COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION
* * * * * * * *
IN RE: MEETING
* * * * * * * *

BEFORE: STANLEY I. KNICK JR., President
Michael F. Mitrick, Vice President
Kristen Schnepp-Giger, Secretary
  (via Telephone)
Timothy S. Layton, Member
Scott H. Foradora, Member
  (via Telephone)
Dennis R. Fredericks, Member
  (via Telephone)

HEARING: Saturday, September 11, 2021
8:46 a.m.

LOCATION: PA Game Commission
Southwest Regional Office,
4820 Route 711
Bolivar, PA 15923

WITNESSES: None
Reporter: Lori A. Behe

Any reproduction of this transcript is prohibited without authorization by the certifying agency.
APPEARANCES

BRADLEY C. BECHTEL, ESQUIRE
Pennsylvania Gaming Commission
2001 Emerton Avenue
Harrisburg, PA 17110
Counsel for <Name>

ALSO PRESENT:
BRYAN BURHANS, Executive Director
DAVID MITCHELL, Deputy Executive Director
LYDIA CRAIG, Executive Secretary
MATTHEW SCHNUPP
INDEX

DISCUSSION AMONG PARTIES  5 - 26
CERTIFICATE  27
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NONE OFFERED</td>
<td></td>
</tr>
</tbody>
</table>
PROCEEDINGS

ATTORNEY BECHTEL: The first item on today’s agenda to come before the Board comes from the Bureau of Wildlife Management it concerns an adopted rulemaking to amend 58 PA Code Section 133.21 relating to classification of birds, to add the northern goshawk, Accipiter gentilis, to the Commonwealth list of endangered birds. The Commission has also amended Section 133.21 relating to classification of birds to remove the peregrine falcon, Falco peregrinus, from the Commonwealth's list of threatened birds. The text is shown on pages three and four of your agenda.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER LAYTON: So moved.

PRESIDENT KNICK: Okay.

Second?

COMMISSIONER MITRICK: Second.

PRESIDENT KNICK: Any comments?

COMMISSIONER LAYTON: If I could, Mr. President. So I appreciate the falconer's coming and talking to us, but I have to, I just have to
take pause. I mean, we've got two nesting pairs of
- what are we talking, two nesting pairs of goshawks
right now as opposed to, what 20 years ago, we had
what, maybe 22 nesting pairs?

I think as an agency, if we don't
take action now. In fact, those - I talked to
Matthew privately after the last meeting and I'm
like what - what took so long. And it's all about
the data and, I get that now.

But I think as an agency, if we don't
do something now and we don't do something quickly,
I think we're negligent. So I would support listing
the goshawk and I would ask my fellow commissioners
to lend their support as well.

COMMISSIONER MITRICK: I would also
like to say something. I’ve given a great deal of
consideration to this issue we’ve heard from many
sources regarding this subject. There is strong
agreement that the numbers of northern goshawks in
Pennsylvania are precipitously low. This is also
true of the northern goshawks migrating through
Pennsylvania.

The people who are primarily opposed
to this listing - are falconers. By listing
goshawks as endangered, they will no longer be able
to take young goshawks from their nests or take 
passage birds. I truly appreciate their pain in not 
being able to do this.

I feel that by listing the northern 
goshawk as endangered, it will receive the much 
needed attention to its plight. Hopefully its 
numbers will increase so they can be delisted as we 
are now with the peregrine falcon. Thank you.

PRESIDENT KNICK: Thank you very 
much, Commissioner. Madam Secretary, would you call 
for the vote please.

COMMISSIONER SCHNEPP-GIGER:
President Knick?

PRESIDENT KNICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Vice 
President Mitrick?

COMMISSIONER MITRICK: Aye.

COMMISSIONER SCHNEPP-GIGER:
Commissioner Foradora?

MR. BURHANS: Commissioner Foradora, 
is your phone on mute?

COMMISSIONER SCHNEPP-GIGER:
Commissioner Foradora?

MR. BURHANS: Okay.

It looks like he's trying to dial
back in so he should be here any moment.

COMMISSIONER SCHNEPP-GIGER: We'll come back to Commissioner Foradora.

Commissioner Fredericks?

COMMISSIONER FREDERICKS: Dennis Fredericks, yes. Dennis Fredericks.

COMMISSIONER SCHNEPP-GIGER: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Schnepp-Giger votes yes.

COMMISSIONER FORADORA: This is Commissioner Foradora back on the line.

COMMISSIONER SCHNEPP-GIGER: Commissioner Foradora, I ask for your vote on adopting the rulemaking to amend PA Code on 133.21?

COMMISSIONER FORADORA: Yes.

COMMISSIONER SCHNEPP-GIGER: Ayes have it, six nothing. Motion passes.

PRESIDENT KNICK: Thank you Madam Secretary.

ATTORNEY BECHTEL: The next item before the Board is on page five of your agenda it concerns proposed rulemaking from the Bureau of Wildlife Protection, amending 58 PA Code Section
The Commission historically required mandatory hunter orientation for all hunters that were successfully drawn for an elk license. The purpose of this orientation was to provide hunters with important information about this unique hunt. The Commission has since transitioned away from this in-person orientation training and instead provides hunters with all of the necessary instructions by mail with their licensing materials. Considering this change, the Commission is proposing to amend Section 141.47 relating to elk seasons to eliminate the outdated reference to the elk season orientation.

The text is shown on pages five and six of your agenda.

PRESIDENT KNICK: Do we have a motion?

COMMISSIONER MITRICK: So moved.

COMMISSIONER LAYTON: Second.

PRESIDENT KNICK: Any comment? None heard. Madam Secretary, could you please call for the vote?

COMMISSIONER SCHNEPP-GIGER: President Knick?
PRESIDENT KNICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Vice President Mitrick?

COMMISSIONER MITRICK: Yes.

COMMISSIONER SCHNEPP-GIGER:

Commissioner Foradora?

COMMISSIONER FORADORA: Aye.

COMMISSIONER SCHNEPP-GIGER:

Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER SCHNEPP-GIGER:

Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER SCHNEPP-GIGER:

Commissioner Schnep-Giger, yes. Ayes have it, six nothing.

ATTORNEY BECHTEL: In the next item on page - the next item on page seven of your agenda concerns adopted rule making also for the Bureau of Wildlife Protection, amending 58 PA Code Section 131.8 relating for replacement costs for wildlife killed to increase replacement costs for peregrine falcons from $200 to $2,500. The text is shown on page eight of your agenda.

PRESIDENT KNICK: We have a motion?
COMMISSIONER LAYTON: Motion to accept.

COMMISSIONER MITRICK: Second.

PRESIDENT KNICK: Any comments?

None being heard, Madam Secretary, please call for the vote?

COMMISSIONER SCHNEPP-GIGER: President Knick?

PRESIDENT KNICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Vice President Mitrick?

COMMISSIONER MITRICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Schneppe-Giger, yes. Ayes have it, six nothing.

ATTORNEY BECHTEL: The next item
today on page nine of your agenda it’s from the
Bureau of Wildlife Habitat Management and concerns a
real estate donation, Contract Number L-3785, State
Game Land Number 168, Northampton County.

Rodney and Judith Holzer are offering
to donate a one-third interest in three tracts of
land totaling 13.85 more or less acres in Lehigh
Township, Northampton County, adjoining and near
State Game Land number 168 as shown on Exhibit RED 1
on page ten of your agenda. Access is from
Timberland Road and one of the tracts is landlocked.

PRESIDENT KNICK: Do we have a
motion?

COMMISSIONER MITRICK: So Moved.
COMMISSIONER LAYTON: Second.
PRESIDENT KNICK: Any comments?
None being heard, Madam Secretary,
would you please call the vote?

COMMISSIONER SCHNEPP-GIGER:
President Knick?

PRESIDENT KNICK: Yes.
COMMISSIONER SCHNEPP-GIGER: Vice
President Mitrick?

COMMISSIONER MITRICK: Yes.
COMMISSIONER SCHNEPP-GIGER:
Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER SCHNEPP-GIGER:

Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER SCHNEPP-GIGER:

Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER SCHNEPP-GIGER:

Commissioner Schnepp-Giger, yes. Ayes have it, six nothing.

ATTORNEY BECHTEL: Turning to page 11 of your agendas, there's another acquisition, Contract Number L-3786, State Game Land Number 48 in Bedford County.

Western Pennsylvania Conservancy is offering 117.6 more or less acres of land in Londonderry Township, Bedford County, adjoining State Game Land number 48 as shown on Exhibit RED 2 on page 12 of your agenda. The auction price is $400 per acre to be paid from the Game Fund. Access is from Cove Road.

COMMISSIONER LAYTON: Motion to accept.

COMMISSIONER MITRICK: Second.
PRESIDENT KNICK: Any comment?
None being heard, Madam Secretary, will you please call the vote?
COMMISSIONER SCHNEPP-GIGER:
President Knick?
PRESIDENT KNICK: Yes.
COMMISSIONER SCHNEPP-GIGER:
President - Vice President Mitrick?
COMMISSIONER MITRICK: Yes.
COMMISSIONER SCHNEPP-GIGER:
Commissioner Foradora?
COMMISSIONER FORADORA: Yes.
COMMISSIONER SCHNEPP-GIGER:
Commissioner Fredericks?
COMMISSIONER FREDERICKS: I have a question. I feel that I need to recuse myself from this vote because I hold a position on the Board of the Conservancy. Does that jeopardize the vote?
PRESIDENT KNICK: No, it doesn't.
That's fine.
COMMISSIONER FREDERICKS: Okay.
COMMISSIONER SCHNEPP-GIGER:
Commissioner Layton?
COMMISSIONER LAYTON: Yes.
COMMISSIONER SCHNEPP-GIGER:
Commissioner Schnepp-Giger, yes. Ayes have it 5, 1
Commissioner abstained from voting.

ATTORNEY BECHTEL: The next item on
the agenda appears on page 13 concerning an
exchange, Contract Number L-3787, State Game Land
Number 198, in Cambria County.

Sunoco Pipeline, L.P. or Sunoco, is
offering to cause to convey a total of 1.69 more or
less acres of permanent right-of-way and a total of
0.12 more or less acre of temporary construction
right-of-way to provide a total of 2,940 more or
less linear feet of administrative and public road
access into State Game Land Number 198 from Memorial
Drive, T-417, in Washington Township, Cambria County
as shown on Exhibit RED 3 on page 14 of your agenda.

Sunoco is offering these rights-of-
way in order to fulfill their commitment under a
2016 Annual License for Right-of-Way granting Sunoco
the privilege of constructing, operating,
maintaining and removing natural gas liquids
pipelines on State Game Land 198 in Cresson and
Washington Townships, Cambria County, and Juniata
Township, Blair County as shown on Exhibit RED 4 on
page 15 of your agenda.

The 25-foot-wide permanent rights-of-
way and the temporary construction rights-of-way being offered by Sunoco will be granted as follows;

one, a total of 0.90 more or less acre of permanent and a total of 0.04 more or less acre of temporary rights-of-way from the Township of Washington on two separate parcels. Two, a total of 0.42 more or less acre of permanent and 0.01 more or less acre of temporary rights-of-way from Raymond C. Guzic, Jr. and Jenny R. Guzic.

Three, 0.003 more or less acre of permanent right-of-way from Richard R. Sweeney, John G. Sweeney and Daniel R. Sweeney. Four, 0.04 more or less acre of permanent and a total of 0.06 more or less acre of temporary rights-of-way from Highland Sewer and Water Authority. And five, 0.33 more or less acre of permanent and 0.01 more or less acre of temporary rights-of-way from Richard R. Sweeney, Linda L. Sweeney, Daniel R. Sweeney and John G. Sweeney.

Sunoco will also cause to complete significant improvements to the existing roads, create a new parking lot to further improve public access, and acquire all necessary permits to allow for these improvements and their future operation and maintenance by the Commission. The license
authorized a total of 11,066 more or less feet of 16 inch and a total of 11,083 more or less feet of 20 inch natural gas liquids pipelines in a 50 foot wide right-of-way, along with a total of 6.07 more or less acres of temporary workspace and a total of 6,532 more or less feet of temporary access road use for construction and reclamation of the pipelines.

In addition to causing to convey the permanent and temporary rights-of-way and causing to complete the improvements as outlined above, Sunoco also paid the Commission’s standard habitat, surface and timber damages at the time of license execution and has paid and will continue to pay the Commission’s standard annual license fee so long as the license remains active.

PRESIDENT KNICK: Do I have a motion?

COMMISSIONER MITRICK: So moved.

PRESIDENT KNICK: And second?

COMMISSIONER LAYTON: Second.

PRESIDENT KNICK: Any comments or questions?

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

COMMISSIONER SCHNEPP-GIGER:

President Knick?
PRESIDENT KNICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Vice President Mitrick?

COMMISSIONER MITRICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Fredericks? Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Schnep-Giger, yes. Ayes have it, six nothing.

ATTORNEY BECHTEL: Mr. President, that completes the formal agenda.

PRESIDENT KNICK: Thank you very much. Do we have anything under new business?

MR. BURHANS: Yes we do. Dr. Schnupp?

DR. SCHNUPP: Thank you guys. Thank you today for all of this time. We also would like to bring up a vote to approve the Quail Management
Plan as proposed and has been out for public comment for the last 30 days.

COMMISSIONER LAYTON: Yeah. I'd like to make that motion please.

COMMISSIONER MITRICK: Second.

PRESIDENT KNICK: Any questions or comments?

COMMISSIONER LAYTON: Just a comment real quick. This has been a long time coming. And I'm excited to see this quail plan going into place. You know, I just want to thank Matthew for the work he's done on the quail plan and his staff obviously. All the people in the field, - this is huge for Pennsylvania.

So having said that I would support that this - you know, the - this - not just this plan but the ongoing propagation of quails in Pennsylvania and hopefully we get a point where we have our own numbers of quail and we can take them out and transplant them throughout the state of Pennsylvania so people can enjoy them. Hear bobwhite quail in the wild again and - and kind of bring that back in Pennsylvania. I know the numbers across the state of Pennsylvania are never going to be what we had before because we're just not that
kind of state. But the work that we've done as an agency, that you've done, just goes to show the dedication to wildlife in Pennsylvania. Thank you for that. Appreciate it.

DR. SCHNUPP: Thank you, Commissioner.

PRESIDENT KNICK: Anything else? Any motions?

COMMISSIONER LAYTON: It's already been moved and seconded.

PRESIDENT KNICK: All right. With no further comment, Madam Secretary, can you please call for a vote?

COMMISSIONER SCHNEPP-GIGER: President Knick?

PRESIDENT KNICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Vice President Mitrick?

COMMISSIONER MITRICK: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER SCHNEPP-GIGER: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.
COMMISSIONER SCHNEPP-GIGER:
Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER SCHNEPP-GIGER:
Commissioner Schnepp-Giger, yes. Ayes have it, six nothing.

DR. SCHNUPP: Mr. President, if I could just say one thing, I just want to thank you guys for that but also for the goshawk. I think two of those situations really show the real success of this right, for taking the peregrines off and putting the goshawks on. We finalized that plan and it's just been approved and I think one of the main themes across all of those projects is partnership.

And what those guys have done at Letterkenny has been incredible. I mean it really has. Those guys have really stepped up to the plate. Our team in the Bureau of Wildlife Management has been incredible and what they have gotten done with Wildlife Habitat Management. Same thing with goshawks and you know, if we can work through partnerships to get these things, that's our primary concern is to get these things back up in good numbers. And we'll partner with everybody we need to to get that done. So I just want to thank
everybody for your support.

COMMISSIONER LAYTON: Thank you, Matthew.

COURT REPORTER: Can I have your - can I have his last name please?

DR. SCHNUPP: Schnupp, S-C-H-N-U-P-P.

MR. BURHANS: Well today, you know, is as historic this meeting with the listing of the goshawks. There's one other - this is the last meeting for Commissioner Layton. You know, as Executive Director, it's a very unique opportunity. You have a Commissioner, they come in, they serve - serve the agency, and then their term expires. And to work with somebody for eight years, dealing with so many issues, you can't help but build that relationship and develop a friendship.

And today is Tim's last meeting and I want to personally thank him for his guidance, his mentorship. He has served this agency well, superbly actually, and dealt with some very difficult issues from CWD to listing of the goshawk. And some exciting times, like down- or upgrading or I don't know which way you say it's when you go in a good direction for peregrine falcon and others. And he's been a tremendous team player.
The relationship between Executive Director and the commissioners is so vitally important and Tim has done just a tremendous job.

Tim, I want to thank you for everything you've done for me, everything you've done for the commissioners, the staff. Thank you very very much. And we have a little special item for you we'll present to you in a minute. But I know some others probably would like to comment.

PRESIDENT KNICK: Commissioner Layton, I going to have to repeat everything Bryan said almost. I really appreciate it. It was an honor serving on this board with you. And you have given me some guidance and I really appreciate that. Thank you very much for all your service, Tim.

COMMISSIONER MITRICK: Tim, I'd also like to thank you. It's been a pleasure being on the Board with you, I have learned a lot from you. And I appreciate you brought a lot of the enthusiasm to this Board and kept it moving in the right direction. So thank you for all that and I wish you the very best in the future.

COMMISSIONER LAYTON: Thank you.

MR. BURHANS: And can you work on getting a cell phone tower in Johnstown?
COMMISSIONER LAYTON: Yeah, no.

There's no - no cell phone towers.

MR. BURHANS: Any other comments from the - from the Board?

PRESIDENT KNICK: Yes -.

COMMISSIONER FORADORA: Yes, this is Commissioner Foradora -.

COMMISSIONER SCHNEPP-GIGER: Commissioner Layton.

COMMISSIONER FORADORA: Oh sorry, go ahead, Kristen.

COMMISSIONER SCHNEPP-GIGER: Mr. Layton, for me, from the outgoing guy to the newest commissioner on the board, and I won't be able to say that for too too much longer. I do appreciate the guidance and the mentorship, the passion and the humor you brought to this board. And have been very very instrumental in keeping us a cohesive unit, a well functioning unit. I've learned a lot from you and I'm looking forward to continuing to work with you in different capacities.

COMMISSIONER LAYTON: Thank you for that.

COMMISSIONER FORADORA: Commissioner Layton, this is Commissioner Foradora. I echo all
the comments. It's been a pleasure serving with you and I look forward to interacting with you in the future. And I praise your leadership that you guided the agency for the last eight years. Thank you.

COMMISSIONER LAYTON: Thanks Scott.

COMMISSIONER FREDERICKS:
Commissioner Fredericks. Tim, I can't thank you enough for the energy and the effort you put into serving as Commissioner for eight years. And most importantly your leadership. And congratulations on being one of the few commissioners that served as president for two terms. That just goes to show the confidence that your fellow commissioners had in you and your leadership abilities and keeping that big green battleship headed in the right direction. Can't thank you enough, good job. Enjoy your retirement. Thank you.

COMMISSIONER LAYTON: So can I - can I just say a in lieu of flowers, donations can be made in the goshawk restoration, sounds like my funeral. I just want to say, you know, I - I appreciate all you guys and everything that you've done. I've built some great friendships. And I'm going to miss everybody that's here. I will not
miss talking about CWD. But I think - you know, I talked to everybody already. I've expressed my wishes.

But I just want to thank you all for - for the support that you've given this board and the Board has given the staff and all the work that you people do. I was telling Mitchell this morning, you know you always have that person when you're walking through Walmart that you run down the other aisle when you see them coming. There's really no one in the Game Commission. And that says a lot that - you know, if I'm walking down the street and I see somebody wearing a green hat, I'm going to go talk to them. And that says a lot for this agency.

And I just appreciate from the field staff to the executive office, everything that you're doing for wildlife and everything that you're doing for this agency. And I just wish you all the best.

MR. BURHANS: Thank you Tim. And if I could have the help of Mr. President, we'd like to present to you an item on behalf of Board of Directors and the entire staff.

We'd like to present to you - to my last picture, you're all standing up.
COMMISSIONER LAYTON: Thank you everybody.

PRESIDENT KNICK: That will end our meeting for today. We do not have a date for the January meeting. We will be figuring it out. Thank you very much.

* * * * * * * *

HEARING CONCLUDED AT 9:11 A.M.

* * * * * * *
CERTIFICATE

I hereby certify that the foregoing proceedings, hearing was held before President Knick Jr. was reported by me on September 11, 2021 and that I, Lori A. Behe, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 17 day of November, 2021

[Signature]

Lori A. Behe