Yeah, I'd be remiss if I didn't say I  
22 can't personally take any credit for this. And it's  
23 not even just our bureau and the field staff and our  
24 constituents that all got together and provided  
25 input, but other bureaus as well. Administrative

1 Services and BATS play an important part in making  
2 this work. Bureau of Wildlife Protection helped us  
3 translate what we had in our minds into the legalese  
4 that's on the agenda items. So like anything else,  
5 this has been a real team effort and, as you say,  
6 it's - we think it's an improvement and we'll  
7 continue to monitor that and make improvements as we  
8 go along. Thanks.

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

19 PRESIDENT KNICK: Okay.  
20 We can call for a vote, Madam  
21 Secretary.

22 COMMISSIONER SCHNEPP-GIGER: All in  
23 favor?

24 ---  
25 (WHEREUPON, THE AYES RESPOND.)

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2

COMMISSIONER SCHNEPP-GIGER: Opposed?

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4

(WHEREUPON, THERE WAS NO RESPONSE.)

5

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COMMISSIONER SCHNEPP-GIGER: Ayes

7

have it.

8

ATTORNEY RAUP: All right.

9

The next item up for consideration

10

concerns the adoptive rulemaking to amend 58 Pa.

11

Code Section 141.62, to effectively manage the

12

wildlife resources of the Commonwealth, the Game

13

Commission, at its April 10th, 2021 meeting, amended

14

Section 141.62, relating to beaver and otter

15

trapping, to eliminate the restriction on the number

16

of traps that beaver trappers can set during the

17

five-day period after the closure of the otter

18

trapping season. The text of these amendments can

19

be found on page 11 of your agenda.

20

PRESIDENT KNICK: Do we have a

21

motion?

22

COMMISSIONER MITRICK: So moved.

23

COMMISSIONER LAYTON: Second.

24

PRESIDENT KNICK: Discussion? No

25

discussion. Madam Secretary, would you call the

1 vote, please?

2 COMMISSIONER SCHNEPP-GIGER: All in  
3 favor?

4 ---

5 (WHEREUPON, THE AYES RESPOND.)

6 ---

7 COMMISSIONER SCHNEPP-GIGER: Opposed?

8 ---

9 (WHEREUPON, THERE WAS NO RESPONSE.)

10 ---

11 COMMISSIONER SCHNEPP-GIGER: Ayes

12 have it.

13 ATTORNEY RAUP: The next item up for  
14 consideration is from the Bureau of Wildlife  
15 Protection and it concerns the proposed rulemaking  
16 to amend 58 Pa. Code Section 131.8. The  
17 Pennsylvania population of nesting peregrine  
18 falcons, *Falco peregrinus*, has continued to increase  
19 since the Commission's upgrade of the species from  
20 endangered to threatened. This action allows the  
21 Commission's Peregrine Falcon Management Plan, dated  
22 2013, which the objectives for delisting of the  
23 species were established. Section 925(i) of the  
24 Code states that, in addition to the fines and costs  
25 imposed for the violations pursuant to subsection



1 (b), the costs incurred by the Commission for the  
2 replacement of the species involved in the violation  
3 shall be assessed by the Magisterial District Judge  
4 in such amount as is fixed by the Commission.

5 From the peregrine falcon's delisting  
6 replacement costs for the species will be reduced  
7 from \$5,000, that's current status as a threatened  
8 species, to a default of \$200. Notwithstanding its  
9 efforts to delist the peregrine falcon, the  
10 Commission has determined that the species  
11 necessitates further protection from unlawful  
12 takings in the form of an increased replacement cost  
13 upon its effective delisting date. The Commission  
14 is proposing to amend 131.8 relating to replacement  
15 costs for wildlife killed to increase the  
16 replacement costs for peregrine falcons from \$200 to  
17 \$2,500. You'll find the text of these amendments on  
18 pages 12 and 13 of your agenda.

19 PRESIDENT KNICK: Do we have a  
20 motion?

21 COMMISSIONER LAYTON: So moved.

22 COMMISSIONER FORADORA: Second.

23 PRESIDENT KNICK: Any discussion?

24 None being heard, Madam Secretary, would you please  
25 call for a vote?

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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: 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

1 through 17 of your agenda.

2 PRESIDENT KNICK: Do we have a  
3 motion?

4 COMMISSIONER MITRICK: So moved.

5 COMMISSIONER LAYTON: Second.

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

9 COMMISSIONER SCHNEPP-GIGER: All in  
10 favor?

11 ---

12 (WHEREUPON, THE AYES RESPOND.)

13 ---

14 COMMISSIONER SCHNEPP-GIGER: Opposed?

15 ---

16 (WHEREUPON, THERE WAS NO RESPONSE.)

17 ---

18 COMMISSIONER SCHNEPP-GIGER: The ayes  
19 have it.

20 ATTORNEY RAUP: The next item up for  
21 your consideration concerns the adoptive rulemaking  
22 to amend 58 Pa. Code Section 147.804. To  
23 effectively manage the wildlife resources of this  
24 Commonwealth, the Game Commission at its April 10th,  
25 2021 meeting, amended Section 147.804 relating to

1 expanding the species eligibility for Mentored  
2 Hunting Program to include participation of  
3 waterfowl, bear, an expanded spring or special  
4 turkey seasons. Existing regulatory structures will  
5 continue to authorize mentored youth hunting over  
6 the age of eight - over the age of seven at the time  
7 of application and mentored adults to make  
8 application for bear licenses and special wild  
9 turkey licenses as a direct applicant.

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

17 PRESIDENT KNICK: Do we have a  
18 motion?

19 COMMISSIONER FORADORA: Motion.

20 PRESIDENT KNICK: Have a second?

21 COMMISSIONER SCHNEPP-GIGER: Second.

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

25 COMMISSIONER SCHNEPP-GIGER: All in

1 favor?

2 ---

3 (WHEREUPON, THE AYES RESPOND.)

4 ---

5 COMMISSIONER SCHNEPP-GIGER: Opposed?

6

7 ---

8 (WHEREUPON, THERE WAS NO RESPONSE.)

9 ---

10 COMMISSIONER SCHNEPP-GIGER: Ayes

11 have it.

12 ATTORNEY RAUP: All right.

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

17 At the Commission meeting on January  
18 23rd, 2021, the Board of Commissioners approved the  
19 donation from Natural Lands Trust, Inc., of 15 plus  
20 or minus, acres of land in Haycock Township, Bucks  
21 County, an indenture into State Game Lands 157.

22 NLT was successful in receiving  
23 funding through a partnership grant provided by the  
24 Pennsylvania Department of Conservation and Natural  
25 Resources and the United States Fish & Wildlife



1                   PRESIDENT KNICK:    Second?

2                   COMMISSIONER FORADORA:    Second.

3                   PRESIDENT KNICK:    Any discussion?

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

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

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

23                   PRESIDENT KNICK:    Thank you.  
24 Anything else?  Madam Secretary, would you call the  
25 vote, please?

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COMMISSIONER SCHNEPP-GIGER: All in

favor?

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(WHEREUPON, THE AYES RESPOND.)

---

PRESIDENT KNICK: Opposed?

---

(WHEREUPON, THERE WAS NO RESPONSE.)

---

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.



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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.)

---

COMMISSIONER SCHNEPP-GIGER: Opposed?

---

(WHEREUPON, THERE WAS NO RESPONSE.)

---

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

1 acquisition of 392.3 more or less, acres of land in  
2 Elizabeth Township, Lancaster County.

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

10           The school building has been  
11 transferred and the money made available to NLT for  
12 the exchange by Alabaster House, Inc. However, the  
13 HCA monies are payable to the Commonwealth only as a  
14 reimbursement. The Commonwealth has determined that  
15 the most expeditious way to move forward is for the  
16 Commission to accept the subaward for the federal  
17 funds from DCNR, provide the HCA an award amount of  
18 \$1,471,041 to NLT from the Commission's restricted  
19 revenue account set through the Treasury or other  
20 cost-sharing funds, and then directly to accept the  
21 HCA federal reimbursement back into the restricted  
22 revenue account. This has the double benefit of  
23 being efficient as well as ensuring federal dollars  
24 can be tracked directly to the acquisition project  
25 as intended by the HCA. The net effect to the

1 restricted revenue account or the Game Fund is zero  
2 dollars.

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

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

19                   Chesapeake Appalachia, LLC, of  
20 Oklahoma City, Oklahoma, requested the Commission  
21 offer its oil and gas ownership under a portion of  
22 State Game Land Number 66 for oil and gas  
23 development. The proposed tract containing  
24 approximately 600 more or less, acres is located in  
25 Colley Township, Sullivan County, as shown in

1 Exhibit OGM-1 and 2 on pages 26 and 27 - actually 20  
2 - OGM-1 on page 26 of your agenda.

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

19           The proposed payment of \$900,000  
20 shall be paid directly into the Game Fund. And as  
21 an additional compensation, Chesapeake will also  
22 convey a .39-acre anterior parcel located on State  
23 Game Lands Number 285 in Darlington Township, Beaver  
24 County, to the Commission. This is as shown on  
25 Exhibit OGM-2 on page 27 of your agenda.

1 Further rentals and royalties shall  
2 be directly deposited into the Game Fund. Oil and  
3 gas development will be regulated by the  
4 Commonwealth's oil and gas regulations and the  
5 Commission's Standard Non-Surface Use and Gas  
6 Development Agreement.

7 PRESIDENT KNICK: Do we have a  
8 motion?

9 COMMISSIONER FORADORA: Motion.

10 PRESIDENT LAYTON: Second?

11 PRESIDENT KNICK: Any discussion?

12 Madam Secretary, would you please call the vote?

13 COMMISSIONER SCHNEPP-GIGER: All in  
14 favor?

15 ---

16 (WHEREUPON, THE AYES RESPOND.)

17 ---

18 COMMISSIONER SCHNEPP-GIGER: Opposed?

19 ---

20 (WHEREUPON, THERE WAS NO RESPONSE.)

21 ---

22 COMMISSIONER SCHNEPP-GIGER: The ayes  
23 have it.

24 ATTORNEY RAUP: The next item up for  
25 consideration concerns Underground Mining Mineral

1 Agreement Tract 153A-21 on State Game Lands 153,  
2 Indiana County.

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

14                   The Stilley tract was deeded to the  
15 Commission on February 18th, 2021, after surface  
16 coal mine operations were completed. The surface  
17 impacts will be limited to the 33-acre Stilley tract  
18 and the proposed underground portion of the  
19 operation entails mining an estimated of 149,140  
20 tons of Loyalhanna limestone per acre by removing  
21 approximately 60 feet of stone and leaving  
22 50-foot by 50-foot pillars in place to assure that  
23 no subsidence occurs as a result of the mining.

24                   As compensation to the Commission,  
25 Britt Energies will pay a royalty rate of \$.50 cents

1 per ton of stone for years 1 through 10 and \$.60  
2 cents per ton for stone for years 11 through 20, and  
3 \$.70 cents per ton of stone for years 21 and beyond.  
4 As additional compensation and to offset the habitat  
5 loss and recreational use of the state game land  
6 from the portal and processing plant, Britt Energy,  
7 through Mystic Development, will convey 190-acre  
8 tract in Brush Valley Township, Indiana County, as  
9 shown on Exhibit OGM-4 on page 31 of your agenda.  
10 The Mystic Development tract is an indenture in  
11 State Game Lands 273 with public road frontage that  
12 provides access to an area of the game land  
13 previously not readily accessible to the public.  
14 Mining will be regulated by the Commonwealth's  
15 mining regulations and the Commission's Standard  
16 Industrial Surface Mining Agreement.

17 PRESIDENT KNICK: Do we have a  
18 motion?

19 COMMISSIONER LAYTON: So moved.

20 PRESIDENT KNICK: Do we have a  
21 second?

22 COMMISSIONER FORADORA: Second.

23 PRESIDENT KNICK: Any discussion?

24 COMMISSIONER LAYTON: Pete, how much  
25 - as we're reading here, February 18th, 2021, is

1 that when the mining ended and we took ownership of  
2 the property?

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

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

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

16 COMMISSIONER LAYTON: Okay. Thank  
17 you.

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

21 COMMISSIONER SCHNEPP-GIGER: All in  
22 favor?

23 ---

24 (WHEREUPON, THE AYES RESPOND.)

25 ---



1                   COMMISSIONER SCHNEPP-GIGER:   Opposed?

2                   ---

3   (WHEREUPON, THERE WAS NO RESPONSE.)

4                   ---

5                   COMMISSIONER SCHNEPP-GIGER:   Ayes

6   have it.

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

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

19                   The 273-acre tract, 198A-21 area,  
20   will be comprised of the existing agreement of 178  
21   acres and the expansion area of 95 acres. The 178-  
22   acre surface mining operation was approved by the  
23   Board in October of 2003 and is currently operating  
24   under an approved Commission Bituminous Coal Surface  
25   Mining Agreement. The 178-acre lease agreement with

1 EP Bender Coal Company will be transferred to RES  
2 and the mine would be expanded by an additional 95  
3 acres, of which 84 would be the new mining area, as  
4 shown on Exhibit OGM-5 on page 33 of your agenda.

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

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

24                   COMMISSIONER LAYTON: Motion to  
25 accept.

1                   PRESIDENT KNICK: Motion? Second?

2 Is there a second?

3                   COMMISSIONER FORADORA: Second.

4                   PRESIDENT KNICK: Any discussions?

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

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

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

24                   COMMISSIONER SCHNEPP-GIGER: All in  
25 favor?

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(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

1 longstanding tradition of hunting within the  
2 Commonwealth. And whereas, Section 2303 of the Game  
3 and Wildlife code relating to hunting on Sunday  
4 prohibited currently provides very limited Sunday  
5 hunting opportunities within the Commonwealth.  
6 Whereas, expanded Sunday hunting can be an effective  
7 means of recruiting new hunting - new hunters and  
8 retaining current hunters by increasing the value of  
9 a hunting license by offering additional  
10 opportunities to spend time in the field. And  
11 whereas, the Commission recognizes that it can  
12 effectively double the number of hunting days for  
13 youth during the school year by offering additional  
14 Sunday hunting opportunities. And whereas, many  
15 residents of this Commonwealth seek additional  
16 hunting opportunities and hunting leases in  
17 neighboring states that offer Sunday hunting.  
18 Whereas, the Commission has determined that Sunday  
19 hunting will help keep Pennsylvania hunters in  
20 Pennsylvania. And whereas, the Commonwealth has a  
21 longstanding tradition of hunting camps and clubs.  
22 And whereas, expanded Sunday hunting opportunities  
23 could effectively double the number of hunting days  
24 for camp owners and club members. And whereas,  
25 expanded Sunday hunting opportunities have the

1 potential to provide substantial economic benefits  
2 to the rural areas and businesses by increasing  
3 money spent by hunters on lodging, food, gas, and  
4 other incidental items. And whereas, expanded  
5 Sunday hunting opportunities have the potential to  
6 generate a substantial increase in out-of-state  
7 licenses and the accompanying revenue for the  
8 Commission. And whereas, the hunting license sales  
9 and their associated federal matching funds are a  
10 primary revenue source for the Commission in  
11 carrying out its mission, including maintaining 1.5  
12 million acres of state game lands and the  
13 acquisition of additional public lands, research and  
14 management of wildlife and providing information and  
15 education to the public. And whereas, expanded  
16 Sunday hunting opportunities could effectively  
17 generate \$629 million in additional spending and  
18 create 5,300 new jobs, resulting in 18 million in  
19 additional sales and income tax. And whereas, the  
20 mission of the Pennsylvania Game Commission is to  
21 manage wildlife and its habitat for current and  
22 future generations. And whereas expanded Sunday  
23 hunting opportunities would have - would provide the  
24 Commission biologists with a new tool to manage  
25 wildlife populations. And whereas, the Commission

1 has observed that the 43 states that currently  
2 permit Sunday hunting have not experienced any  
3 discernible negative impact on the health or  
4 vibrancy of game populations by allowing Sunday  
5 hunting. And whereas, the Commission's Board of  
6 Commissioners recognizes that the authority to  
7 expand Sunday hunting lies entirely with the General  
8 Assembly of Pennsylvania. And whereas, if the  
9 General Assembly repeals the restrictions on Sunday  
10 hunting and grants the Commission the authority to  
11 regulate Sunday hunting, the Board recognizes that  
12 many stakeholder groups that any actions on Sunday  
13 hunting will affect and will endeavor to engage  
14 these stakeholders before passing any new  
15 regulations in regard to Sunday hunting. Now,  
16 therefore, be it resolved that the Board of  
17 Commissioners of the Pennsylvania Game Commission  
18 does hereby urge the General Assembly of  
19 Pennsylvania to repeal the prohibition on Sunday  
20 hunting in the Commonwealth of Pennsylvania.

21 PRESIDENT KNICK: Do we have a  
22 motion?

23 COMMISSIONER LAYTON: Motion.

24 COMMISSIONER MITRICK: Second.

25 PRESIDENT KNICK: Is there any

1 discussion? None being heard, Madam Secretary, you  
2 can call the vote, please.

3 COMMISSIONER SCHNEPP-GIGER: All in  
4 favor?

5 ---

6 (WHEREUPON, THE AYES RESPOND.)

7 ---

8 COMMISSIONER SCHNEPP-GIGER: Opposed?

9 ---

10 (WHEREUPON, THERE WAS NO RESPONSE.)

11 ---

12 COMMISSIONER SCHNEPP-GIGER: Ayes

13 have it.

14 MR. RAUP: The second resolution is a  
15 Resolution on the Blue Ribbon Panel recommendations.  
16 Resolution made this 24th day of July, by the  
17 Pennsylvania Game Commission Board of Commissioners,  
18 an independent administrative agency of the  
19 Commonwealth of Pennsylvania, supporting the  
20 recommendation of the Blue Ribbon Panel on  
21 sustaining America's diverse fish and wildlife  
22 resources and recommending Congress dedicate to the  
23 states and its territories \$1.3 billion annually in  
24 existing revenue to diversify funding and management  
25 of all wildlife. Whereas, Article 1, Section 27 of



1 the Pennsylvania Constitution provides for the  
2 preservation of the natural values of the  
3 environment as a birthright of every Pennsylvania  
4 citizen, including generations yet to come.  
5 Whereas, Title 34, Section 103 of the Game Code,  
6 provides ownership jurisdiction and control of Game  
7 and Wildlife code - wildlife to the commission.  
8 Whereas, the mission of the Pennsylvania Game  
9 commission is to manage Pennsylvania's 480 wild  
10 birds, wild mammals and their habitats for current  
11 and future generations. Whereas, the Pennsylvania  
12 Game Commission does not receive revenue from the  
13 Pennsylvania General Fund. Whereas, there is a  
14 recognized need to expand the dedicated and  
15 sustainable funding base for wildlife conservation  
16 in Pennsylvania and throughout the nation. And  
17 whereas, the Blue Ribbon Panel on Sustaining  
18 Americans - America's Diverse Fish and Wildlife  
19 Resources made up of 26 business and conservation  
20 leaders was tasked with recommending a new funding  
21 mechanism to support state, fish and wildlife  
22 conservation to ensure the sustainability of all  
23 fish and wildlife for current and future  
24 generations. And whereas, the Blue Ribbon Panel on  
25 sustaining America's diverse fish and wildlife

1 resources has recommended that Congress dedicate to  
2 the states and territories 1.3 billion annually to  
3 the Wildlife Conservation Restoration Program for  
4 diversified funding and management of all wildlife.  
5 Whereas, the Recovering America's Wildlife Act would  
6 fund recommendations of the Blue Ribbon Panel on  
7 sustaining America's diverse fish and wildlife  
8 resources by making funds available for management  
9 of fish and wildlife species of greatest  
10 conservation need as determined by State fish and  
11 wildlife agencies in each state's Wildlife Action  
12 Plan. And whereas, securing dedicated funding -  
13 federal funding is likely to require non-federal  
14 state match similar to that in place for Pittman &  
15 Robertson. And whereas - oh excuse me, therefore,  
16 be it resolved to support the recommendation of the  
17 Blue Ribbon Panel on sustaining America's Diverse  
18 Fish and Wildlife resources. But it further  
19 resolved to that the Pennsylvania Game Commission  
20 encourage other state fish and wildlife agencies  
21 throughout the country to do the same. Be it  
22 further resolved to support broadening non-federal  
23 dedicated funding mechanisms for wildlife  
24 conservation and implementation of the  
25 Pennsylvania's Wildlife Action Plan, and to serve as

1 the state's 25 percent match, in the event that the  
2 new dedicated funding is secured.

3 PRESIDENT KNICK: Do we have a  
4 motion?

5 COMMISSIONER LAYTON: So moved.

6 PRESIDENT KNICK: Second?

7 COMMISSIONER SCHNEPP-GIGER: Second.

8 PRESIDENT KNICK: Any discussion?

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

11 COMMISSIONER SCHNEPP-GIGER: All in  
12 favor?

13 ---

14 (WHEREUPON, THE AYES RESPOND.)

15 ---

16 COMMISSIONER SCHNEPP-GIGER: Opposed?

17 ---

18 (WHEREUPON, THERE WAS NO RESPONSE.)

19 ---

20 COMMISSIONER SCHNEPP-GIGER: The ayes  
21 have it.

22 PRESIDENT KNICK: We held an  
23 executive session this morning, discussed the  
24 release of the Quail Plan for public comment. The  
25 Board supports the release of the Quail Plan for

1 public comment. No action is needed on that.

2 Our next meeting will be September  
3 10th and 11th of 2021.

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

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

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

17 COMMISSIONER LAYTON: Motion to  
18 adjourn.

19 PRESIDENT KNICK: Second?

20 COMMISSIONER SCHNEPP-GIGER: Second.

21 PRESIDENT KNICK: All in favor?

22 ---

23 (WHEREUPON, THE AYES RESPOND.)

24 ---

25 MR. BURHANS: We'll take about a ten-

1 minute break and there will be a press conference  
2 for the press right here in this room here.

3 \* \* \* \* \*

4 HEARING WAS CONCLUDED AT 10:04 A.M.

5 \* \* \* \* \*

6

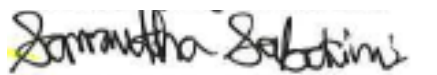
7 CERTIFICATE

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

14 Dated the 22 day of October, 2021.

15

16



17

Samantha Sabatini,

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Court Reporter

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