

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

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IN RE: QUARTERLY PUBLIC MEETING

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BEFORE: MICHAEL F. MITRICK, President
Kristen Schnepf-Giger, Vice President
Dennis R. Fredericks, Secretary
Haley J. Sankey, Commissioner
Todd A. Pride, Commissioner
Scott H. Foradora, Commissioner
(via phone)
Allen J. DiMarco, Commissioner
Stanley I. Knick Jr., Commissioner
Bryan Burhans, Executive Director

HEARING: Saturday, September 24, 2022
9:20 a.m.

LOCATION: Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110-9797

Reporter: Derek Richmond

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PRESIDENT MITRICK: I'd like to call this meeting to order. We'll start out with the Pledge of Allegiance and then after that, we're going to have, I'd like to have everybody remain standing, so that we can have a moment of silence for Charlie Fox, who was a former Commissioner here and just passed recently.

(Pledge of Allegiance recited.)

PRESIDENT MITRICK: Thank you. Would any of the Commissioners like to make any comments about Charlie?

COMMISSIONER FREDERICKS: I'd like, Mr. President, I'd like to say a word. Charlie was quite an outstanding man as an educator and somebody that we all looked up to. And he certainly dedicated his entire life serving the agency as a deputy. I don't know how many years, I know it was a while. And then most recently as Commissioner, and Charlie was great to work with. He was a gentleman, and he knew he was getting into his elderly years and rounding third and heading for home.

And Charlie had quite a collection of firearms and other paraphernalia. And every meeting

1 he made an effort to go around and ask everybody that
2 might be interested in the firearms that he had. And
3 if they showed an interest, Charlie didn't bat an
4 eye. He sold it to them at a fair price. And
5 actually some of the sales that Charlie made to some
6 of our employees, the condition was that the money
7 went to the museum at Middle Creek. And some of our
8 employees paid an exorbitant price for some of those
9 firearms through Charlie, so that the maximum dollars
10 could go to the museum.

11 So Charlie was quite a man. He let
12 the museum be part of his legacy and it was an honor
13 to work with a man like that. Thank you, Mr.
14 President for the opportunity.

15 PRESIDENT MITRICK: Thank you, Dennis.
16 Anybody else that'd like to say something?

17 COMMISSIONER KNICK: I'd like to say
18 something, I'm sorry. I had the honor of serving
19 with Charlie. As Denny said, a great man, a great
20 gentleman, a great mentor to me. He took time out of
21 his day wherever he can to sit down and was no
22 question too big or too small. He had the time to
23 sit down and talk to you. And it's right, his
24 opinion I - he'll be missed. Thank you very much.

25 PRESIDENT MITRICK: Anyone else?

1 COMMISSIONER PRIDE: Yeah. Mike, I'd
2 like to say something and build a responsibility to
3 make this statement, but it was Charlie Fox that put
4 me on this path. So for those that may, you know,
5 first of all, how did this guy get here? If was
6 actually from an hour long plus discussion I had with
7 Charlie in 2016, the Stone Valley Recreation Center
8 was actually right at the start of I believe the
9 Bucktail School that the Wildlife Leadership Academy
10 was hosting. And I was just really moved by Charlie,
11 and Bryan I believe the next day or that night
12 Charlie gave you my number.

13 And it took you a little while to
14 catch up to me, being in the middle of our training
15 activities. But you know, I feel a responsibility to
16 carry on Charlie's legacy. I mean, he was just so, a
17 wonderful person and he's the one that opened up this
18 door for me to be here at the table. So just forever
19 thank you to Charlie.

20 PRESIDENT MITRICK: Anybody else? I'd
21 like to say that it was a great honor and a pleasure
22 to serve with Charlie. And he will just sorely be
23 missed, so thank you.

24 With that, Mr. Secretary, will you
25 take a roll call, please?

1 COMMISSIONER FREDERICKS: Yes, sir.
2 Michael F. Mitrick, President?

3 PRESIDENT MITRICK: Present.

4 COMMISSIONER FREDERICKS: Kristen
5 Schnepf-Giger, Vice President?

6 COMMISSIONER SCHNEPP-GIGER: Present.

7 COMMISSIONER FREDERICKS: Dennis
8 Fredericks, present. Allen DiMarco?

9 COMMISSIONER DIMARCO: Present.

10 COMMISSIONER FREDERICKS: Scott
11 Foradora? I believe is -.

12 COMMISSIONER FORADORA: Present.

13 COMMISSIONER FREDERICKS: Thank you,
14 Scott. Stanley Knick?

15 COMMISSIONER KNICK: Present.

16 COMMISSIONER FREDERICKS: Mr. Todd
17 Pride?

18 COMMISSIONER PRIDE: Present.

19 COMMISSIONER FREDERICKS: Haley

20 Sankey?

21 COMMISSIONER SANKEY: Present.

22 COMMISSIONER FREDERICKS: Robert

23 Schwalm obviously is not present. I think he's
24 hunting big game out West somewhere and is not with
25 us, and he can't come in by phone. But Mr.

1 President, you do have a quorum.

2 PRESIDENT MITRICK: Thank you very
3 much, Dennis. Next item on the agenda is the
4 approval of minutes held on July 9th of 2022. May I
5 have a motion for approval, please?

6 COMMISSIONER FREDERICKS: So moved.

7 PRESIDENT MITRICK: Second?

8 COMMISSIONER SCHNEPP-GIGER: Second.

9 PRESIDENT MITRICK: Any discussion?

10 Mr. Secretary, would you call for a vote, please.

11 COMMISSIONER FREDERICKS: All those in
12 favor, say aye.

13 (AYES RESPOND.)

14 COMMISSIONER FREDERICKS: Aye.

15 Opposed, say no.

16 (NO RESPONSE.)

17 COMMISSIONER FREDERICKS: The ayes
18 have it, Mr. President.

19 PRESIDENT MITRICK: All right.

20 I'd like to turn the meeting over now
21 to Mr. Bechtel. Are you - you're not -?

22 ATTORNEY MARTSON: Mr. Martson.

23 PRESIDENT MITRICK: Okay, Mr. Martson.
24 Okay.

25 ATTORNEY MARTSON: Thank you, Mr.

1 President. The first item on the agenda is on page
2 two. It is out of the Bureau of Wildlife Management.
3 It is a proposed rulemaking.

4 Prior to 2021, antlerless allocation
5 purchasing limits differed for license buyers
6 purchasing in areas inside and outside of Wildlife
7 Management Units 2B, 5C, and 5D. WMUs 2B, 5C and 5D
8 roughly comprise the areas designated as special
9 regulations areas in Section 141.1. Persons hunting
10 in WMUs 2B, 5C and 5D were subjected to no personal
11 antlerless deer purchase limits until the antlerless
12 license allocations for a given WMU was exhausted.
13 However, persons hunting outside of WMUs 2B, 5C and
14 5D were subjected to a personal purchase limit of
15 three antlerless licenses regardless of the continued
16 availability of unexhausted antlerless licenses in
17 the applicable WMU.

18 In 2021, the Commission eliminated the
19 personal limit of the three antlerless licenses for
20 persons hunting outside of WMUs 2B, 5C and 5D to
21 increase hunting opportunities when antlerless
22 licenses remained available in a given WMU.
23 Simultaneously, the Commission imposed a statewide
24 purchase restriction that effectively limited a
25 person's ability to apply for a seventh or subsequent

1 antlerless deer license when licenses remained
2 available in that WMU until the hunter exhausted one
3 or more of the six previously issued antlerless deer
4 licenses and reported the harvest to the Commission.

5 This limitation was intended to focus
6 the issuance of additional, unexhausted antlerless
7 deer licenses to persons who were actually harvesting
8 deer. After these changes, the Commission observed
9 that hunting opportunity for persons hunting outside
10 of WMUs 2B, 5C and 5D did effectively increase as
11 intended. However, the Commission also observed that
12 hunting opportunity for persons hunting within WMUs
13 2Bs, 5C and 5D was subjected to an unanticipated
14 reduction. This reduction appears to be caused by
15 the fact that hunters cannot effectively access their
16 local or preferred County Treasurer's Office to
17 purchase additional antlerless licenses over the
18 counter outside of normal business hours, such as on
19 the weekends, when their hunting activities are
20 actually occurring.

21 The Commission is now proposing to
22 amend Section 143.52 to remove the text limiting the
23 number of antlerless licenses that can be purchased
24 by an applicant once unlimited over-the-counter
25 antlerless license sales begin on the second Monday

1 in September. This change will maintain a consistent
2 statewide standard for applying for antlerless deer
3 licenses, but it will also remove the incompatible
4 throttle on the number of licenses that can be
5 purchased and held by an individual hunter that's
6 caused by the current antlerless license issuance
7 process limitations. The Commission has determined
8 that there are no significant biological concerns
9 with this change. The amendments to Section 143.52
10 will not take effect until the 2023-2024 license
11 year.

12 The proposed change can be found on
13 page three of your agenda.

14 MR. BURHANS: I just want to bring up,
15 I just got a message from the folks doing the live
16 stream. If everybody could get that microphone right
17 up to them. The viewers on the other end can't hear
18 very well. Thank you.

19 PRESIDENT MITRICK: May I have a
20 motion for approval, please?

21 COMMISSIONER FREDERICKS: So moved.

22 PRESIDENT MITRICK: May I have a
23 second?

24 COMMISSIONER FORADORA: Second.

25 PRESIDENT MITRICK: Any discussion on

1 the motion?

2 COMMISSIONER FREDERICKS: Mr.
3 President, if I may?

4 PRESIDENT MITRICK: You may.

5 COMMISSIONER FREDERICKS: I'm the
6 Board member that asked for the white paper from the
7 Bureau of Wildlife Management on this issue. And at
8 that time that I requested the white paper, we were
9 operating under the scenario that if a hunter needed
10 additional licenses after he used his six, that he or
11 she, had to go to a County Treasurer to get more
12 licenses. And the County Treasurers run regular
13 business hours are not open on Saturday, not open on
14 Sunday.

15 So it was on the agenda politically to
16 do away with that system, but we didn't have any idea
17 at that time what was going to come of it. But
18 thanks to our friends in the Senate, especially
19 Senator Laughlin, and the Senate Game and Fisheries
20 Committee, Senate Bill 431 was voted out of Senate 45
21 to 5, and it's pending in the House right now for
22 approval, hopefully sometime in October. And the
23 Governor's Office has indicated that they did not
24 have an issue with it, should it come to his desk.

25 So what that means is that hunters,

1 should this be passed, will be able to pick up
2 additional antlerless licenses at any issuing agent,
3 which makes it extremely convenient. So although I
4 appreciate the tremendous work the Bureau of Wildlife
5 Management put into this, you know, this legislation
6 was an unforeseen thing that came up. And I want to
7 thank Matt, you and your crew for coming up with this
8 language. But I think it would be in our, the
9 agency's best interest to pause and wait and see,
10 make sure that this legislation passes because I
11 think it'll solve a lot of those problems that you
12 addressed.

13 DR. SCHNUPP: Yes, sir, it would, but
14 it would - this would still allow that no limit for
15 the number of tags statewide as well. So that is a
16 little bit of a change to look at here.

17 COMMISSIONER FREDERICKS: It's a
18 little - it's a little bit of a change, but -

19 MR. SCHNUPP: Yes, sir.

20 COMMISSIONER FREDERICKS: - yeah, at
21 this time, Mr. President, I'd like - I'd like to move
22 that we table this issue until we see the outcome of
23 that legislation. And you know, being tabled and
24 depending on how the new system works, we could stick
25 with the plan that the Bureau of Wildlife Management

1 put together, if we need to. So that's an official
2 move on my part to table this.

3 COMMISSIONER KNICK: And I'll second
4 that.

5 PRESIDENT MITRICK: Any discussion on
6 the motion to table this? Mr. Secretary, would you
7 then call for a vote, please?

8 COMMISSIONER FREDERICKS: All those in
9 favor of tabling this issue, signify by saying aye.
10 (AYES RESPOND.)

11 COMMISSIONER FREDERICKS: Aye. All
12 those opposed, say no.
13 (NO RESPONSE.)

14 COMMISSIONER FREDERICKS: The ayes
15 have it, Mr. President.

16 PRESIDENT MITRICK: Thank you very
17 much.

18 ATTORNEY MARTSON: The next item on
19 the - the next item on the agenda also comes from the
20 Bureau of Wildlife Management, a proposed rulemaking.

21 Section 147.701 currently states that
22 a permitted person taking a bobcat or fisher shall
23 report the harvest to the Commission within 48 hours
24 of the taking by a means specified by the Director.
25 This section also states that a person - excuse me, a

1 permitted person taking an otter shall report the
2 harvest to the Commission within 24 hours of the
3 taking by a means specified by the Director.

4 When otter trapping was opened for the
5 2015-2016 license year, the Commission decided to
6 require trappers to report their harvest within 24
7 hours to allow Game Wardens to inspect the animal to
8 confirm it was taken during the season. In 2022,
9 after the seventh year of otter trapping, the season
10 has increased from only two open wildlife management
11 units and a three-day season to five open WMUs and an
12 eight-day season. With these expanding
13 opportunities, the Commission's concerns with
14 furbearers harvesting early and reporting during the
15 season have diminished. Furthermore, reporting otter
16 harvests within 48 hours of harvest is now considered
17 acceptable, especially in light of the confusion
18 shared by many furtakers that was caused by the
19 differing reporting periods.

20 The Commission is proposing to amend
21 Section 147.701 to create a universal reporting
22 period of 48 hours for bobcat, fisher and otter
23 harvests. The amendments to Section 147.701 will not
24 take effect until the 2023-2024 license year. For
25 the 2022-2023 license year, otter reporting will be

1 taken by HuntFishPA, the same method used for
2 reporting bobcat and fisher harvests and CITES tags
3 will be mailed in a similar manner to bobcat CITES
4 tags.

5 The text can be found on pages four
6 and five of your agenda.

7 PRESIDENT MITRICK: May I have a
8 motion for approval, please?

9 COMMISSIONER KNICK: So moved.

10 COMMISSIONER FREDERICKS: Second.

11 PRESIDENT MITRICK: Any discussion on
12 the motion? Mr. Secretary, would you call for a vote,
13 please?

14 COMMISSIONER FREDERICKS: All those in
15 favor, signify by saying aye.

16 (AYES RESPOND.)

17 COMMISSIONER FREDERICKS: Aye. All
18 those opposed, signify by no.

19 (NO RESPONSE.)

20 COMMISSIONER FREDERICKS: The ayes
21 have it, Mr. President.

22 PRESIDENT MITRICK: Thank you.

23 ATTORNEY MARTSON: The next item on
24 the agenda also comes from the Bureau of Wildlife
25 Management. Currently, Section 141.6 states that it

1 is unlawful to use body-gripping traps with a spread
2 larger than six-and-a-half inches by six-and-a-half
3 inches for a furbearer except beaver. The agency has
4 allowed body-gripping traps to be used for otter
5 trapping since the creation of the season, but only
6 up to the six-and-a-half inches by six-and-a-half
7 inch size. The Commission is proposing to amend
8 Section 141.6 to allow the use of body-gripping traps
9 with a spread larger than six-and-a-half inches by
10 six-and-a-half inches for river otters as well. The
11 Commission has determined that there are no
12 significant biological concerns with this change.

13 The text can be found on page six of
14 your agenda.

15 PRESIDENT MITRICK: Motion for
16 approval?

17 COMMISSIONER FREDERICKS: So moved.

18 COMMISSIONER SCHNEPP-GIGER: Second.

19 PRESIDENT MITRICK: Discussion on the
20 motion? Mr. Secretary, please call for a vote.

21 COMMISSIONER FREDERICKS: All those in
22 favor, signify by saying aye.

23 (AYES RESPOND.)

24 COMMISSIONER FREDERICKS: Aye. All
25 those - all those opposed, say no.

1 (NO RESPONSE.)

2 COMMISSIONER FREDERICKS: The ayes
3 have it, Mr. President.

4 PRESIDENT MITRICK: Thank you.

5 ATTORNEY MARTSON: The next item on
6 your agenda is on page seven, also out of the Bureau
7 of Wildlife Management.

8 To more effectively safeguard the
9 wildlife resources of the Commonwealth, the
10 Commission is proposing to amend Section 137.35 to
11 further reduce the risk of spreading CWD through the
12 use of attractants by restricting their use.
13 Research has well-established that CWD prions, the
14 infectious agent of CWD, are shed in urine, feces and
15 saliva of infected animals and that the presence of
16 infectious prions in excreta play a role in the
17 direct and indirect transmission of CWD. Deer
18 readily use natural and artificial scrape sites where
19 they can be exposed to CWD prions from the urine and
20 saliva of a CWD-positive animal. Any attractant or
21 circumstance that creates the components of a scrape,
22 whether natural or artificial, increases risk of
23 disease transmission.

24 Natural urine attractants are produced
25 by captive cervid farms and often contain other

1 biofluids. The production, manufacturing, and sale
2 of urine attractants is not regulated. Therefore,
3 there is no regulatory requirement or independent
4 authority to test for presence of CWD prions in urine
5 attractants. There is no record of facilities that
6 produce urine attractants, and there is no
7 traceability of these products. Even herds that are
8 enrolled in the state and federal herd certification
9 programs, the most robust CWD surveillance programs
10 for cervid facilities, have tested positive for CWD.

11 CWD is a threat to deer and elk in
12 Pennsylvania. CWD prions introduction to a novel
13 area in Pennsylvania or CWD spread, regardless of
14 source, causes substantial impacts to wildlife,
15 stakeholders, and the agency. Much is still unknown
16 about CWD so limiting exposure of all species to a
17 known pathogen is essential. Therefore, the
18 Commission recommends amending the use of attractants
19 in outdoor settings. The amendments to Section 137.35
20 will not take effect until the 2023-2024 license
21 year.

22 The amendments can be found on pages
23 seven and eight of your agendas.

24 PRESIDENT MITRICK: May I have a
25 motion for approval, please?

1 COMMISSIONER FREDERICKS: So moved.

2 PRESIDENT MITRICK: Can I have a
3 second?

4 COMMISSIONER PRIDE: Second.

5 PRESIDENT MITRICK: Any discussion on
6 the motion?

7 COMMISSIONER KNICK: Mr. President,
8 Mr. Chair, I have a couple comments. This is a
9 difficult decision. Based on scientific information,
10 there's no doubt in my mind that urine proposes a
11 risk of spreading CWD. However, how much of a risk
12 is a difficult question.

13 The industry has testing program,
14 however the testing program is not done by an
15 independent agency and raises real concerns to me.
16 That's all I have on that.

17 PRESIDENT MITRICK: Thank you.
18 Anybody else have any comments?

19 COMMISSIONER SCHNEPP-GIGER: I'll
20 follow up on the heels of Commissioner Knick. The
21 science is there, right, that prions exist in urine,
22 feces, and saliva. Everybody in this room accepts
23 that.

24 What we're looking at is a possibility
25 versus a probability scenario, and you know at the

1 end of the day everybody in this room has the same
2 end goal. Nobody likes CWD, and we would all like
3 for it to go away. But the reality is that we don't
4 live in a rainbows and unicorns world and we don't
5 have that magic wand right now to make that happen.

6 So when you flesh this out and try to
7 make it less complicated than what it is right now, I
8 got to thinking about some of the traveling that I've
9 done out West. And driving across I-80 in Wyoming,
10 you know, in October, November when weather's
11 extremely unpredictable. Somewhere there's a highway
12 department manager that's looking at the radar and
13 hearing from his staff saying, hey, there's a winter
14 storm coming and this is bad. Like, this is really
15 bad. What do you want to do? And he sits back and
16 he looks and he says, take the speed limit and drop
17 it from 80 down to 70. And he watches, and he
18 gathers intelligence. And he says all right, take it
19 down to 65, take it down to 55, take it down to 45.

20 And that's kind of what we're doing
21 with our DMAs is we're getting intelligence about CWD
22 and how to manage it most effectively is we have
23 DMAs, we have important bans, we have all sorts of
24 regulation in place. We're lowering that speed limit
25 right now, and we're faced with a decision today of

1 do we close that highway down and tell the motorists
2 get off the highway it's too dangerous, or do we let
3 them proceed with caution?

4 And where I'm at right now, I'm still
5 watching that storm, but I'm not ready to drop the
6 hammer and close the highway. That's not to say that
7 there won't be more science that comes tomorrow, next
8 week or next year that'll change that decision. But
9 in my opinion, it's not there right now.

10 PRESIDENT MITRICK: Thank you.

11 Anybody else want to make any comments?

12 COMMISSIONER FREDERICKS: Mr.

13 President, if I may?

14 PRESIDENT MITRICK: Certainly.

15 COMMISSIONER FREDERICKS: I appreciate
16 everybody's diversified view on this issue. And like
17 Commissioner Knick said, this is one of those tough
18 decisions that we have to make. And I've been around
19 a while, and I have learned that when it comes to
20 these tough decisions, you fall back on your base.
21 And my base, and I'm extremely confident that
22 everybody sitting up at this table's base, is
23 resource first.

24 I appreciate everybody's concern over
25 the industry, our hunters. But again, it gets

1 serious when a recommendation this controversial
2 comes from our scientists and the Bureau of Wildlife
3 Management. They have a really good reason to move
4 this forward. I'm not capable of understanding
5 completely what that is, but I trust them. And in
6 the interest of putting the resource first and acting
7 as a science-based organization, I have to, as one
8 Commissioner put, my trust in the Bureau of Wildlife
9 Management.

10 And with that, I would like to remind
11 everybody that this is simply a proposal. You know,
12 this isn't final adoption. This is a proposal
13 that'll allow the process to take place, for it to be
14 published in the bulletin, for the public to comment,
15 and all the interested parties that are here today
16 and who are not here today to participate in that
17 process and work with us.

18 And it won't be finally adopted
19 possibly until January. It might not be adopted
20 finally in January. We just have to see what kind of
21 progress we make. And as one Commissioner, I'm going
22 to hang my hat on the Bureau of Wildlife Management
23 and their recommendation.

24 PRESIDENT MITRICK: Thank you,
25 Commissioner Fredericks. Anybody else?

1 COMMISSIONER FORADORA: Yes, Dr.
2 Mitrick. This is Scott. Can you hear me?

3 PRESIDENT MITRICK: Yes, we can.

4 COMMISSIONER FORADORA: Yeah, I echo
5 everybody's comments. It's a tough decision. I
6 harken back to your question a couple meetings ago
7 that we do ban this in the DMAs where CWD's at, yet
8 we don't ban it in the areas where it isn't?

9 So you know, I've reflected on those
10 comments as well as, you know, the recommendations
11 and the hard work that the Bureau of Wildlife
12 Management did. And as Commissioner Fredericks said
13 this is a process. So you know, I'm supportive of
14 moving it forward today and let the public comment on
15 it. So thank you.

16 PRESIDENT MITRICK: Thank you,
17 Commissioner Foradora. Anybody else? I'd like to
18 make a few comments, then.

19 First of all, I was the person who
20 requested the white paper on the use of urine
21 attractants. This was in a response to a request by
22 a producer of urine attractants who wanted to know if
23 we would consider allowing the use of the attractants
24 in DMAs where they're already a ban. His concern was
25 that if the DMAs keep expanding, the legal use of

1 attractants would be diminished. The white paper was
2 produced by our staff after extensive research citing
3 numerous scientific studies. It was quite revealing,
4 and left me with only one reasonable conclusion.

5 Some facts about CWD that we all
6 already know. CWD is always fatal to deer. Once
7 prions, the infectious agents of CWD, are on the
8 landscape, they can remain there and be infectious
9 for long periods of time, even greater than five
10 years. Once a case of CWD occurs in a new area, a
11 DMA is established.

12 A DMA is a very, very expensive
13 proposition for the Pennsylvania Game Commission. To
14 set one up and manage it will cost hundreds of
15 thousands of dollars, perhaps up to a million.
16 Currently we have very few options in trying to
17 prevent and slow down the spread of this terrible
18 disease.

19 As far as attractants are concerned,
20 we know. A four-ounce bottle of attractant can
21 contain as many as 12 lethal doses of prions. The
22 captive cervid industry that produces the urine
23 attractants is unregulated by an independent agency.
24 And we had people here talk today who I think are
25 very reputable people. But still, the Agency is not

1 - excuse me, the producers are not regulated by an
2 independent agency. Even in certified herds of
3 captive cervids, CWD has still been found.

4 If we allow the continued use of urine
5 attractants, we can say with almost 100 percent
6 certainty that prions will be placed on the landscape
7 where CWD does not currently exist. And at the
8 potential - and that has the potential to be a true
9 disaster. I feel a reasonable analogy is placing
10 landmines in our precious habitat. Habitat that the
11 Pennsylvania Game Commission is sworn to protect.
12 Why would we do that? Thank you.

13 Any other comments?

14 COMMISSIONER PRIDE: Mike, I'd like to
15 - Mr. President, I'd like to say something. Being
16 the newest member here could be a perspective that
17 maybe I don't have any knowledge of this issue, but
18 I've been studying this issue for six-plus years.
19 And one of the first conversations I had on this
20 issue, and outside of my role here running a printing
21 operation in fishing, birding, hunting, conversation
22 activities. This is core to the work that I do, and a
23 big part of the environments that we work in are
24 funded by license-paying hunters pursuing white-tail
25 deer, which I think represents over 80 percent of the

1 Commission's revenue.

2 And so from that conversation six-plus
3 years ago with former deer biologist for the Game
4 Commission and then a number of other scientists, I
5 asked him a question. Where do you think this is
6 going with CWD? And he said, Todd, it's never going
7 away. And I asked the question, well, where did it
8 start? And he said, in captive farms.

9 And digging into the science and the
10 folding of proteins that happens from the start of
11 this, the creation of it, and then fast-forward to
12 recently and some of the conversations around the
13 urine attractants. And I asked a question, are all
14 the urine attractants coming from captive farms? And
15 the answer was yes. So following up on my fellow
16 Commissioner Denny Fredericks, I think it's important
17 that we focus on the science, we focus on the future
18 generations, and we have information that is pretty
19 clear to us.

20 And so I feel it's important for us to
21 support the staff and what they've given to us. All
22 the research has been done, and I think you know, all
23 of us have done, you know, our own research and more
24 than it supports I think the decisions that we're
25 going to make. So I just wanted to share that

1 because I think it's extremely important what's in
2 front of us and to the point that what we decide on
3 today. We'll revisit this again in a way that it
4 happens in January. So thank you.

5 PRESIDENT MITRICK: Thank you,
6 Commissioner Pride. Anyone else like to make a
7 comment? With that, Secretary Fredericks, would you
8 call for a vote? And I would suggest that we have a
9 roll call for the vote.

10 COMMISSIONER FREDERICKS: Did I
11 understand you that you have a request for roll call
12 vote?

13 PRESIDENT MITRICK: Correct.

14 COMMISSIONER FREDERICKS: Okay, Mike
15 Mitrick?

16 PRESIDENT MITRICK: I would say yes, I
17 agree.

18 COMMISSIONER FREDERICKS: Kristen
19 Schnepf-Giger.

20 COMMISSIONER SCHNEPP-GIGER: No.

21 COMMISSIONER FREDERICKS: Dennis
22 Fredericks, yes. Allen DiMarco.

23 COMMISSIONER DIMARCO: No.

24 COMMISSIONER FREDERICKS: Scott
25 Foradora.

1 COMMISSIONER FORADORA: Yes.

2 COMMISSIONER FREDERICKS: Stanley

3 Knick.

4 COMMISSIONER KNICK: No.

5 COMMISSIONER FREDERICKS: Todd Pride.

6 COMMISSIONER PRIDE: Yes.

7 COMMISSIONER FREDERICKS: Haley

8 Sankey.

9 COMMISSIONER SANKEY: No.

10 COMMISSIONER FREDERICKS: Mr.

11 President, we have a tie.

12 PRESIDENT MITRICK: Scott Foradora

13 didn't vote.

14 ATTORNEY MARTSON: Yes, he did.

15 PRESIDENT MITRICK: He did vote, I'm

16 sorry. We have a tie. That means it does not pass.

17 COMMISSIONER FREDERICKS: Correct, it

18 dies.

19 COMMISSIONER KNICK: It can be brought

20 up again. I'll let everybody know that.

21 PRESIDENT MITRICK: I'm sorry, what

22 did you say?

23 COMMISSIONER KNICK: This can be

24 brought up again.

25 ATTORNEY MARTSON: The next item is on

1 page nine of your agenda. It comes from the Bureau
2 of Wildlife Protection.

3 To effectively manage the wildlife
4 resources of the Commonwealth, the Commission, at its
5 July 9th, 2022 meeting, amended Section 131.2 to
6 permit muzzle-loading firearms that allow a cartridge
7 of loose or pelletized black powder or black powder
8 substitute to be loaded from the breech, while the
9 projectile remains loaded from the muzzle to be used
10 as a muzzle-loading firearm.

11 The text of the revisions can be found
12 on page ten of the agenda.

13 PRESIDENT MITRICK: May I have a
14 motion for approval?

15 COMMISSIONER KNICK: So moved.

16 COMMISSIONER FREDERICKS: Second.

17 PRESIDENT MITRICK: Any discussion on
18 the motion? Mr. Secretary, would you call for a vote?

19 COMMISSIONER FREDERICKS: All those in
20 favor, signify by saying aye.

21 (AYES RESPOND.)

22 COMMISSIONER FREDERICKS: Aye.

23 Opposed, no.

24 (NO RESPONSE.)

25 COMMISSIONER FREDERICKS: Hearing

1 none, motion passes.

2 PRESIDENT MITRICK: Thank you.

3 ATTORNEY MARTSON: The next item is on
4 page 11 of your agendas. It's out of the Bureau of
5 Wildlife Habitat Management.

6 With the advancements being made in
7 the use of electric marine motors and the batteries
8 that they use, it is time to revisit our regulations
9 relating to their use on waterways owned or
10 controlled by the Commission. Today's electric
11 motors are more powerful than the electric motors
12 that existed when the regulations were created. The
13 Commission's applicable regulations were created with
14 the intent to allow boaters to safely use our
15 waterways with little conflict with other users and
16 to limit the noise and the impact gasoline motors
17 have on the environment through gasoline spills and
18 erosion issues.

19 New electric motors are now offered in
20 higher horsepower sizes than has historically been
21 available with older, more traditional electric
22 trolling motors. Current costs of the newer electric
23 motors are high. While the new technology costs are
24 usually high, those costs are expected to come down
25 and their use and availability more prolific.

1 have it, Mr. President.

2 PRESIDENT MITRICK: Thank you.

3 COMMISSIONER FREDERICKS: The motion
4 passes.

5 PRESIDENT MITRICK: Thank you.

6 ATTORNEY MARTSON: The next item is
7 found on page 13 of your agenda, also out of the
8 Bureau of Wildlife Habitat Management.

9 To effectively manage the wildlife
10 resources of this Commonwealth, the Commission at its
11 July 9th, 2022 meeting amended Sections 131.2,
12 135.181, and 135.182 to eliminate the outdated and
13 unnecessary text unique to State Game Lands Number
14 176 and replace it with new statewide shotgun range
15 regulations for both clay bird ranges and shotgun
16 patterning ranges.

17 I do understand that there is a floor
18 amendment that will require a motion in the vote
19 after the underlying regulation is moved for adoption
20 and prior to a vote. The text for the revisions can
21 be found on pages 14, 15, 16 and 17 of your agendas.

22 PRESIDENT MITRICK: Motion for
23 approval?

24 COMMISSIONER SANKEY: I move.

25 PRESIDENT MITRICK: Second?

1 COMMISSIONER FREDERICKS: Second.

2 PRESIDENT MITRICK: Discussion? Okay.

3 Also, we have to move the floor
4 amendment. Can I have a motion for that?

5 COMMISSIONER FREDERICKS: So moved.

6 COMMISSIONER SCHNEPP-GIGER: Second.

7 PRESIDENT MITRICK: All in favor of
8 both motions - Mr. Secretary, would you call for a
9 vote, please?

10 COMMISSIONER FREDERICKS: Yes, sir.
11 All those in favor of the adopted rulemaking motion,
12 item B, and the floor amendment, signify by saying
13 aye.

14 (AYES RESPOND.)

15 COMMISSIONER FREDERICKS: Aye. Those
16 opposed, say no.

17 (NO RESPONSE.)

18 COMMISSIONER FREDERICKS: The ayes
19 have it, Mr. President.

20 PRESIDENT MITRICK: Thank you.

21 ATTORNEY MARTSON: The next item on
22 your agenda is found on page 18.

23 National Audubon Society, Inc. is
24 offering to donate three parcels of land totaling
25 137.3 more or less acres located in Lower Frankford

1 Township, Cumberland County and Spring Township,
2 Perry County commonly referred to as Waggoner's Gap
3 Hawk Watch, Exhibit RED 1. Parcel 1 is 18.3 more-or-
4 less acres and contains a parking lot, pavilion,
5 small radio tower, and ridge top talus laid overlook
6 into Cumberland Valley. Parcel 2 is 12 more-or-less
7 acres. Parcel 3 is 107 more-or-less acres. The
8 Tuscarora Trail, a spur from the Appalachian Trail,
9 runs through all three parcels.

10 There is a 200-foot-wide corridor
11 trail easement associated with the trail and a trail
12 shelter known as the Charlie Irvin Shelter located on
13 Parcel 3. There are deed restrictions on the three
14 parcels; most notably, no hunting on Parcels 1 and 2.
15 Restrictions from the Keystone Recreation, Park and
16 Conservation Fund Act administered by the
17 Pennsylvania Department of Conservation and Natural
18 Resources are attached to Parcel 3 and the transfer
19 is subject to approval from DCNR.

20 This strategically located hawk watch
21 site has recorded the largest annual flyover of
22 raptors of any location in Pennsylvania. Typically,
23 15,000 to 30,000 raptors in a four-month migratory
24 period have been documented. The site is touted as
25 the second oldest hawk watch in the United States and

1 boasts 68-years of collecting migratory bird data
2 showing indices of migratory bird population changes
3 over time. Access is from State Route 74.

4 PRESIDENT MITRICK: Motion for
5 approval?

6 COMMISSIONER KNICK: So moved.

7 COMMISSIONER SCHNEPP-GIGER: Second.

8 PRESIDENT MITRICK: Any discussion on
9 the motion?

10 COMMISSIONER SANKEY: I would like
11 some clarification, please. So this Tuscarora Trail,
12 obviously people are overnighing on it. Is that
13 going to - that, the way I read this, that is going
14 to continue to be permitted?

15 ATTORNEY MARTSON: Yes, that would
16 continue to be permitted.

17 COMMISSIONER SANKEY: Great, thanks.

18 MR. GUSTAFSON: And Mr. President, if
19 I could add just a few words on this project here?

20 PRESIDENT MITRICK: Absolutely.

21 MR. GUSTAFSON: Most folks might look
22 at this and see this as being somewhat unique to many
23 of our other land acquisitions that we do. Most
24 notably, some hunting restrictions on pieces of this
25 ground.

1 This took a lot of effort and
2 coordination between the regional staff, the Audubon
3 folks, our Wildlife Management Bureau staff, our
4 marketing and outreach staff and our habitat
5 management staff here. When we look at this site, we
6 thought - and you heard from Lisa Williams yesterday,
7 and she had mentioned this acquisition. This is a
8 great opportunity for the agency to highlight
9 wildlife viewing and watching opportunities, which I
10 think is important to a large group of our
11 constituents. It's a special opportunity, and we've
12 got big plans for it.

13 So I think it's going to take us in a
14 little bit of a new direction, and I can't say enough
15 to the staff that all worked together to make this
16 happen. And I think it's going to be a really neat
17 project. It's going to be a place that's visited by
18 a lot of people, it's very close to big population
19 centers, Harrisburg, Carlisle, York. So it's going
20 to be a high-profile spot for us, and I look forward
21 to what the staff and the regions and the other staff
22 and the Bureaus are going to do to highlight this
23 opportunity.

24 PRESIDENT MITRICK: I, for one, am
25 extremely excited about this acquisition. Thank you

1 very much for your hard work in making this happen.
2 Any other discussion? Mr. Secretary?

3 COMMISSIONER FREDERICKS: All those in
4 favor of the motion, signify by saying aye.
5 (AYES RESPOND.)

6 COMMISSIONER FREDERICKS: All opposed,
7 with a nay.
8 (NO RESPONSE.)

9 COMMISSIONER FREDERICKS: The ayes
10 have it. The motion passes, Mr. President.

11 PRESIDENT MITRICK: Thank you very
12 much.

13 ATTORNEY MARTSON: The next item can
14 be found on page 22 of your agendas. Central
15 Pennsylvania Conservancy, Inc. is offering 78 more-
16 or-less acres of land in North Middleton Township,
17 Cumberland County, adjoining and connecting two
18 tracts of State Game Land Number 230, Exhibit RED 3.

19 The option price is \$400 per acre to be paid from
20 the Game Fund. Access is through existing State Game
21 Lands Number 230.

22 PRESIDENT MITRICK: May I have a
23 motion for approval?

24 COMMISSIONER FREDERICKS: So moved.

25 COMMISSIONER SCHNEPP-GIGER: Second.

1 PRESIDENT MITRICK: Any discussion on
2 the motion? Mr. Secretary?

3 COMMISSIONER FREDERICKS: All those in
4 favor, signify by saying aye.

5 (AYES RESPOND.)

6 COMMISSIONER FREDERICKS: Opposed,
7 signify by no.

8 (NO RESPONSE.)

9 COMMISSIONER FREDERICKS: The ayes
10 have it, Mr. President.

11 PRESIDENT MITRICK: Thank you again.

12 ATTORNEY MARTSON: Did I skip page 20?

13 PRESIDENT MITRICK: Okay.

14 ATTORNEY MARTSON: My apologies,
15 folks. There was a previous item on page 20 of your
16 agenda which I skipped right over.

17 Rodney Bedow is offering 45 more-or-
18 less acres of land in Cranberry Township, Venango
19 County, adjoining State Game Land Number 45. That's
20 on Exhibit RED 2. The option price is \$400 per acre
21 to be paid from the Game Fund. Access is through
22 existing State Game Land Number 45.

23 PRESIDENT MITRICK: Motion for
24 approval?

25 COMMISISONER SANKEY: So moved.

1 Fish and Wildlife Service to fund the projects
2 important to the conversation and recovery of the
3 Indiana Bat within the Commonwealth of Pennsylvania.
4 The Indiana Bat is a federal and state listed
5 endangered species. The property is to be managed
6 for the primary benefit of the Indiana Bat in
7 accordance with an Indiana Bat management plan
8 developed cooperatively by the Commission and the
9 U.S. Fish and Wildlife Service. Access is from Plum
10 Creek Boulevard.

11 PRESIDENT MITRICK: Motion for
12 approval.

13 COMMISSIONER KNICK: So moved.

14 COMMISSIONER FREDERICKS: Second.

15 PRESIDENT MITRICK: Any discussion on
16 the motion?

17 MR. GUSTAFSON: Mr. President?

18 PRESIDENT MITRICK: Yes.

19 MR. GUSTAFSON: A word - brief word.
20 I'd just like to say this is another acquisition
21 that's come about because of the work of largely
22 field staff in the region in the southcentral due to
23 a relationship built by our game warden with the
24 Roaring Spring Bureau, when that was a public access
25 cooperator property and continued to work with them

1 when they came along to the decision to try to divest
2 of this property.

3 So our staff are our strongest asset
4 at all levels all the way down to the field, and
5 that's how this project ended up coming to us, so.
6 And also notice, no money directly out of the Game
7 Fund or our Pittman-Robertson money as this is coming
8 from federal funds from the Indiana Bat Conservation
9 fund.

10 PRESIDENT MITRICK: Since this area is
11 to protect the Indiana Bats, are there any other
12 restrictions other than no lumbering, that type of
13 thing?

14 MR. GUSTAFSON: There will be a
15 management plan developed that will focus on Indiana
16 Bat. It doesn't necessarily mean no forest
17 management. It tailors the forest management to
18 those species. What I will say is this property has
19 undergone extensive forest management previous to
20 this action item.

21 And I will say, after touring the site
22 myself, probably some of the best looking, most
23 diverse young forest habitats that were well-managed
24 that I've seen on private ground. Very, very good-
25 looking young forest habitats, very diverse. The

1 reserve trees that were left over are prime for bat
2 roosting. They're prime for wildlife as being oak
3 trees, mast producers. So it's been a very
4 well-managed property.

5 PRESIDENT MITRICK: And I assume that
6 hunting will be allowed there?

7 MR. GUSTAFSON: Absolutely.

8 PRESIDENT MITRICK: Okay. Okay.
9 Any other discussion?

10 COMMISSIONER SCHNEPP-GIGER: Yeah. Mr.
11 President if I may. It's another prime example of
12 our staff working. You know, we had this discussion
13 yesterday that we have about 480 species of wildlife
14 and birds under our purview, and a very, very small
15 fraction of those are ones that we can actually hunt.
16 And that's where the majority of our focus goes to is
17 those huntable species.

18 And this is a great example of a
19 nonhuntable species and one that's federally
20 endangered. That we're taking some pretty serious
21 proactive measures here in Pennsylvania and leading
22 the charge to do another species recovery. So it's a
23 great example of hunters and nonhunters coming
24 together as conservationists and multi-purpose use
25 for this land. So kudos to the region staff. This

1 is exciting.

2 PRESIDENT MITRICK: Any other
3 comments? Call for a vote, Mr. Secretary.

4 COMMISSIONER FREDERICKS: All those in
5 favor of the motion, signify by saying aye.
6 (AYES RESPOND.)

7 COMMISSIONER FREDERICKS: Those
8 opposed with a no.
9 (NO RESPONSE.)

10 COMMISSIONER FREDERICKS: The ayes
11 have it, Mr. President.

12 PRESIDENT MITRICK: Thank you very
13 much.

14 ATTORNEY MARTSON: The next item is on
15 page 26 of your agendas.

16 The Nature Conservancy is offering
17 1,088 more-or-less acres of land in Shohola Township,
18 Pike County, adjoining State Game Land Number 180,
19 Exhibit RED 5. The option price is \$2,000,000, lump
20 sum to be paid from the Game Commission's restricted
21 account, representing funds from third-party
22 commitments for compensation of habitat and
23 recreational losses which occurred on State Game
24 Lands from previously approved projects.

25 Acquisitions using this restricted

1 account may exceed \$400 per acre. The property is
2 bordered by the Shohola Creek on the west and
3 contains a hunting lodge and barn. The Nature
4 Conservancy's acquisition of the property is
5 contingent upon them receiving funding through a
6 partnership grant with the Open Space Initiative.
7 Covenants, conditions and restrictions associated
8 with this funding will be required to accept the
9 property. Access is from State Route 434.

10 PRESIDENT MITRICK: May I have a
11 motion for approval, please?

12 COMMISSIONER KNICK: So moved.

13 COMMISSIONER FREDERICKS: Second.

14 PRESIDENT MITRICK: Any discussion on
15 the motion? Secretary, please call for a vote.

16 COMMISSIONER FREDERICKS: All those in
17 favor, signify by saying aye.

18 (AYES RESPOND.)

19 COMMISSIONER FREDERICKS: Aye. Those
20 opposed, by no.

21 (NO RESPONSE.)

22 COMMISSIONER FREDERICKS: The ayes
23 have it, Mr. President.

24 PRESIDENT MITRICK: Thank you very
25 much.

1 ATTORNEY MARTSON: The next item is on
2 page 28 of your agendas.

3 Henry Kanagy is offering 264 more-or-
4 less acres of land in Ridgway Township, Elk County,
5 adjoining and connecting two tracts of State Game
6 Land Number 25, Exhibit RED 6. The option price is
7 \$340,000 lump sum to be paid from the Game
8 Commission's restricted account, representing funds
9 from third-party commitments for compensation of
10 habitat and recreational losses which occurred on
11 State Game Lands from previously-approved projects.
12 Acquisitions using this restricted account may exceed
13 \$400 per acre. Access is through existing State Game
14 Land Number 25.

15 PRESIDENT MITRICK: May I have a
16 motion for approval, please?

17 COMMISSIONER SANKEY: So moved.

18 COMMISSIONER FREDERICKS: Second.

19 PRESIDENT MITRICK: Discussion on the
20 motion?

21 COMMISSIONER SANKEY: I just would
22 like to make a statement that I think we all can get
23 on board with, and that's the acquisition of these
24 lands that are adjacent to existing State Game Lands.
25 Any time we can do that and provide larger tracts of

1 undisturbed land is a win-win.

2 PRESIDENT MITRICK: Any other
3 discussion, comments? Mr. Secretary.

4 COMMISSIONER FREDERICKS: All those in
5 favor, signify by saying aye.

6 (AYES RESPOND.)

7 COMMISSIONER FREDERICKS: Aye. All
8 those opposed, with a no.

9 (NO RESPONSE.)

10 COMMISSIONER FREDERICKS: The ayes
11 have it, Mr. President.

12 PRESIDENT MITRICK: Thank you again.

13 ATTORNEY MARTSON: The next item is on
14 page 30 of your agenda.

15 The Commission offered its oil and gas
16 ownership under portions of State Game Land Number 36
17 for oil and gas development by competitive Non-
18 Surface Use Bonus bid. Tract 36A-22, containing
19 approximately 3,965 acres, is located in Overton and
20 Franklin Townships, Bradford County, Exhibit OGM-1,
21 and was announced for competitive bonus bid with a
22 cost-free royalty of 20 percent in April 2022.

23 The staff constructed the bid
24 requirements to safeguard the prudent development of
25 the Commission's oil/gas reserve and simultaneously

1 protect the wildlife resources and recreational use
2 of State Game Land Number 36. Bids for this tract
3 were opened on May 26, 2022, with Chesapeake
4 Appalachia, LLC of Oklahoma City, Oklahoma winning
5 bonus bid of \$3,000 per acre.

6 The terms of this agreement are paid
7 up, five-years, nonsurface use oil and gas agreement,
8 a \$3,000 per acre bonus payment and a cost-free 20
9 percent royalty. Chesapeake Appalachia has the
10 ability to unitize the Commission's oil and gas
11 reserve by horizontal drilling with no disturbance to
12 the Game Land's surface.

13 The bonus payment of approximately
14 \$11,895,000 shall be directly deposited into the Game
15 Fund. Future rentals and royalties shall be
16 deposited directly into the Game Fund. Oil and gas
17 development will be regulated by the Commonwealth's
18 oil and gas regulations and the Commission's Non-
19 Surface Use Oil and Gas Development Agreement.

20 PRESIDENT MITRICK: May I have a
21 motion for approval, please?

22 COMMISSIONER KNICK: So moved.

23 COMMISSIONER FREDERICKS: Second.

24 PRESIDENT MITRICK: Discussion on the
25 motion? Mr. Secretary, would you please call for a

1 vote?

2 COMMISSIONER FREDERICKS: All those in
3 favor, signify by saying aye.

4 (AYES RESPOND.)

5 COMMISSIONER FREDERICKS: Aye. All
6 those opposed, with a no.

7 (NO RESPONSE.)

8 COMMISSIONER FREDERICKS: The ayes
9 have it, Mr. President.

10 PRESIDENT MITRICK: Thank you very
11 much. With that, we move on to new business. Does
12 anybody want to bring up any new business?

13 COMMISSIONER SCHNEPP-GIGER: Yeah,
14 real briefly. Following some of the staff comments
15 that we had yesterday, I for one was very excited to
16 see the opportunity for this agency to utilize DMAP
17 on State Game Lands. And you know, provided that the
18 rest of the Board doesn't have any issues with that,
19 I don't think at this point it is a regulation that
20 needs voted on. But I'm looking forward to allowing
21 our staff the same tools in the toolbox that other
22 large landowners have to be able to manage the timber
23 resources that we have and the wildlife habitat in
24 this state.

25 PRESIDENT MITRICK: Thank you very

1 much. Any other new business? I guess with that,
2 the meeting adjourns. Thank you, everybody.

3 * * * * *

4 MEETING CONCLUDED AT 10:14 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chair Mitrick, was reported by me on September 24, 2022 and that I, Derek Richmond, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Date the 10 day of November, 2022



Derek Richmond,

Court Reporter