

COMMONWEALTH OF PENNSYLVANIA

GAME COMMISSION

BOARD OF COMMISSIONERS

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MEETING

* * * * *

BEFORE: STANLEY I. KNICK, JR., President; Post
Election, Commissioner
Michael F. Mitrick, Vice President; Post
Election, President
Kristen Schnepf-Giger, Secretary; Post
Election, Vice President
Dennis R. Fredericks, Commissioner; Post
Election, Secretary
Allen J. DiMarco, Commissioner
Scott H. Foradora, Commissioner
Haley J. Sankey, Commissioner

HEARING: Saturday, April 9, 2022
9:08 a.m.

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

Reporter: Hannah Bartkowski

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A P P E A R A N C E S

1
2
3
4
5
6
7
8
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11
12
13
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BRADLEY C. BECHTEL, ESQUIRE
Chief Counsel
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110
Counsel for PA Game Commission

ALSO PRESENT:

Jason L. Decoskey
Dr. Matthew Schnupp
Bryan Burhans
Dave Gustafson

I N D E X

1		
2		
3	PLEDGE OF ALLEGIANCE	5
4	ROLL CALL	5 - 6
5	ELECTION OF OFFICERS	6 - 7
6	APPROVAL OF MINUTES	8
7	PRESENTATIONS	
8	By Attorney Bechtel	8 - 57
9	OTHER NEW BUSINESS	58 - 62
10	ADJOURNMENT	62
11	CERTIFICATE	63
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

E X H I B I T S

1
2
3
4
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6
7
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12
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25

<u>Number</u>	<u>Description</u>	<u>Page</u> <u>Offered</u>
---------------	--------------------	-------------------------------

NONE OFFERED

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
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PRESIDENT KNICK: I'd like everybody to silence their phone, please, and we'll start with the General Comments.

(WHEREUPON, PUBLIC COMMENTS WERE HELD.)

PRESIDENT KNICK: At this time, I'd like everybody to stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT KNICK: I'd ask the Secretary, would you call Roll Call, please?

COMMISSIONER SCHNEPP-GIGER:
President Knick?

PRESIDENT KNICK: Here.

COMMISSIONER SCHNEPP-GIGER: Vice President Mitrick?

COMMISSIONER MITRICK: Here.

COMMISSIONER SCHNEPP-GIGER: Schnep-
Giger, present.

Commissioner DiMarco?

COMMISSIONER DIMARCO: Present.

COMMISSIONER SCHNEPP-GIGER:

1 Commissioner Foradora?

2 COMMISSIONER FORADORA: Here.

3 COMMISSIONER SCHNEPP-GIGER:

4 Commissioner Fredericks?

5 COMMISSIONER FREDERICKS: Here.

6 COMMISSIONER SCHNEPP-GIGER:

7 Commissioner Sankey?

8 COMMISSIONER SANKEY: Present.

9 COMMISSIONER SCHNEPP-GIGER: Mr.

10 President, we have a quorum. All of our

11 Commissioners are present.

12 PRESIDENT KNICK: Thank you very

13 much. At this time we will have Election of

14 Officers.

15 For President, we have a nomination
16 of Commissioner Mitrick.

17 May I have a vote to move - motion to
18 move?

19 COMMISSIONER FREDERICKS: So moved.

20 COMMISSIONER FORADORA: Second.

21 PRESIDENT KNICK: Do we have any
22 other nominations? With none being heard, do we
23 have a vote for Mr. Mitrick?

24 COMMISSIONER SCHNEPP-GIGER: All in
25 favor?

1 AYES RESPOND

2 COMMISSIONER SCHNEPP-GIGER: Opposed?

3 Ayes have it.

4 PRESIDENT KNICK: For Vice President,
5 we have Commissioner Schnepp-Giger. Do we have a
6 motion for Schnepp-Giger?

7 COMMISSIONER FREDERICKS: So moved.

8 COMMISSIONER FORADORA: Second.

9 PRESIDENT KNICK: Do we have any
10 other nominations for Vice President? With none
11 being heard, can I have a vote, please?

12 COMMISSIONER SCHNEPP-GIGER: All in
13 favor?

14 AYES RESPOND

15 COMMISSIONER SCHNEPP-GIGER: Opposed?

16 Ayes have it.

17 PRESIDENT KNICK: For Secretary, we
18 have Commissioner Fredericks. Can I have a motion
19 for Commissioner Fredericks?

20 COMMISSIONER MITRICK: So moved.

21 COMMISSIONER FORADORA: Second.

22 PRESIDENT KNICK: Do we have any
23 other nominations for Secretary? With none being
24 heard, do we have a vote?

25 COMMISSIONER SCHNEPP-GIGER: All in

1 favor?

2 AYES RESPOND

3 COMMISSIONER SCHNEPP-GIGER: Opposed?

4 Ayes have it.

5 PRESIDENT KNICK: And at this time,
6 we're going to take a short break. We'll be back.

7 ---

8 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

9 ---

10 PRESIDENT MITRICK: I'd like to call
11 this meeting of the Game Commission to Order. First
12 of all, I'd like to say I'm honored and humbled to
13 be a part of this great organization. I really look
14 forward to the opportunity to work with the
15 fantastic and extremely, and I mean extremely
16 dedicated people of Pennsylvania Game Commission.
17 So thank you very much for this opportunity.

18 The First Order of Business is
19 Approval of Minutes of July 25th, 2021; September
20 11th, 2021; and January 29th of 2022.

21 Do I have a motion for approval?

22 COMMISSIONER FREDERICKS: So moved.

23 PRESIDENT MITRICK: Second?

24 COMMISSIONER KNICK: Second.

25 PRESIDENT MITRICK: All in favor?

1 AYES RESPOND

2 PRESIDENT MITRICK: Motion passes.
3 Thank you. At this point, I'm going to turn the
4 meeting over to Attorney Brad Bechtel. Thank you.

5 ATTORNEY BECHTEL: Thank you, Mr.
6 President. The first item to come before the
7 Commission today is from the Bureau of Wildlife
8 Management. It concerns Proposed Rulemaking to add
9 58 Pa. Code Section 141.30 (relating to bobwhite
10 quail recovery area) to create a wild bobwhite quail
11 recovery area surrounding the Letterkenny Army Depot
12 in Greene Township, Franklin County. To maximize
13 the likelihood of successful reintroduction, it is
14 important to avoid any harvest mortality on the
15 reintroduced population, as well as potential
16 negative genetic effects from interbreeding with
17 captive-reared bobwhites.

18 Implementation of a bobwhite quail
19 recovery area will provide important protections and
20 facilitate dispersal and expansion of the
21 reintroduced bobwhite quail population. The
22 boundary of the recovery area was developed using
23 major roads surrounding the Letterkenny Army Depot
24 that are easily identified with a minimum distance
25 of 7.4 kilometers beyond the Depot boundary.

1 Based on average spring dispersal of
2 quail, the 7.4 kilometers distance should provide an
3 adequate buffer to protect almost all dispersing
4 quail from harvest and minimize the possibility of
5 interbreeding with captive-raised quail originating
6 from beyond the restoration area boundary. The wild
7 bobwhite quail recovery area surrounding the
8 Letterkenny Army Depot will cover 177.65 square
9 miles. The text is shown on pages two and three of
10 your Agenda.

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

13 COMMISSIONER FREDERICKS: So moved.

14 PRESIDENT MITRICK: Second?

15 COMMISSIONER KNICK: Second.

16 PRESIDENT MITRICK: All in favor?

17 AYES RESPOND

18 PRESIDENT MITRICK: Oh, I'm sorry.
19 Any discussion on the motion? Any discussion? Mr.
20 Secretary would call for a vote, please?

21 COMMISSIONER FREDERICKS:

22 Commissioner Knick?

23 COMMISSIONER KNICK: Yes.

24 COMMISSIONER FREDERICKS:

25 Commissioner Mitrick?

1 PRESIDENT MITRICK: Yes.

2 COMMISSIONER FREDERICKS:

3 Commissioner Giger?

4 COMMISSIONER SCHNEPP-GIGER: Yes.

5 COMMISSIONER FREDERICKS:

6 Commissioner DiMarco?

7 COMMISSIONER DIMARCO: Yes.

8 COMMISSIONER FREDERICKS:

9 Commissioner Foradora?

10 COMMISSIONER FORADORA: Yes.

11 COMMISSIONER FREDERICKS:

12 Commissioner Fredericks, yes.

13 Commissioner Sankey?

14 COMMISSIONER SANKEY: Yes.

15 COMMISSIONER FREDERICKS: The ayes

16 have it, Mr. President.

17 PRESIDENT MITRICK: Thank you.

18 ATTORNEY BECHTEL: And the next item
19 is also a Proposed Rulemaking to amend 58 Pa. Code
20 Section 147.672 (relating to definitions) to remove
21 the text limiting the application of the term,
22 private lands, to lands where hunting rights have
23 been leased and where a fee has been charged for
24 hunting. This amendment will expand the meaning of
25 the term private land to include lands otherwise

1 previously ineligible for participation in the DMAP
2 program.

3 The quantity of land where the
4 hunting rights have been leased and where a fee has
5 been charged for hunting is approximately five
6 percent as reported by hunters. By excluding DMAP
7 on leased land, landowners address deer population
8 concerns and their land-use goals using WMU-based
9 allocations, which may not be enough. DMAP provides
10 additional means for landowners to manage deer to
11 meet their land-use goals outside of the WMU-based
12 antlerless allocations. There's no difference
13 between DMAP on leased land and DMAP on private land
14 with no public access. Both, with respect to the
15 ideas that they can restrict hunting access and both
16 need the proper tools to meet their goals.

17 Historic restrictions of DMAP permits
18 for certain lands to encourage public access did not
19 lead to significantly more public access or
20 prevention of leased lands. Leased lands still
21 exist and are part of the Pennsylvania landscape.
22 The text is show on page four of your Agenda.

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

25 COMMISSIONER FREDERICKS: So moved.

1 PRESIDENT MITRICK: Second?

2 COMMISSIONER SCHNEPP-GIGER: Second.

3 PRESIDENT MITRICK: Mr. Secretary,
4 can you call for the vote? I'm sorry.

5 COMMISSIONER FREDERICKS:

6 Commissioner Knick?

7 PRESIDENT MITRICK: I'm sorry.

8 COMMISSIONER FREDERICKS: Discussion.

9 PRESIDENT MITRICK: Any discussion on
10 the motion?

11 Mr. Secretary, will you call for a
12 vote, please?

13 COMMISSIONER FREDERICKS:

14 Commissioner Knick?

15 COMMISSIONER KNICK: Yes.

16 COMMISSIONER FREDERICKS:

17 Commissioner Mitrick?

18 PRESIDENT MITRICK: Yes.

19 COMMISSIONER FREDERICKS:

20 Commissioner Giger?

21 COMMISSIONER SCHNEPP-GIGER: Yes.

22 COMMISSIONER FREDERICKS:

23 Commissioner DiMarco?

24 COMMISSIONER DIMARCO: Yes.

25 COMMISSIONER FREDERICKS:

1 Commissioner Foradora?

2 COMMISSIONER FORADORA: Yes.

3 COMMISSIONER FREDERICKS:

4 Commissioner Fredericks, yes.

5 Commissioner Sankey?

6 COMMISSIONER SANKEY: Yes.

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

9 PRESIDENT MITRICK: Thank you.

10 ATTORNEY BECHTEL: The next item
11 concerns the Amendment of 58 Pa. Code Section
12 141.45. On May 22nd, 2021, The Commission's
13 rulemaking to remove rifles as lawful implements
14 during fall turkey seasons became effective.
15 Despite this change, shotguns and muzzleloaders that
16 propel single-projective ammunition currently remain
17 listed as permitted devices for use by hunters
18 during fall turkey seasons in all WMUs with an open
19 fall turkey season, excluding those portions found
20 within areas designated as special regulation areas
21 (WMUs 2B, 5B, 5C and 5D).

22 The Commission has observed that very
23 few hunters hunt during the fall turkey seasons with
24 a shotgun or muzzleloader using single-projectile
25 ammunition. After the changes made to this section

1 in 2021, the Commission remains focused on
2 identifying alternative methods of stabilizing fall
3 turkey harvest numbers without focusing solely on
4 further reductions in hunting opportunity as
5 measured by season length.

6 The Commission has determined that
7 the elimination of shotguns and muzzleloaders that
8 propel single-projectile ammunition during fall
9 turkey seasons may aid in this goal.

10 The Commission is proposing to amend
11 Section 141.45, relative to turkey, to eliminate the
12 use of shotguns and muzzleloaders that propel
13 single-projective ammunition during the fall
14 seasons. The text is shown on pages five and six of
15 your Agenda.

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

18 COMMISSIONER FORADORA: Motion.

19 PRESIDENT MITRICK: Second?

20 COMMISSIONER FREDERICKS: Second.

21 PRESIDENT MITRICK: Discussion?

22 Mr. Secretary, would you please call
23 for a vote?

24 COMMISSIONER FREDERICKS: We'll do
25 this the easy way, all in favor say aye.

1 AYES RESPOND

2 COMMISSIONER FREDERICKS: Opposed?

3 The ayes have it, Mr. President.

4 PRESIDENT MITRICK: Thank you.

5 ATTORNEY BECHTEL: And the next item
6 appears on page seven of your Agenda. It concerns
7 Adopted Rulemaking. To effectively manage the
8 wildlife resources of this Commonwealth, the
9 Commission, at its July 24th, 2021 meeting amended
10 Sections 147.551 through 147.559 (relating to
11 agriculture) added Section 147.551(a) (relating to
12 definitions) and deleted Section 147.554 (relating
13 to subpermit) to update and improve the agricultural
14 deer control permit program. These changes are not
15 intended to take effect immediately, but rather will
16 take effect on November 1st, 2022, to allow for a
17 smooth transition to the new program standards.

18 The Board should be aware that staff
19 has prepared three separate replacement pages for
20 pages 8, 9 and 10. The Board's consideration and
21 adoption of these proposed floor amendment changes
22 is necessary to satisfy form and legality concerns
23 raised by the Attorney General's Office during
24 review of this rulemaking after proposal.

25 So to be clear, the Commission will

1 propose to adopt the rulemaking as it is and will
2 need to look at those pages individually and on a
3 motion to amend to have them added.

4 PRESIDENT MITRICK: May I have a
5 motion for approval, please?

6 COMMISSIONER KNICK: So moved.

7 COMMISSIONER FREDERICKS: Second.

8 PRESIDENT MITRICK: Discussion on a
9 motion?

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

12 ATTORNEY BECHTEL: Excuse me, there's
13 - for page 8, 9 and 10, there are the replacement
14 pages. I should've asked if there are - if anyone
15 wishes to move those. To give you an example,
16 there's a floor amendment for page eight. I believe
17 everyone has that.

18 PRESIDENT MITRICK: On page eight of
19 this Amendment, do I have a motion for approval?

20 COMMISSIONER FREDERICKS: So moved.

21 PRESIDENT MITRICK: Do I have a
22 second?

23 COMMISSIONER KNICK: Second.

24 PRESIDENT MITRICK: Any discussion?
25 Would you call for a vote, please,

1 Mr. -?

2 COMMISSIONER FREDERICKS: All those
3 in favor, say aye.

4 AYES RESPOND

5 COMMISSIONER FREDERICKS: All those
6 opposed?

7 The ayes have it, Mr. President.

8 PRESIDENT MITRICK: On page nine, may
9 I have a motion for approval?

10 COMMISSIONER FREDERICKS: So moved.

11 PRESIDENT MITRICK: Second?

12 COMMISSIONER SCHNEPP-GIGER: Second.

13 PRESIDENT MITRICK: Discussion on the
14 motion?

15 Secretary, may we have a vote,
16 please?

17 COMMISSIONER FREDERICKS: All those
18 in favor, say aye.

19 AYES RESPOND

20 COMMISSIONER FREDERICKS: All those
21 opposed?

22 The ayes have it, Mr. President.

23 PRESIDENT MITRICK: Finally, on - for
24 an amendment to page ten. May I have a motion for
25 approval?

1 COMMISSIONER KNICK: So moved.

2 PRESIDENT MITRICK: Do I have a
3 second?

4 COMMISSIONER FREDERICKS: Second.

5 PRESIDENT MITRICK: Discussion on the
6 motion?

7 Mr. Secretary, a vote, please?

8 COMMISSIONER FREDERICKS: All those
9 in favor, say aye.

10 AYES RESPOND

11 COMMISSIONER FREDERICKS: Any
12 opposed?

13 The ayes have it, Mr. President.

14 PRESIDENT MITRICK: Thank you.

15 So again, we need a vote on the
16 motion now as amended. May I have a motion, please?

17 COMMISSIONER KNICK: So moved.

18 COMMISSIONER FREDERICKS: Second.

19 PRESIDENT MITRICK: Discussion?

20 Mr. Secretary, vote, please?

21 COMMISSIONER FREDERICKS: All those
22 in favor, say aye.

23 AYES RESPOND

24 COMMISSIONER FREDERICKS: Opposed?

25 The ayes have it, Mr. President.

1 PRESIDENT MITRICK: Thank you.

2 ATTORNEY BECHTEL: The next item
3 before the Commission is an informational item. It
4 concerns the release of information for Cornell
5 University's Center for Conservation Social Sciences
6 CWD survey. This appears on page 12 of your Agenda.

7 Cornell University Center for
8 Conservation Social Sciences has requested the names
9 and contact information of New York State residents
10 who hunt deer in Pennsylvania to conduct a
11 CWD-related survey. The survey will assess the
12 degree to which hunters have adopted behaviors to
13 minimize the risks of spreading chronic wasting
14 disease, as well as the factors that influence those
15 behaviors.

16 Cornell University's Center for
17 Conservation Social Sciences will conduct a mail
18 survey of these hunters. The survey instrument will
19 consist largely of standardized questions,
20 specifically the sample will include 3,000 New York
21 residents, aged 18 years and older, who purchased a
22 2020 through 2021 Pennsylvania general hunting
23 license. Data needed included names, address,
24 phone, date of birth and gender, if applicable.
25 After the mail survey is complete, 50 nonrespondents

1 will be contacted by telephone to determine how they
2 differ from respondents.

3 Data analysis will include
4 documenting the degree to which hunters practice CWD
5 risk-minimization behaviors and assessment of the
6 factors influencing those behaviors. This was
7 approved by notational vote and no action needs to
8 take place at this time.

9 Turning to page 13 of your Agenda,
10 Bureau of Wildlife Protection and Proposed
11 Rulemaking. This item amends 58 Pa. Code Section
12 141.4 (relating to hunting hours) to replace the
13 current hunting hours and migratory bird hunting
14 hours tables to accurately reflect the dates and
15 hours of legal hunting for the 2022 through 2023
16 hunting/ trapping license year.

17 As an additional matter for
18 consideration, members of the falconry hunting
19 community have recently approached the Commission to
20 request an expansion of various falconry hunting
21 seasons to include the two-week period comprising
22 the regular firearms deer season.

23 As a general rule, Section 141.4
24 establishes legal hunting hours within the
25 Commonwealth as from one-half hour before sunrise,

1 to one-half hour after sunset. However, this
2 section also provides four exceptions to this
3 general rule, including a closure under paragraph
4 one of open hunting hours for all other wild birds
5 and wild mammals during the overlap with the regular
6 firearms deer seasons. Six exceptions to this hour
7 closure for this overlap are listed for hunting game
8 birds on regulated hunting grounds, migratory
9 waterfowl, coyotes, feral swine, wild boar and bear.

10 The Commission has reviewed the
11 expansion request submitted by the falconry hunting
12 community and determined that it will not
13 significantly impact other hunting activities
14 occurring during the regular firearms deer seasons.
15 The Commission is, therefore, also proposing to
16 amend Section 141.4 to delete the closure of opening
17 hours for all other wild birds and wild mammals
18 during the overlap with the regular firearms deer
19 seasons.

20 The removal of this text will also
21 simplify and streamline the section as a whole. It
22 also eliminates the needs to redundantly identify
23 and list the exceptions to the hour closure for the
24 overlap period. The Commission has determined
25 current season and bag limit regulations found in

1 139.4 (relating to seasons and bag limits for the
2 license year) sufficiently controls the allowance of
3 the hunting of these species during the period of
4 overlap with the regular firearms deer seasons. The
5 hours expansion for falconers during the overlap
6 with the regular firearms deer seasons will not
7 substantively have an intended effect until the
8 Commission expands the falconry hunting seasons
9 during the overlap period in Section 139.4.

10 The remainder of the proposed changes
11 to 141.4 are nonsubstantive housekeeping edits to
12 remove the organization and clarify the text. The
13 text is shown on pages 14 through 16 of your Agenda.

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

16 COMMISSIONER FORADORA: Motion.

17 COMMISSIONER FREDERICKS: Second.

18 PRESIDENT MITRICK: Any discussion on
19 the motion?

20 Mr. Secretary, would you call for a
21 vote, please?

22 COMMISSIONER FREDERICKS: All those
23 in favor, say aye.

24 AYES RESPOND

25 COMMISSIONER FREDERICKS: All those

1 opposed?

2 Mr. President, the ayes have it.

3 PRESIDENT MITRICK: Thank you.

4 ATTORNEY BECHTEL: The next item is
5 also a proposal from the Bureau of Wildlife
6 Protection to amend 58 Pa. Code Section 147.305 and
7 is shown on page 17 of your agenda.

8 Currently, a wildlife capture and
9 transportation permit holder is required to have a
10 wildlife rehabilitator as a sponsor when submitting
11 his or her initial application. However, after the
12 permit application is submitted and approved, the
13 permit holder no longer needs to maintain an
14 affiliation or sponsorship with any particular
15 wildlife rehabilitator. In fact, a wildlife capture
16 and transportation permit holder can pick up
17 wildlife any place at any time and transport the
18 wildlife to the closest properly permitted wildlife
19 rehabilitator.

20 The Commission has observed instances
21 where some of these wildlife capture and
22 transportation permit holders are using this permit
23 to pick up injured wildlife and then holding the
24 injured wildlife and acting as an actual
25 rehabilitator without the required permit.

1 The Commission provides little
2 oversight to wildlife capture and transportation
3 permit holders once a permit is received. The
4 Commission has no data on how active permit holders
5 are, the volume of wildlife handled, the locations
6 wildlife is transported to, the species of wildlife
7 captured and transported, the location rehabilitated
8 wildlife is transported to or any other disposition
9 of wildlife. Section 2907 of the Act (relating to
10 reports) generally authorizes the Commission to
11 require reports as may be needed for its operations.

12 The Commission is proposing to amend
13 Section 147.305 (relating to wildlife capture and
14 transportation permits) to require that a permit
15 holder submit a monthly report to the Commission
16 documenting the species and quantity of all wildlife
17 captured or transported, the location where the
18 wildlife is captured, the location where the
19 wildlife is transported to and the disposition of
20 deceased wildlife. The Wildlife Rehabilitation and
21 Education Council supports this proposal.

22 The text is shown on pages 17 and 18
23 of your Agenda.

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

1 COMMISSIONER KNICK: So moved.

2 PRESIDENT MITRICK: Can I have a
3 second?

4 COMMISSIONER FREDERICKS: Second.

5 PRESIDENT MITRICK: Any discussion on
6 the motion?

7 Mr. Secretary, could you please call
8 for a vote?

9 COMMISSIONER FREDERICKS: All those
10 in favor, say aye.

11 AYES RESPOND

12 COMMISSIONER FREDERICKS: Opposed?

13 Mr. President, the ayes have it.

14 PRESIDENT MITRICK: Thank you.

15 ATTORNEY BECHTEL: If you turn to
16 page 19 of your Agenda, there's a proposal to Amend
17 58 Pa. Code Sections 147.726 and 147.728.

18 Each year, the Commission receives
19 thousands of calls concerning the presence of white-
20 tailed deer carcasses along roadways on private
21 property. The Commission will often assign its
22 wardens to collect and properly dispose of these
23 carcasses as their schedules and work duties may
24 permit. The task is not always accomplished in
25 accordance with the expectations of the public.

1 This is true despite the efforts of the Commission
2 and PennDOT to contract collection and disposal
3 efforts out to qualified vendors across the
4 Commonwealth.

5 Current regulations prohibit a
6 person, licensed or otherwise, from picking up
7 white-tailed deer carcasses from roadways and
8 private property, except as may be authorized by a
9 consumption permit. These restrictions limit the
10 ability to utilize existing resources to collect and
11 properly dispose of these white-tailed deer
12 carcasses. The Commission is proposing to amend
13 Sections 147.726 and 147.728 (relating to operation;
14 and unlawful acts) to authorize nuisance wildlife
15 control operators to collect and properly dispose of
16 deer carcasses from roadways and private property
17 with or without a fee.

18 These changes will provide residents
19 of the Commonwealth an additional resource to
20 address their concerns with the removal of
21 white-tailed deer found dead along roadways and on
22 private property. Furthermore, nuisance wildlife
23 control operators are already currently regulated
24 through the Commission, therefore, these changes are
25 simply an extension of the existing authority of

1 nuisance wildlife control operators, not the
2 creation of a new permitted class.

3 Lastly, nuisance wildlife control
4 operators are not obligated to engage in
5 white-tailed deer collection and disposal, but
6 rather can elect to expand their business services
7 to include these activities at their discretion.

8 The text is shown on pages 19 through
9 20 of your Agenda.

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

12 COMMISSIONER FREDERICKS: Mr.
13 President, are you going to ask for discussion?

14 PRESIDENT MITRICK: I need a motion
15 first.

16 COMMISSIONER FREDERICKS: Oh, I'm
17 sorry. So moved.

18 PRESIDENT MITRICK: May I have a
19 second?

20 COMMISSIONER SCHNEPP-GIGER: Second.

21 PRESIDENT MITRICK: Discussion on the
22 topic?

23 COMMISSIONER FREDERICKS: I have a
24 question, does this pertain, Jason, only to white-
25 tail deer carcasses?

1 MR. DECOSKEY: Correct.

2 COMMISSIONER FREDERICKS: What about
3 other carcasses?

4 MR. DECOSKEY: As written, it's only
5 - I'm sorry. You're correct. As written, it's only
6 for white-tailed deer carcasses. All the other big
7 game species, and some of the other species are -
8 are prohibited under the other section following
9 down below, 147.728.

10 COMMISSIONER FREDERICKS: Would you -
11 would you be interested in applying other big game
12 carcasses or - apparently, that's not a huge
13 problem, bears, turkeys and furbearers, raccoons,
14 coyotes.

15 MR. DECOSKEY: I don't have a problem
16 with that. We can repropose this for the next
17 meeting, if you wish?

18 COMMISSIONER FREDERICKS: I'd be
19 interested in hearing what the other Commissioners
20 have to say.

21 COMMISSIONER FORADORA: I'm for that,
22 unless there's some reason - unless there's some
23 reason in law enforcement -.

24 MR. DECOSKEY: Well, you know,
25 generally speaking, there's other big game species

1 may have some information for the law-enforcement
2 purposes, such as if it was killed, by the side of
3 the road, or, you know, unlawfully taken, our
4 officers would need that proof, instead of just
5 having just, a contractor coming over and picking it
6 up and disposing it before our officers have the
7 ability to retrieve any of that information that
8 carcass may possess.

9 COMMISSIONER FREDERICKS: Apparently,
10 white-tail deer are the big issue.

11 MR. DECOSKEY: They are the main
12 - the majority of our road kills are white-tailed
13 deer. And they're the ones that get people's
14 attention more than some of the smaller species.
15 The other big game species we like to collect that
16 for - and not just for our purposes, but we might
17 have wildlife biological information that we gather
18 from some of these species where they might be doing
19 a survey, they need carcasses and stuff like that.

20 COMMISSIONER FREDERICKS: And so if a
21 person has a carcass other than a white-tailed deer
22 in their front yard, can they call a wildlife -?

23 MR. DECOSKEY: Anything but other
24 than those big game species.

25 COMMISSIONER FREDERICKS: Anything

1 other than big game species?

2 MR. DECOSKEY: Those - well, some of
3 the other species listed under 147.728; otters,
4 fishers and some of those other species that we
5 would you like to get some information from.

6 COMMISSIONER FREDERICKS: We like to
7 have our hands on.

8 MR. DECOSKEY: Correct. For
9 biological reasons or for law-enforcement reasons.

10 COMMISSIONER FREDERICKS: Okay.

11 I'm fine with the way this is
12 proposed. That's fine.

13 COMMISSIONER SCHNEPP-GIGER: I think
14 it's important to note also that this is an
15 additional tool out there for the agency to provide
16 better customer service for those individuals that
17 have a deer that's hit in their front yard and they
18 don't want to dispose of it themselves. We
19 understand that our game wardens are very, very busy
20 and this is not the only thing that they have to do
21 is run around and pick up roadkill deer all day
22 long.

23 So having nuisance wildlife control
24 officers that do this generalized thing for a
25 living, right, in allowing this as a business

1 expansion for them is, I think, a good thing for the
2 agency, a good partnership with small businesses.
3 And important to note also, just because there was
4 information on social media already this morning,
5 this does not take anything previously away. Right?

6 Like you can still get your
7 consumption use permits. You can still, there will
8 still be game wardens that pick-up roadkill. This
9 needs to be viewed as an additional resource for
10 customer service for constituents across the entire
11 Commonwealth.

12 MR. DECOSKEY: You're correct.

13 PRESIDENT MITRICK: Any further
14 discussion?

15 COMMISSIONER DIMARCO: Yes.

16 I'm wondering, where does the public
17 find a number to call?

18 MR. DECOSKEY: So what they would do
19 is typically they'd open up their hunting digest and
20 there's phone numbers listed for the regional
21 offices.

22 COMMISSIONER DIMARCO: I'm talking
23 about my next-door neighbor who doesn't hunt.

24 MR. DECOSKEY: They probably could
25 call the local police department in that case.

1 And then they would be directed back to the Game
2 Commission. All those phone calls would come into
3 here and then we would send that out to the
4 appropriate state game warden to retrieve.

5 COMMISSIONER DIMARCO: I think it's
6 important that we educate the public that this
7 service is available and also how can you access it.

8 PRESIDENT MITRICK: Jason, I have a
9 question. Is there any thought on establishing a
10 reasonable fee that these people would charge to do
11 that service?

12 MR. DECOSKEY: We typically do not
13 mandate that the nuisance wildlife control operators
14 charge a certain fee for a certain species. We've
15 never done that before. I mean, if that's something
16 the Board wishes to look at, that's for a different
17 matter, but we typically do not put fees - you know,
18 certain fees in regulations.

19 COMMISSIONER FORADORA: Jason, a
20 question. When will the consumer be aware that
21 there is a charge? Who will make them aware of
22 that? The regional office? If they want - if an
23 officer isn't available and they want it removed
24 immediately, how does that information get to them?
25 If we can't have somebody there within a certain

1 amount of time, but there's a charge. Or do they
2 just turn them over to the -?

3 MR. DECOSKEY: They would turn that
4 over to the - they would give them a list of names
5 for the local NWCO officers and then the homeowner
6 would make contact with that NWCO, Nuisance Wildlife
7 Control Operator - that's what I mean by NWCO.

8 COMMISSIONER FORADORA: Okay.

9 MR. DECOSKEY: And that person would
10 tell them the fee - if there's not a pickup. But I
11 believe, yeah, they would tell them at that point.
12 Once those phone calls come into us, we would
13 redirect that to the person, to a NWCO.

14 COMMISSIONER FORADORA: Okay.

15 Thank you.

16 COMMISSIONER SCHNEPP-GIGER: So
17 really this not unlike regional offices getting a
18 phone call from somebody saying, hey, I got a
19 raccoon in my attic?

20 MR. DECOSKEY: It could be.

21 COMMISSIONER SCHNEPP-GIGER: You
22 know, and so that individual, that NWCO, would go
23 out there and - because he owns the business and
24 he's been permitted, so he's going to set his fees,
25 accordingly. So for us to get in the business of

1 setting somebody else's fees for their business, I
2 think is something we need to allow those
3 individuals to do on their own.

4 PRESIDENT MITRICK: I just brought it
5 up because I felt that before somebody would call,
6 they should have a reasonable expectation of what
7 the cost might be.

8 Any further discussion?

9 Mr. Secretary, would you call for a
10 vote?

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

13 AYES RESPOND

14 COMMISSIONER FREDERICKS: Opposed?

15 The ayes have it, Mr. President.

16 PRESIDENT MITRICK: Thank you.

17 ATTORNEY BECHTEL: The next item
18 concerns Adopted Rulemaking. It appears on page 21
19 of your Agenda. It is to Amend 58 Pa. Code Section
20 141.47 (relating to elk seasons) to eliminate the
21 outdated reference to the elk season orientation.

22 The text is shown on page 22 of your
23 Agenda.

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

1 COMMISSIONER FORADORA: Motion.

2 COMMISSIONER SCHNEPP-GIGER: Second.

3 PRESIDENT MITRICK: Discussion?

4 Mr. Secretary, call for a vote,
5 please?

6 Oh, I'm sorry. Discussion, please?

7 Mr. Secretary, would you call for a
8 vote, please?

9 COMMISSIONER FREDERICKS: All those
10 in favor, say aye.

11 AYES RESPOND

12 COMMISSIONER FREDERICKS: Opposed?

13 The ayes have it, Mr. President.

14 PRESIDENT MITRICK: Thank you.

15 ATTORNEY BECHTEL: Moving on to page
16 23 of your Agenda. There's Proposed Rulemaking
17 coming from the Bureau of Wildlife Habitat
18 Management to delete 58 Pa. Code Section 135.182
19 (relating to ranges, State Game Land No. 176) to
20 eliminate the outdated and unnecessary text of this
21 provision. The Commission manages the use and
22 operation of the shooting ranges located on State
23 Game Land No. 176, in part, under the two provisions
24 of Section 135.182. The Commission manages the use
25 and operation of the remainder of its 33 shooting

1 ranges located on State game lands under the various
2 provisions of Section 135.108. The Commission has
3 reviewed this split regulatory structure and
4 determined that the days and hours of operation and
5 range reservation periods unique to the shooting
6 ranges at State Game Lands 176 are no longer
7 necessary. The deletion of Section 135.182 will
8 revert the management of the use and operation of
9 the shooting ranges at State Game Land 176 entirely
10 to the provisions of Section 135.181. This deletion
11 will result in a number of changes that are largely
12 beneficial to users of the State Game Land 176
13 shooting ranges.

14 As it relates to paragraph (1), users
15 will see an expansion in open shooting days to now
16 include Mondays and Tuesdays, but will also see
17 hours of operation on Sundays restricted to 12 noon
18 to sunset, except those specifically designated as
19 being open from 8 a.m. to sunset. While certainly a
20 change to the regulatory text; the Commission does
21 not believe that a change will be observed by users
22 of the shooting ranges at State Game Land 176, as
23 the Commission itself has not followed these unique
24 days and hours of operation language for
25 approximately eight years.

1 As it relates to paragraph two, users
2 will see the calendar window of opportunity for
3 groups or organizations to reserve a range reduced
4 from year-round to January 1 through October 1.

5 The text is show on pages 23 and 24
6 of your Agenda.

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

9 COMMISSIONER FREDERICKS: So moved.

10 PRESIDENT MITRICK: Second, please?
11 Is there a second?

12 COMMISSIONER SCHNEPP-GIGER: Second.

13 PRESIDENT MITRICK: Mr. Secretary -
14 discussion, please?

15 Mr. Secretary, would you call for a
16 vote, please?

17 COMMISSIONER FREDERICKS: All those
18 in favor, say aye.

19 AYES RESPOND

20 COMMISSIONER FREDERICKS: Opposed?

21 The ayes have it, Mr. President.

22 PRESIDENT MITRICK: Thank you.

23 ATTORNEY BECHTEL: If we look to page
24 26 of your Agenda, we'll find Real Estate items from
25 the Bureau of Wildlife Habitat Management. The

1 first concerns a donation. Contract No. L-3791
2 State Game Land No. 87 in Clearfield County.

3 Diversified Production, LLC (f/k/a
4 Alliance Petroleum Corporation) is offering to
5 donate 4.59 more or less acres of land in Bell
6 Township, Clearfield County, an interior on State
7 Game Land No. 87, as shown on Exhibit RED-1 on page
8 27 of your Agenda. Diversified Production, LLC is
9 excepting and reserving the oil and natural gas.
10 Access is from McGees Mill Road.

11 PRESIDENT MITRICK: May I have a
12 motion for approval?

13 COMMISSIONER FREDERICKS: So moved.

14 PRESIDENT MITRICK: Second?

15 COMMISSIONER FORADORA: Second.

16 PRESIDENT MITRICK: Any discussion on
17 the motion?

18 Mr. Secretary, would you call for a
19 vote, please?

20 COMMISSIONER FREDERICKS: All those
21 in favor, say aye.

22 AYES RESPOND

23 COMMISSIONER FREDERICKS: Opposed?

24 The ayes have it, Mr. President.

25 PRESIDENT MITRICK: Thank you.

1 ATTORNEY BECHTEL: On page 28 of your
2 Agenda appears Contract No. L-3792 State Game Land
3 No. 145, Lancaster and Lebanon Counties.

4 Natural Lands is offering to donate
5 158 more or less acres of land in South Londonderry
6 and West Cornwall Townships, Lebanon County and
7 Rapho Township, Lancaster County, adjoining State
8 Game Land No. 145, as shown on Exhibit RED-2 on page
9 29 of your Agenda.

10 Natural Lands' acquisition of the
11 property is contingent upon them receiving funding
12 through partnership grants provided by the
13 Pennsylvania Department of Conservation and Natural
14 Resources, DCNR, and the United States Fish and
15 Wildlife Service through the Highlands Conservation
16 Act. Covenants, conditions and restrictions
17 associated with these funding sources will be
18 required to accept the property. Access is from
19 Pinch Road.

20 Because the Highland Conservation Act
21 funds are payable to the Commonwealth only as a
22 reimbursement, the Commonwealth has determined the
23 most expeditious way to move forward is for the
24 Commission to accept a sub-award for the federal
25 funds from DCNR, provide the Highlands Conservation

1 Act award amount to Natural Lands from the
2 Commission's restricted revenue account set up
3 through Treasury for other cost-sharing funds, and
4 then directly accept the Highlands Conservation Act
5 federal reimbursement amount back into the
6 restricted revenue account.

7 This has the double benefit of being
8 efficient, as well as ensuring federal dollars can
9 be tracked directly to the acquisition project as
10 intended by the Highlands Conservation Act. The net
11 effect to the restricted revenue account or the Game
12 Fund is zero. To accomplish this, the Board of
13 Commissioners must approve the use of the restricted
14 revenue account, payments from the account, and the
15 subsequent acceptance of the federal Highlands
16 Conservation Act funds deposited into the account.

17 PRESIDENT MITRICK: May I have a
18 motion for approval?

19 COMMISSIONER SANKEY: I move.

20 COMMISSIONER FREDERICKS: Second.

21 PRESIDENT MITRICK: Discussion on the
22 motion?

23 Mr. Secretary, would you call for a
24 vote?

25 COMMISSIONER FREDERICKS: All those

1 in favor, say aye.

2 AYES RESPOND

3 COMMISSIONER FREDERICKS: Opposed?

4 The ayes have it, Mr. President.

5 PRESIDENT MITRICK: Thank you.

6 ATTORNEY BECHTEL: The next item is
7 an acquisition that appears on page 30 of your
8 Agenda. It's Contract No. L-3793, State Game Land
9 Number 91, in Luzerne County.

10 Natural Lands is offering 278 more or
11 less acres of land in Bear Creek Township, Luzerne
12 County, adjoining State Game Land No. 91, as shown
13 in Exhibit RED-3 on page 31 of your Agenda. The
14 option price is \$42,000 lump sum to be paid from the
15 Game Fund. Natural Lands' acquisition of the
16 property is contingent upon them receiving funding
17 through partnership grants provided by the
18 Pennsylvania Department of Conservation and Natural
19 Resources and the Open Space Institute. Covenants,
20 conditions, and restrictions associated with these
21 funding sources will be required to accept the
22 property. Access is from Meadow Run Road SR 2038
23 and from Bear Creek Boulevard, SR 115.

24 PRESIDENT MITRICK: Motion for
25 approval?

1 COMMISSIONER FREDERICKS: So moved.

2 PRESIDENT MITRICK: Second?

3 COMMISSIONER KNICK: Second.

4 PRESIDENT MITRICK: Discussion,
5 please.

6 Mr. Secretary?

7 MR. GUSTAFSON: I'd just like to say
8 these last two projects that we received from
9 Natural Lands had a lot of moving parts. It talks
10 about funds coming, funds going and things of that
11 nature. And I'd just like to, you know, express our
12 appreciation to Natural Lands for their heavy
13 lifting and getting all this work done and bringing
14 these great projects to us, because without them as
15 a partner, it just would be too difficult to pull
16 these things together.

17 COMMISSIONER FREDERICKS Mr.
18 President, I'd like to add something to that again.
19 Quite often we hear from our license buyers that
20 sportsmen dollars paid for all the game lands'
21 acres. And I just want to draw it to attention that
22 in a lot of cases, as Dave said, that it's very
23 complicated. It's a big spider web and funds come
24 from all directions.

25 So I just want to remind everybody

1 again, that, you know, when they say that license
2 dollars paid for all game lands, I mean - and again,
3 we're restricted to \$400 an acre for acquisition.
4 So there's funding that comes from all different
5 directions to make these acquisitions and we're very
6 appreciative, and just want to, again, remind the
7 public of how these things work. Thank you.

8 PRESIDENT MITRICK: Dennis, thank
9 you, and we are very, very appreciative.

10 Call for a vote now, Mr. Secretary?

11 COMMISSIONER FREDERICKS: All those
12 in favor?

13 AYES RESPOND

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

16 PRESIDENT MITRICK: Thank you.

17 ATTORNEY BECHTEL: The next item is
18 on page 32 of your Agenda, Contract No. L-3794,
19 State Game Land No. 281 in Perry County.

20 The Estate of Pauline Ayers is
21 offering 54 more or less acres of land in Miller
22 Township, Perry County, adjoining State Game Land
23 No. 281, as shown in Exhibit RED-7 on page 33 of
24 your Agenda. The option price is \$260,000 lump sum
25 to be paid with the remaining escrow funds from a

1 prior land exchange on State Game Land No. 176 with
2 the Pennsylvania State University and will require
3 review and approval from the U.S. Fish and Wildlife
4 Service.

5 Acquiring this property will close
6 out the Penn State University escrow account and
7 finalize the requirements to acquire replacement
8 lands to satisfy the obligations under the land
9 exchange between Penn State, US Fish and Wildlife
10 Service and the Commission.

11 The difference between the remaining
12 Penn State escrow account - amount and the purchase
13 price will require payment of funds from the
14 Commission's restricted revenue account set up
15 through Treasury for "other cost-sharing funds."
16 Access is from Upper Bailey Road.

17 PRESIDENT MITRICK: May I have a
18 motion for approval?

19 COMMISSIONER KNICK: So moved.

20 COMMISSIONER FORADORA: Second.

21 PRESIDENTV MITRICK: Discussion on
22 the motion?

23 Dave, do you have anything to say on
24 this?

25 MR. GUSTAFSON: Not on this one.

1 This is straightforward.

2 PRESIDENT MITRICK: Mr. Secretary,
3 would you call for a vote?

4 COMMISSIONER FREDERICKS: All those
5 in favor, say aye.

6 AYES RESPOND

7 COMMISSIONER FREDERICKS: Opposed?
8 The ayes have it, Mr. President.

9 PRESIDENT MITRICK: Thank you.

10 ATTORNEY BECHTEL: And before the
11 Commission on page 34 of your Agenda is the Exchange
12 Contract No. L-3795 State Game Land No. 223, Greene
13 County.

14 Greylock Pipeline, LLC, or Greylock,
15 is offering a total of 192 more or less acres of
16 land in two tracts located in Greene and Whiteley
17 Townships, Greene County, adjacent to State Game
18 Land No. 223, as shown on Exhibit RED-8 on page 35
19 of your Agenda. In exchange for a License for
20 Right-of-Way, or the license, granting the
21 privileges of constructing, operating, maintaining,
22 and removing a total of 10,799 feet of 12-inch
23 natural gas pipeline and a total of 10,803 feet of
24 16-inch freshwater waterline, and using and
25 maintaining a total of 3,720 feet of existing

1 Commission access roads across a total of 13.32
2 acres of State Game Land Number 223 in Greene and
3 Whiteley Townships, Greene County.

4 The License also authorized a total
5 of 9.98 acres of temporary workspace and road use
6 for initial construction and reclamation of the
7 project. Greylock has agreed to convey this land to
8 the Commission, in addition to paying the
9 Commission's standard habitat, surface and timber
10 damages, as well as paying the Commission's standard
11 annual license fee so long as the License remains
12 active. Access to Tract 1 is from Blaker Ridge Road,
13 T-622 and access to Tract 2 is from Roberts Run
14 Road, T-604.

15 PRESIDENT MITRICK: Motion for
16 approval?

17 COMMISSIONER FREDERICKS: So moved.

18 PRESIDENT MITRICK: Second?

19 COMMISSIONER KNICK: Second.

20 PRESIDENT MITRICK: Discussion on the
21 motion?

22 COMMISSIONER FREDERICKS: Dave, I'm
23 assuming that these minerals has been severed?

24 MR. GUSTAFSON: As far as - I believe
25 so.

1 This is another one where you look at
2 the small impact of 22 acres that we're going to
3 take on that game land on a landscape that's already
4 pretty heavily chopped up with pipelines and broken
5 forest lands and ag lands. And you look at what
6 we're getting in return, and it's just a credit to
7 our field staff out there in the Southwest Region,
8 the Right-of-Way Management staff here in Harrisburg
9 on how they put these projects together working with
10 these companies.

11 I think that's a - you know, 192
12 acres coming back for 20-plus acres of impact, plus
13 the annual fees in this license going forward. So
14 it's a huge benefit to the game lands and to hunters
15 out there.

16 COMMISSIONER FREDERICKS: Good job.
17 Thank you.

18 PRESIDENT MITRICK: Mr. Secretary,
19 would you call for a vote?

20 COMMISSIONER FREDERICKS: All those
21 in favor, say aye.

22 AYES RESPOND

23 COMMISSIONER FREDERICKS: All those
24 opposed?

25 The ayes have it, Mr. President.

1 PRESIDENT MITRICK: Thank you.

2 ATTORNEY BECHTEL: The next item is
3 and informational item. It appears on page 36 of
4 your Agenda. And it concerns a Notational Vote.
5 Contract L-3788, State Game Land No. 297 in
6 Washington County.

7 On September 29th, 2021, the Board of
8 Commissioners approved, by notational vote, a
9 donation from Springflow Realty, LLC of 288 more or
10 less acres of land in North Bethlehem and West
11 Bethlehem Townships, Washington County, adjoining
12 State Game Land No. 297, as shown on Exhibit RED-4
13 on page 37 of your Agenda.

14 The donated land will be subject to a
15 life estate reserved by Springflow Realty, LLC for
16 the life of Richard C. Beinhauer and will not be
17 added to the State Game Lands' system until the life
18 estate ends or is terminated. Springflow Realty,
19 LLC will be responsible for any and all taxes,
20 insurance premiums and mortgage payments during the
21 period of Richard C. Beinhauer's life estate.
22 Springflow Realty, LLC will also be responsible for
23 maintaining the lodge located on the property in a
24 condition as good as it is today, except for normal
25 wear and tear, and agrees to make all necessary

1 repairs.

2 PGC agrees, after consultation with
3 Springflow Realty, LLC, to pay for any and all
4 capital improvements and repairs, in other words, a
5 new roof. By accepting this donation, PGC also
6 agrees that it will maintain the lodge in its
7 current condition indefinitely, and that the lodge
8 will always be named and referred to as Springflow
9 Lodge. Access is from Little Daniels Run Road,
10 Urguhart Road and Burson Road.

11 This is an informational item only
12 and, therefore, no action is required.

13 Likewise, on page 38 of your Agenda,
14 is an informational item relating to the purchase
15 of property at auction. Subject to certain
16 limitations, 58 Pa. Code Section 135.241 (relating
17 to delegation of authority) authorizes the Director
18 to bid on real estate, oil, gas or mineral rights at
19 auction or tax sale and to request down payment
20 checks to bid on property at auction. Successful
21 bids must be made known to the general public at the
22 next regularly-scheduled meeting of the Board of
23 Commissioners.

24 Contract L-3789, State Game Land No.
25 311, in Elk County. On September 2nd, 2021,

1 Executive Director Bryan Burhans notified the Board
2 of Commissioners of the pending public auction sale
3 date of September 15, 2021, and the urgent need to
4 react to the sale of a one-ninth interest in the
5 39.76 more or less acre Lola L. Woodring Estate
6 Property located in Benezette Township, Elk County,
7 adjoining State Game Land No. 311, as shown on
8 Exhibit RED-5 on page 39 of your agenda.

9 At the time of the auction, the Game
10 Commission was the owner of a four-ninths interest
11 in the property under Real Estate Contract L-3100-2.
12 The Game Commission was the successful bidder at the
13 auction held by the Elk County Tax Claim Bureau, and
14 the winning bid of \$24,963, including required fees.

15 The funding for the auction price was donated by
16 the Keystone Elk Country Alliance. The 1/9th
17 interest was conveyed to the Game Commission on
18 November 1st, 2021. The Game Commission now holds a
19 five-ninths interest in the 39.76 more or less acre
20 Lola L. Woodring Estate Property.

21 This is an informational item only,
22 therefore, no action is required.

23 And finally, on page 40 of your
24 Agenda is a further notational vote concerning L-
25 3790 Erie, Crawford, Venango, Forest, Warren, McKean

1 and Elk Counties.

2 On December 8th, 2021, the Board of
3 Commissioners approved, by notational vote, a
4 donation from Payday Holdings, LLC of Frisco, Texas,
5 of a portfolio of oil, gas and mineral rights in
6 Erie, Crawford, Venango, Forest, Warren, McKean, and
7 Elk Counties as generally shown in Exhibit RED-6 on
8 page 41 of your Agenda.

9 These OGM interests are not surveyed
10 and have not had exhaustive title searches
11 conducted. So the nature, quality and extent of the
12 interests are currently unknown. However, these
13 interests were purchased by Payday Holdings, LLC,
14 and are held in their - were held in their name such
15 that they can be donated.

16 This is an informational item only,
17 therefore, no action is required.

18 The next item is on page 42 of your
19 Agenda. It concerns Oil/Gas & Minerals, Surface
20 Coal Mining Agreement, State Game Land No. 75,
21 Lycoming County.

22 Fisher Mining Company (FMC) of
23 Montoursville, PA, requests approval to conduct
24 surface coal mining operations and coal refuse
25 disposal operations on a 115.9 more or less acre

1 tract located on State Game Land Number 75, Pine
2 Township, Lycoming County.

3 FMC is rapidly approaching the end of
4 their current mining operation and is seeking
5 approval to continue surface coal mining operation
6 through Barrens Road and into a previously unmined
7 area, as shown in Exhibit OGM-1 on page 44 of your
8 Agenda. The Board previously reviewed and discussed
9 two proposals comprising this project during the
10 September 2013, the January 2017 and the January
11 2018 meetings. The Board approved an initial
12 66-acre project in 2013, for which an agreement was
13 never reached, tabled a 40-acre expansion proposal
14 in 2017, and in 2018, directed staff to work with
15 FMC to resolve all outstanding issues relative to
16 the project.

17 At this time, all outstanding issues
18 have either been resolved or will be resolved in a
19 new agreement. FMC proposes surface mining of an
20 approximately 115.9 acre area with an estimated
21 minable coal reserve of 663,795 tons. As part of
22 the operation, FMC will mine out six underground
23 deep mine entries and daylight approximately 27
24 acres of abandoned underground deep mines. These
25 abandoned underground mines currently discharge

1 slightly acidic water to Buckeye Run.

2 FMC will add approximately 1,200 tons
3 per acre of alkaline material to the pit floor and
4 backfill during the mining process to ensure
5 alkaline post mining water quality. FMC also
6 proposes to shunt alkaline post-mining drainage into
7 the upper reaches of Buckeye Run to increase the
8 alkalinity of the stream.

9 The proposed Agreement is for a
10 ten-year term, which will commence upon the issuance
11 of a valid surface mining permit to FMC by the
12 Department of Environmental Protection. All
13 merchantable timber, to be cut and/or impacted by
14 this mining operation, will be assessed by the
15 Commission's Northcentral Regional forestry staff at
16 a double stumpage rate and shall be paid to the PGC
17 prior to cutting. FMC will pay the Commission a
18 royalty of 12 percent FOB pit price, for each ton of
19 coal mined and sold from the 115.9 acre mining area.
20 Royalty payments will be made by FMC on a monthly
21 basis, with all payments being deposited into the
22 Game Fund.

23 A portion of Barrens Road will be
24 closed to allow the mining to progress through the
25 road. Traffic will be routed through the existing

1 roads to maintain continuity of traffic between
2 English Center, the western boundary of State Game
3 Land No. 75, and the DCNR state forest boundary near
4 the Village of Okome.

5 Portions of the alternate route will need
6 to be upgraded at the expense of FMC and maintained
7 at the expense of the PGC. FMC will also apply for
8 bond release on portions of the Thomas mine permit
9 and open the area up to the hunting public. The
10 exact boundary of the open area will be determined
11 based on sight lines and safety distances from the
12 active operation. The reclamation plan will
13 incorporate the Appalachian Reforestation
14 Reclamation Initiative-Forest Reclamation Approach
15 to achieve post-mining land uses of wildlife habitat
16 and forestland.

17 FMC agreed to replace the existing
18 stream crossing on Buckeye Run at the haul road to
19 allow for adequate aquatic organism passage. FMC
20 will also complete a water quality or aquatic
21 habitat improvement project on the Right Fork of
22 Otter Run.

23 Further, FMC, upon the receipt of
24 both an executed agreement and a surface mining
25 permit for the Thomas Northeast II mine from the

1 Department of Environmental Protection, will convey
2 seven parcels of contiguous land located in North
3 Union Township, Schuylkill County, consisting of
4 approximately 1,325 acres of land, as shown on
5 OGM- 2 on page 45 of your Agenda.

6 Mining will be regulated by the
7 Commonwealth's Surface Mining Regulations and the
8 Commission's Surface Mining Agreement.

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

11 Again, may I have a motion to
12 approve, please?

13 Hearing no motion for approval, the
14 proposal fails.

15 ATTORNEY BECHTEL: The next item
16 appears on page 46 of your Agenda. It concerns
17 Non-Surface Use Oil and Gas Production Cooperative
18 Agreement tract 313A-22, State Game Land No. 313 in
19 Tioga County.

20 Seneca Resources Company, LLC, or
21 Seneca, of Pittsburgh, Pennsylvania, requests the
22 Commission to offer its oil and gas ownership under
23 State Game Land No. 313 for development. The
24 proposed Tract 313A-22, containing approximately
25 408.7 of more or less acres of oil/gas interests, is

1 located in Delmar and Chatham Townships, Tioga
2 County, as shown on Exhibit OGM-3 on page 47 of your
3 Agenda.

4 Seneca has a dominant and virtually
5 exclusive lease position surrounding State Game Land
6 No. 313. Seneca is actively drilling wells in the
7 proximity to State Game Land No. 313 and has a
8 multi-year plan to continue such drilling.
9 Consequently, no other developer is likely to have
10 an opportunity for developing shale gas resources
11 from beneath State Game Land No. 313.

12 Seneca's track record as an existing
13 PGC lessee demonstrates their ability to provide
14 significant revenue to the Commission, while
15 protecting and conserving the important wetland
16 habitat that predominates State Game Land No. 313.
17 Commission staff has negotiated with Seneca to
18 safeguard the prudent development of the
19 Commission's oil and gas resources and to
20 simultaneously minimize impacts to wildlife and
21 recreational use of State Game Land No. 313.

22 Under this Non-Surface Use Oil and
23 Gas Production Cooperative Agreement, Seneca will
24 pay the Commission a bonus totaling \$1,500 per net
25 mineral acre, paid incrementally, over a ten-year

1 primary term, and a royalty rate of 16 percent per
2 thousand cubic feet, or mcf, for all oil, gas and
3 liquid hydrocarbons produced and sold from the
4 premises. The bonus payments will be made in annual
5 installments, dependent upon acreage unitized or
6 un-unitized at that time. In other words, acreage
7 unitized within the preceding year will have the
8 balance of its annual \$150 per acre, per year amount
9 paid off in its entirety.

10 The total bonus to be paid will be
11 \$730,500 over the ten-year primary term. The first
12 payment of \$73,050 will be due within 60 days of the
13 execution of the agreement. The second and
14 subsequent installments will be due annually on the
15 anniversary date of the agreement. All bonus and
16 royalty payments will be deposited into the Game
17 Fund.

18 Seneca's oil and gas development
19 under this Agreement will be regulated by the
20 Commonwealth's Oil and Gas Regulations and the
21 Commission's Requirements for Protection and
22 Conservation of State Game Lands with Respect to
23 Oil, Gas, and Liquid Hydrocarbon Production.

24 PRESIDENT MITRICK: May I have a
25 motion for the - motion to approve, please?

1 COMMISSIONER FREDERICKS: So moved.

2 PRESIDENT MITRICK: Second?

3 COMMISSIONER FORADORA: Second.

4 PRESIDENT MITRICK: Discussion on the
5 motion?

6 Mr. Secretary, would you call for a
7 vote, please?

8 COMMISSIONER FREDERICKS: All those
9 in favor, say aye.

10 AYES RESPOND

11 COMMISSIONER FREDERICKS: Opposed?

12 The ayes have it, Mr. President.

13 PRESIDENT MITRICK: Thank you.

14 ATTORNEY BECHTEL: And that concludes
15 the formal written portion of this Agenda.

16 PRESIDENT MITRICK: And that moves us
17 into New Business.

18 COMMISSIONER FREDERICKS: Mr.
19 President?

20 PRESIDENT MITRICK: Yes?

21 COMMISSIONER FREDERICKS: If I may,
22 under New Business, it seems as though there may be
23 some anecdotal evidence that we're having an issue
24 getting enough antlerless tags into the right hands
25 of people in special regulations areas under the new

1 regulations that we promulgated casually termed as
2 burn one, earn one.

3 And basically, it involves the
4 maximum number of tags in those WMUs. It limits it
5 at six. So you have to harvest one before you could
6 get another tag. And with that cumbersome process,
7 it's not particularly an issue, it doesn't seem to
8 be, in those respective WMUs, but it does seem to be
9 an issue in Allegheny County in the west in those
10 couple counties in the east that are special
11 regulations areas.

12 And I'd like to ask, with all your
13 approval, to charge the Bureau of Wildlife
14 Management. And if you could work with the Bureau
15 of Automated Technology and see if you can't come up
16 with some kind of a solution.

17 I have no suggestions, but, you know,
18 the little bit of information that I have, again,
19 anecdotally, it seems as though those people who
20 function under the old system, their number of tags
21 that they received and the number of deer that they
22 harvested in those special regs area has been cut by
23 50 percent. It seems that way.

24 DR. SCHNUPP: Sure. Well, what we
25 can do is reach out to BATS and put together a

1 briefing paper and brief the Board, and then
2 possibly come back and brief the public as well.

3 COMMISSIONER FREDERICKS: Thank you
4 very much. I appreciate it. Thank you.

5 PRESIDENT MITRICK: Dr. Schnupp,
6 there's been some interest and talk about scents
7 attractants to deer. I would appreciate it if you
8 could look into that and possibly give us some type
9 of briefing.

10 DR. SCHNUPP: Sure. Absolutely,
11 Commissioner. We, as you know, everything with CWD
12 is contentious, and can be frustrating at times.
13 And as an agency, we want to make sure we're doing
14 the right thing. So we're happy to look into that
15 further and provide the same briefing paper and
16 possible public comments - or public presentation as
17 well.

18 PRESIDENT MITRICK: Thank you. I
19 have another item for rabbit hemorrhagic disease and
20 virus. We need to talk about the approach plan.

21 DR. SCHNUPP: Sure, yeah.

22 If you recall, Dr. DiSalvo presented
23 an overview of the RHDV plan in the September 2021
24 Commission Meeting. The plan was developed to
25 minimize the introduction risk and impact of RHD in

1 Pennsylvania's native wild rabbit and hare
2 populations while fostering stakeholder support.

3 And so we reached back out to the
4 public, got public input. Most of it was positive
5 and very supportive of the agency's standpoint on
6 that. And so basically just because we weren't able
7 to approve that during our last Commission meeting,
8 we're asking the Board to consider approval during
9 this Commission Meeting.

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

13 May I have a motion for approval?

14 COMMISSIONER FREDERICKS: So moved.

15 PRESIDENT MITRICK: And a second?

16 COMMISSIONER FORADORA: Second.

17 PRESIDENT MITRICK: Any discussion on
18 the motion?

19 Mr. Secretary?

20 COMMISSIONER FREDERICKS: All those
21 in favor, say aye.

22 AYES RESPOND

23 COMMISSIONER FREDERICKS: Opposed?

24 The ayes have it, Mr. President.

25 PRESIDENT MITRICK: Thank you. I

1 have one final thing that I'd like to bring up. We
2 need to talk about the deer and elk antlerless
3 allocations.

4 DR. SCHNUPP: Yes, sir. As you know,
5 yesterday we had David Stainbrook come in and
6 provide the antlerless deer and as well as our elk
7 allocations. And so again, that would just take an
8 approval from the Board.

9 COMMISSIONER FORADORA: I'll move
10 that. If it's proper, or do we need to see them?

11 PRESIDENT MITRICK: Is there a
12 motion?

13 COMMISSIONER FORADORA: Yeah, I'd
14 motion to approve -.

15 COMMISSIONER KNICK: I'll second.

16 COMMISSIONER FORADORA: You presented
17 them yesterday.

18 Correct?

19 DR. SCHNUPP: Yes, sir, that is
20 correct.

21 COMMISSIONER FORADORA: I didn't know
22 if you were going to put them on the screen again.

23 DR. SCHNUPP: We were just going to,
24 yeah, go through -.

25 COMMISSIONER FORADORA: Okay.

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PRESIDENT MITRICK: Second?

COMMISSIONER KNICK: Second.

PRESIDENT MITRICK: Discussion?

Mr. Secretary?

COMMISSIONER FREDERICKS: All those
in favor, say aye.

AYES RESPOND

COMMISSIONER FREDERICKS: All those
opposed?

The ayes have it, Mr. President.

PRESIDENT MITRICK: Thank you.

With that, that concludes the
meeting. The next meeting of the Commission will be
on July 25th of - excuse me, we'll be here on July 9
of 2022. Thank you.

* * * * *

MEETING CONCLUDED AT 10:25 A.M.

* * * * *

CERTIFICATE

I hereby certify that the foregoing proceedings, hearing was held before President, Post Election, Commissioner Knick Jr., was reported by me on April 9, 2022, and that I, Hannah Bartkowski, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Date the 14 day of May, 2022



Hannah Bartkowski,

Court Reporter

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