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House Game & Fisheries Committee

Updated 6/1/12

House Game and Fisheries Committee
05/23/12, 11:45 a.m. Room 205, Ryan Office Building
By Jason Gottesman, PLS

The committee met to consider [SB 1049 Kasunic](#) - Amends Title 30 (Fish) creating license and permit issuance options, including a multi-year license or permit or group license or permit, and authorizing the commission provide promotional discounts. The bill provides for promulgation of regulations by the commission and for penalties. The bill was unanimously reported as committed.

Minority Chairman Ed Staback (D-Lackawanna) asked what constitutes a “group” under the legislation. A representative from the Fish and Boat Commission noted that has yet to be determined, but it is meant to provide flexibility to promote promotional events. The person opined a minimum number will likely be no lower than three persons, but reiterated that has not been finalized.

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House Game and Fisheries Committee  
*5/7/12, 1:55 p.m., 205 Ryan Office Building*  
By Kimberly Hess, PLS

The committee met to consider bills.

SB 1049 Kasunic - (PN 1717) Amends Title 30 (Fish) creating license and permit issuance options, including a multi-year license or permit or group license or permit, and authorizing the commission provide promotional discounts. The bill provides for promulgation of regulations by the commission and for penalties. (Prior Printer Number: 1183) - The bill was passed over.

When questioned by Rep. John Hornaman (D-Erie) about the delay, Chairman John Evans (R-Erie) explained outstanding issues with the Senate regarding the movement of bills need to be worked out before

the bill can be taken up. He indicated the committee may take up the bill later this week if the issues are resolved.

HB 881 Pyle - (PN 937) Amends Title 34 (Game) allowing the use of a leashed blood-tracking dog to track a white-tailed deer in an attempt to recover an animal which has been legally killed or wounded. - The bill was unanimously reported as amended.

A09933 by Peifer, adds black bears to the scope of the legislation and places a three-year sunset on the provisions allowing the use of leashed tracking dogs. The amendment was unanimously adopted.

Rep. Jeff Pyle (R-Armstrong) provided an overview of the bill and noted his support for the amendment. He explained the use of leashed dogs will enable hunters, particularly as dusk approaches, to track a wounded animal and ensure that the game is not wasted.

Minority Chairman Ed Staback (D-Lackawanna) expressed concern that the bill could permit a hunter to use a pet dog, not necessarily a certified blood tracking dog, to hunt the wounded animal. Rep. Pyle confirmed that is the intent, explaining it is better to use available means to search for the wounded animal than to allow the wounded, and potentially dangerous, animal to wander the woods. Chairman Staback reiterated his concern about household dogs, particularly the noise they make, and requested the committee to examine the issue at the time of the sunset.

Rep. Mike Peifer (R-Pike) explained he is offering the amendment to include black bears, noting that wounded black bears tend to retreat deep into the woods and may pose a danger to humans.

HB 2234 Haluska - (PN 3156) Amends Title 34 (Game) amending the definition of "bow" to include devices held in place by a brace secured around the body of the hunter. Also provides the term includes the crossbow which when used for hunting deer, bear or turkey shall have a draw weight of less than 25 pounds and shall use arrows tipped with broadheads of a cutting edge design. Removes the language relating to disabled person permits for bow and arrow or crossbow. - The bill was unanimously reported as committed.

Greg Raffensperger, executive director of the committee, provided an overview of the bill and informed members that they may have received letters in opposition to the bill, but those letters are factually incorrect.

He emphasized that the bill does not change Pennsylvania Game Commission (PGC) regulations.

Rep. Gary Haluska (D-Cambria) briefly commented on the bill, noting it primarily cleans up Title 34 and takes out unnecessary provisions.

Rep. Joe Emrick (R-Northampton) asked why crossbows are included under the definition of "regular" bows.

Rep. Haluska explained PGC changed the requirements in regulation and legalized the use of crossbows, and various other types of bows. He said the legislation does not change regulations currently in place and noted Pennsylvania has "archery" season, not "bow" season. Rep. Emrick asked where in the bill language removing disabled hunter permits is located. He was pointed to the proper section and it was noted this language is not needed because these permits are no longer in PGC regulation.

HB 2293 Peifer - (PN 3327) Amends Title 30 (Fish) to increase various fines and to provide an additional penalty for serious acts of poaching. The bill further provides for increased penalties and outlines what constitutes serious poaching incidents and the offense of taking or possessing an animal by illegal means. - The bill was unanimously reported as committed.

Rep. Peifer noted the committee has addressed poaching and other crimes in other bills and codes and he believes similar updates are needed for the Fish Code. He said he worked with the Fish and Boat Commission on the language.

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## House Game and Fisheries Committee

3/07/12, 10:00 a.m., Room 205, Ryan Office Building

By Catharine Conner, PLS

The House Game and Fisheries Committee held an informational meeting to receive the Pennsylvania Game Commission's [Annual Report](#).

[Carl Roe](#), Executive Director of the Pennsylvania Game Commission, provided an overview of the Annual Report. He discussed some of the Commission's major programs and initiatives; the commission's personnel challenges with management recruitment and pay scales; the Commission's need for further revenue, specifically through an increase in license fees; and the Commission's support of Rep. Gillespie's legislation to remove the back tag from hunters, the retirement bill introduced by Chairman Staback, and Chairman Staback's bill which changes the law regarding the private possession of exotic animals.

Chairman Evans noted that last spring the Committee considered a bill that would have removed the county treasurers as the sole distributors of doe licenses and given that responsibility to the Game Commission. Although the bill failed to receive enough support to go through the Committee, he asked Roe whether he felt passage of such legislation was still necessary and would the Commission be ready to handle the process on if given the authority and if not, how long it would take for the Commission to make the change. Roe responded that this is a very delicate issue with the county treasurers that have been a very good partner for many, many years. While the counties have been effective in issuing licenses, he added that the older customer is not the county's regular hunter. He said the Game Commission can build a system that will allow a hunter to go into an immediate raffle, in some cases. There are only two or three licensees that sell out in the first round and those would be raffled. Roe reiterated that they can certainly build the system and they have talked about building it as a service to the state's hunters, to save postage, and to solve issues that the commission deals with after the fact. Chairman Evans asked if this would be done electronically. Roe replied that it could be done using the commission's PAL system.

Chairman Evans then commented on the disease issues impacting bats and noted the current talk about feral swine. He asked Roe to discuss what is being done to eliminate these invasive animals. Roe explained that it is a great challenge. He said there are virtually no restrictions on hunting feral swine - 24/7, year round. To that end, he said the commission's efforts are focused on notification. There is no seasonal feral swine hunting; it is open year-round.

Chairman Staback brought up the commission's long-term plan for the black bear population. He asked if it was the intent of the commission to stabilize numbers or reduce numbers. Roe told the committee that in some areas the commission would like to keep the population stable and in some areas it would like to see the population reduced. Over the years the population has gone from less 3,000 to 18-20,000 across the state. As one of the proposals this year, the commission is proposing in the southeast part of the state (WMU 5C, WMU 5D), Allegheny County/Pittsburgh area (WMU 2B) and in Erie, the commission is looking at expanding the opportunity to hold the population in check, by allowing the hunting of bear anytime deer may be hunted. While he is not sure if they will all pass, because there is some concern in the northwest region, he does not believe Pennsylvania will ever reach its biological carrying capacity, but will reach social carrying capacity, which is what the commission is looking to manage.

Chairman Staback asked Roe to talk more about the extended seasons, and noted that it appears the commission's intent is to almost eradicate the bear population, especially in the areas of the state where there is a dense human population. Roe explained that they are certainly not looking to eradicate the population, but rather to minimize the bear and human contact aspect. To illustrate, he said that in WMU 3D, they started 3 to 5 years ago and got population down almost 50 percent. They started getting complaints from the citizenry that they weren't seeing enough bears, so the commission eased up on that. He reiterated that they are managing toward the social aspect and that there is no intention to eradicate bears, but to minimize the bear and human contact.

Chairman Staback next asked about the drilling that is going on in the state gaming lands. He asked if the commission gets a list of the fracking materials that are going to be used and the amount of the chemicals that go into those materials, given the fact that 80 percent of the materials that go in the ground stay there. He asked if the commission is concerned at all about the remote possibility that one day, in the future, all this toxic material could find its way closer to the surface and eventually have an adverse impact. Roe said they are concerned about anything that would harm the

state's natural resources and the general public. He said he has not read enough studies to understand the migration timeframe of those chemicals. He stated that the commission does not require a listing of those chemicals as part of the permitting process because the company has already provided the information to the Department of Environmental Protection. He recalled that companies are required to tell DEP the type of chemicals being used, but not the quantity because of the proprietary rights to the actual mix. The commission has concerns about the future, but he said they don't know how far in the future that is. Chairman Staback said he cannot help but be concerned because there is so much of it underneath the entire state. Of the fracking material that comes back up, Chairman Staback asked if the commission has taken any steps to ensure that the wildlife population has absolutely no access to that. Roe responded regarding holding ponds, explaining there is a requirement under the lease to fence those areas and added that the commission has established best management practices that they are hoping to get into a cooperative agreement, just like they did with the wind energy program. Chairman Staback asked how many well pads are on state game lands. Roe replied that there are 17 leased wells and 38 privately held wells, for a total of 55 wells.

Rep. Haluska noted that he wholeheartedly supports the proposal to streamline the doe licensing process and offered to help move the bill along. He then asked Roe for an update on the reporting system that is currently in place for deer killed. Roe let the committee know that there are three ways to report harvesting - 1) report card, 2) Commission's website, and 3) voice recognition system by telephone, which was initiated this year. Of these, he said about 49 percent of harvest reports came in by card, 47 percent by internet and only 3 percent used the telephone system. He noted that they have work to do on advertising the telephone reporting capability and also cleaning up glitches with using the telephone. He also added that the internet is very easy and allows for reporting multiple tags.

Rep. Haluska commented that many agencies, like the commission, are feeling the pain of management pay scales. He noted that in Corrections this has been going on for 6 or 7 years now and these people are really getting frustrated because there is really no reason to move into management when a person would get less pay for more responsibilities. He hopes the governor gets the message that something has to be done or there won't be good management. Roe added that the commission has an older management workforce, which is true across all public sectors throughout the nation, and as that age group moves out, there will be a gap in management.

In reference to the management wage increase issue raised by Rep. Haluska, Rep. Moul asked if the salaries for management would come out of the revenues that the Game Commission generates on its own, or if it would come out of the General Fund. Roe stated management salaries are paid out of the Game Commission Fund. Rep. Moul remarked that he is having a tough time understanding why anyone would have a problem with the commission paying its management the salaries they feel they need to be paid as long as it is not coming out of taxpayer's money. Roe noted that it is a matter of equity with other management employees throughout the Commonwealth. Rep. Moul asked if the commission needs the governor's permission to set the salaries at the rate they feel they should be set at. Roe said they follow the pay scales that the rest of the state follows. He clarified that the commission does not get an appropriation, but rather an authorization to spend its Fund. Rep. Moul said he would put a word in for them at the governor's office.

Rep. Moul noted he spoke with Roe a year ago about getting shoulder mounted cameras for the commission's officers while they are out in the field. He asked for an update on the cameras. Roe said they researched a model that would run about \$500-\$700 apiece, and said if they can get the authorization to spend that money, they could certainly make the purchase. He said it is a challenge. Roe said it is a terrible situation given that for the first time in many, many years they got a few dollars in lease money - around \$18 million - and had the opportunity to play catch-up and purchase some of the things needed for their officers and across the board. For example, he said 42 percent of their fleet exceeds DGS standards for replacement. He remarked that while they now have the money to take care of things, they just don't have the authorization. Rep. Moul again asked if this was the commission's money. Roe restated it is the commission's money and not coming out of the General Fund.

Rep. Maloney asked Roe to comment on the Phase 2 P25 compliance by January 2013. Roe remarked that the network radio system is a low band system, so across the northern tier it is still pretty functional and across the southern tier, it is not as functional. The commission's challenge is integrating that effort with counties who do not have a common radio system. He said the 800 MHz system started in the mid-1990's under Ridge and has not come to fruition yet. He only knows about three or four counties that are on the 800 MHz system. Because there are a wide variety of frequencies being used by the counties, he said it presents a challenge for the commission as a state agency to integrate at the county level. Having said that, he said internally they have a full-time dispatch system to control their operators. Rep. Maloney asked if the commission has closed or shutdown any late night dispatches. Roe explained that their dispatches generally run until 11 p.m. this time of year, and during hunting season they may run until 1 a.m. or 2 a.m. depending on operations. He added that officers have the option to stay later, which they do on occasion. He noted that some counties are very good to them and let them on their network while other counties will charge them a significant fee to use their network. Rep. Maloney remarked that it is a public safety issue and that Berks County, specifically, has been very proactive on this and spent a significant amount of money to get all firefighters, first responders, all police on the system. He added that Berks spent \$60 million and is offering seven-year no interest loans.

Rep. Maloney then went on to express his concerns, specifically noting that he was troubled when he read the objective in the Legislative Budget and Finance Committee (LBFC) report that the Commission shall implement policies and programs to improve its relationship with the general public. He is troubled that with the radio situation, a couple state agencies have refused to come to the table. He appreciates the challenge with county to county, but for the counties that are compliant or do have it offered, it would seem to be a good choice. Roe said part of the challenge is having a radio system that only works in the county, when they need officers to talk to each other across counties. He noted that they have been looking at this issue for 18 months to find an affordable way to get there, adding that the radios cost \$100-200,000 apiece to have multi-channel and multi-frequency. For example, for when an officer is covering one county and part of another county. Rep. Maloney said he understands the challenge, but asked that the commission at least come to the table.

Rep. Maloney also highlighted the duty of the Commission to serve the interests of sportsmen by preserving and promoting special heritage of recreational hunting and furtaking by providing adequate opportunity to hunt and trap the wildlife resources of the Commonwealth. The number one issue that he is hearing concerns about is deer management. He said many constituents are contacting him. Rep. Maloney illustrated the frustration of his constituents, including deer hunters and biologists, by reading several excerpts from correspondence he received regarding the lack of deer to hunt. Rep. Maloney said he is troubled by what he's received and hears about reports. He questioned what good it is to have more and longer seasons if there are fewer deer to hunt and asked how the commission can keep the interests of the hunters and perpetuate Pennsylvania's heritage, if the state does not have the number one species to pursue. Roe explained that the deer management program is based on three major objectives - 1) healthy habitat, 2) healthy deer herd, and 3) minimize deer and human conflict. He pointed out that the first goal is the most difficult since deer are keystone species in their environment and can take a habitat down, impacting many other species. He stressed that the commission has to manage the deer herd to maintain the balance in the habitat that is available. Rep. Maloney countered that Gary Alt, the biologist, stated that the doe program was not done on science, but politics and added that outgoing Commissioner Boop also expressed concerns regarding the deer management plan. Roe responded that it is well-known that Commissioner Boop was not in favor of the deer management program, but he also lost votes consistently 6-1. He emphasized that the actual Board of Commissioners voted in support of the deer management program and clarified that the Board developed the program, supported the program, and made modifications along the way. He concluded that deer management will always be a challenge because all the hunters can never be satisfied. He also offered that they receive just as many complaints from foresters, agriculture landowners, and the general public from deer damage.

Rep. Emrick if there are any measures that the commission uses to know if it is achieving its objectives of healthy habitat, healthy herd, and minimizing human contact. With regard to minimizing human contact, Roe stated that they look at accidents, number of people in red tag programs, the agricultural point of view, and use citizen advisory councils. He pointed out that most recently, the commission conducted a survey with a wide variety of stakeholders to see how they feel about deer management in Pennsylvania. On the herd health issue, he said for a while they were measuring the physiological aspect and have now moved, as a result of the LBFC report, to look at fawn to doe ratio in a pre-season hunting herd. He noted that the ratio continues to be sustained with little change. He said the hardest objective to measure is habitat health. He remarked that the US Forest has a system where every 5 years they measure 20 percent of regeneration of what's happening on the ground, and that the commission measures their game lands through the forest inventory program, and the Department of Conservation and Natural Resources (DCNR) measures their lands through a forest inventory analysis as well. The commission looks at the regeneration and how many seedlings are coming up. He reiterated that the habitat measure is the hardest because it is the slowest to respond because there are so many factors. Rep. Emrick asked if there are clear, definable goals that the commission is trying to achieve with each of the objectives. Roe said the number of seedlings per plot area is a goal.

Rep. Emrick asked if the commission knows how many deer are in the state. Roe said they have a population estimate per WMU, but said it is relative to the habitat that is available to that deer herd. He knows that the number 20 deer per square mile is quoted often, but the presumption is in a healthy habitat. He stated that for deer management purposes, the total number/macro numbers is irrelevant. He illustrated by saying there are 28 million people in Pennsylvania, which equates to 340 people per square mile, but Potter County does not have 340 people per square mile.

Rep. Emrick noted that one of the primary explanations given by the commission to implement a two-week simultaneous doe season with buck season with antler restrictions was to put the buck to doe ratio back in proper balance. Roe clarified that the intent of the two-week season was to reduce the deer population. Rep. Emrick expressed concern that this ratio was used as the justification to change the program and now there is no knowledge of that justification for changing the program. He also added that he has grave concerns about the lack of measurables. He also noted that last year, he expressed concerns about coyote predation and he continues to hear from hunters that see significant amounts of deer hair, and in his opinion, he would estimate the bear population is more sizable than the commission realizes. He is troubled that there have been no recent studies. He also talked about the inadequate reporting system, and expressed frustration that the commission has not looked into this further. Roe responded that the harvest estimate is adequate because there is a relationship of knowing what was reported on a

card and reported from the meat processor. He explained that the sample size can be scientifically and statistically expanded 40 percent to get an estimate at the 100 percent level. With regard to the buck to doe ratio, he said he wasn't in charge at the time and it may have been something thrown out there. He again restated that the basic premise of the program from day one was to get the deer in balance with the habitat, adding that if the habitat (food and cover) is not there, then the deer herd will not be there. Rep. Emrick asked for the status of those objectives. Roe said they feel comfortable with the herd health. With regard to the human contact, he noted that there are still some issues in the southeast and Allegheny County where they are trying to reduce the herd. He said in the rest of the WMU they have been trying to stabilize those. Rep. Emrick asked if the amount of doe tags have been reduced in the stabilized areas. Roe replied the amount of allocation is basically the same as in the mid-1990s. He offered to sit-down with Rep. Emrick and explain the program. He believes it is a solid program, but not without complaints.

Rep. Emrick asked why Gary Alt would make the statement that the deer management program was based on politics and not science. Roe responded that some of the recommendations of Gary Alt were not well received by the Board and that the Board did not go as far as Gary would have liked and decisions were made that Gary did not particularly like.

Rep. Rock noted that he still hears from sportsmen, landowners and the general public that poaching is a big problem. He asked whether the commission believes the poaching bill that was passed last session went far enough. Roe said the legislation is good and explained that when it gets to the level of misdemeanor and felony, it goes to the county district attorney for prosecution and depending upon what they have to deal with to get a plea, it may be reduced. He said the bill is working, noting that this past year they had 49 misdemeanors and 8 felony convictions. Also, through the TIP program, he said they pay fees to individuals when they get a tip that works. He agrees that poaching is still a problem, but noted that it is more of a matter of being in the right place at the right time. The commission has officers that go out and investigate and has a great forensic capability. He added that they currently have 136 officers and 21 vacancies.

Rep. Rock asked whether the commission is involved in any programs directly or indirectly to recruit and retain young hunters, as well as women. Roe pointed out that the mentor youth program continues to grow and youth permits are up almost 3,000 and youth hunting are up as well. He noted that the commission sponsors youth field days across the state. One of the challenges, he said, is getting the same kids back, so he encourages them to bring a friend or neighbor. He said they are talking with the Sportsmen's Federation about changing the youth field day to more of a field environment to attract a few more ladies. The commission also helped the National Turkey Federation to help fund the Women in the Outdoors program. He noted that they conducted a survey on their hunters and finding time seems to be the biggest issue for youth and adults, especially young men once they get into senior level sports and other activities. Rep. Rock asked if there is any way to track how many go into sport and stay. Roe said they don't have any information with the youth field day, but they are going to start tracking their mentor permits.

Rep. Cutler echoed Rep. Emrick's concerns regarding the need for a particular goal for deer management. He said if there are concerns with the habitat, then what are the goals to change that habitat.

Rep. Cutler asked where they get their products/trees from for the habitats. Roe said they have their own nursery in-house to produce their 2.1 to 2.2 million seedlings a year. Rep. Cutler asked if there has ever been a cost analysis done to see if it would be cheaper to purchase those products. Roe said they have not, but noted that they only have 2 or 3 permanent staff. He said they will run an analysis, but believes they would be hard pressed to get it cheaper on the outside.

In regard to the desire to increase license fees, Rep. Cutler noted that the Fish and Boat Commission said they lose 7 to 8 percent of license holders. He asked if the commission has corresponding data. Roe said the reality is that they do lose initially, but they come back. He added that when he briefed the legislative caucus meeting out in Nemaquin, other state legislators were shocked at the cost of the license and what a licensee gets- for \$20 you get to hunt multiple seasons. Rep. Cutler also asked that the commission have the same response to the deer population that it has with the black bear population and adjust it based on what people are telling them, whether they are seeing too many or too little deer. Roe also noted that there are also challenges with the decreasing timber industry in managing the habitat, adding that they are trying to keep the industry going.

Rep. Heffley shared similar concerns about the deer management program. He also expressed hesitation to increase license fees based on the decrease that the Fish and Boat Commission saw after increasing its fees. Roe stated that there have been only two increases since 1983, so it would be hard to draw an analysis. Again, he said the public understands the need for revenue to maintain the programs. If there is a loss in revenue, then they will make adjustments in the commission's budget. He illustrated that there probably aren't too many businesses around that are still charging the same fee that they charged in 1990. Rep. Heffley asked if the Marcellus Shale revenues received would offset any increases in license fees. Roe said it will allow them to stay level, and noted that although they got an increase in revenue from Marcellus Shale, he still sees a deficit because costs have gone up while revenue for the most part stayed flat.

Rep. Heffley raised the issue of the operation of the nursery competing with private nurseries. He asked if the products were for in-house or general public. Roe replied that they are used for both. For example, he said they provide products to the oil and gas mineral operators. Roe added that they will do a cost analysis, but also pointed out that by using their own products, they know the quality and what specific species they have and need. Rep. Heffley encouraged the commission to see if they really need to be in the business, noting that they are competing with taxpayers.

Rep. Masser asked Roe to discuss the hunting license sales trend. Roe noted that the trend has been downward, but it is nothing unique to Pennsylvania. In 1984 there were 1.1 million hunters and now there are about 800,000. He said this is consistent with the national average decline. He suggested focusing on youth and female population to attract more hunters. Rep. Masser suggested adding rabbits to the mentor youth program.

Rep. Masser asked for any thoughts on how they can reverse the CREP trend. Roe said one challenge is to get it authorized by the federal act because that's where the funds come from. Another challenge is that when prices are down, people look for ways to make money on their land, like farming. Roe said it is a critical issue and they are working on incentive to keep people engaged in CREP. Rep. Masser also expressed concerns with the deer population and controlling predators. Roe stated that they are working on balance and again offered to set-up a briefing for the members on the deer management program. With regard to the study on predation, Roe said it is a very labor intensive study and that the board is looking at that, "but until there is a switch in the fawn to doe ratio, we don't think there is an indication of predation."

Rep. Gillespie stated that the White Nose Syndrome (WNS) in bats is very alarming. He noted that it is associated with fungus in mines and caves. He asked if this fungus is indigenous to caves and if there is anything that can be done to eradicate it. Roe said the fungus is the result of an infection and because the origin of it is not known, there is no treatment. He noted that it is challenging and some places have chosen to ride it out.

Rep. Gillespie asked if the commission will receive revenue from the Marcellus Shale natural gas impact fee. Roe indicated that the Game Commission was not included in the bill because of the general philosophy at the time that they are already receiving Marcellus Shale revenues. He emphasized that they spend a lot of time going over permits. They recently made the opportunity to get more employees to keep up with the demand, so now they will have 9-10 part-time or full-time employees processing permits. Previously they only had 2-3 people involved.

Chairman Staback questioned Roe on why baiting is happening in the southeast. Roe explained that they allowed baiting in the southeast for about three years to reduce the deer population. They found that the baiting was not effective, so the board eliminated baiting in the general sense in the southeast region. However, Roe noted that the commission does allow baiting in the red tag program or as part of the depredation permitting process. One of the things that the board will address is to allow baiting on some properties during hunting season for a red tag program or depredation permit. Chairman Staback asked why the commission enforces baiting so much if it was not effective in the southeast, meaning there is no real impact. Roe responded that it is a matter of fair chase. He added that the people of Pennsylvania support hunting and noted that there is something about the idea of man against nature. It is his belief that baiting compromises that engagement. Chairman Staback raised concern about CWD. Roe agreed that it is a challenge and noted that Maryland had its first case 15 miles from the Pennsylvania border. He said if it was closer, they would be having very different discussions. He added that there if that was the case, there would likely be an immediate executive order to eliminate any feeding and baiting within that area. He said there is always a general concern with CWD because it is transmitted deer to deer.

Chairman Evans thanked Roe and concluded the meeting noting that they will take him up on his offer for a briefing at the headquarters.

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House Game and Fisheries Committee

02/29/12, 10:00 a.m., Room 60 East Wing

By Eric A. Failing, PLS

The committee met to receive the [Annual Report](#) from PA Fish and Boat Commission [Executive Director John Arway](#), who began by reminding members the mission of the Fish and Boat Commission is to protect, conserve and enhance the state's aquatic resources and provide fishing and boating opportunities. To this end, he said, the Commission employs 432 full time staff and utilizes an additional 95 temporary and seasonal employees.

Arway stressed that fishing and boating is big business and brings \$3.4 billion to Pennsylvania annually. In order to preserve this, Arway explained he is looking for alternative funding means for the Commission and thanked members

for allocating \$1 million annually to the Commission through [House Bill 1950](#). He explained this money, derived from the Marcellus Shale industry, will be used to compensate staff time employed in overseeing the risks of the industry.

He next championed [Senate Bill 1049](#) which he stated would not raise fees but give the Commission more flexibility to offer multi-year licenses and lower prices for license packages such as a potential family fishing license.

Arway then lamented a decline in license sales which are down from a 1990's high of 1.2 million to 800,000 today. To address this decline, he championed retention strategies.

Arway next explained how the Commission receives additional funding from various national sources including the Sport Fish Restoration and Boating Trust Fund which provides the Commission with 26 percent of its annual revenue, or approximately \$14.4 million for the last fiscal year. This yearly allocation, according to Arway, is based on formulas that include fishing license sales and motorboat fuel usage.

He next addressed several projects to protect and preserve aquatic resources including waterway improvement projects and the addition of nearly 100 new waterways to the state's list of wild trout streams. Arway asked members to support a new bill to be introduced by Rep. Peifer that would create a new category of offenses for serious poaching violations.

After briefly discussing new access opportunities for boaters and anglers, Arway warned about several dams that are in need of repair. He explained that while funding from programs such as Growing Greener 2 and H2O PA has helped, \$34 million is needed to fix seven dams. He asked the legislature to increase the amount of H2O PA grant money an agency can receive to assist in this effort saying the Commission can only pull \$20 million at the present time because of program restrictions.

He then explained how trout stocking schedules and locations for the year will change because of federal regulations that have classified fish commission trucks as commercial vehicles thereby restricting how far they can travel during the busy stocking season. Nevertheless, he stated, 3.2 million trout will be stocked this year.

Arway concluded his remarks by congratulating the recent graduating class of Wildlife Conservation Officers (WCOs) and thanked the legislature for support of [House Bill 1417](#) which increases the penalty for assaulting an officer.

Rep. Kula stated a WCO from her area visited her and briefed her on local issues. She also pledged to participate in a local trout stocking event.

Chairman Evans asked for details on natural gas drilling on or near Commission property and the status of any leasing agreements the Commission may have entered into. Arway commented that last year the Commission entered into its first and only natural gas drilling lease. He stated the commission will not authorize the drilling on any Commission land and would only consider non-development leases. He added that with the prices for natural gas going down, discussions on other potential leases have stalled.

The Chairman next asked if the Commission plans to use the \$1 million in additional funding from Act 13 to hire more people. The Executive Director confirmed that is the plan, stating that additional staff will help to improve the response time for permitting and law enforcement. He quickly added that due to the language of Act 13 it will not alleviate any programmatic burdens faced by the Commission.

Chairman Evans next inquired about the status of combating invasive aquatic species. Arway stated the Commission is very involved with local state agencies, the federal government, and other states on these issues. He said most of the emphasis has been on educating the public about the threats through various means such as signage at launch areas and on roads heavily travelled by boaters.

Chairman Staback asked if there is any horizontal drilling under Commission waters. Arway confirmed that has happened in one location but again stressed there will be no drilling on Commission land. Asked if the Commission monitors the materials used in the fracking process, Arway explained that all commission leases require companies to fully disclose what chemicals are used and in what concentrations. He added that Act 13 has similar provisions. Chairman Staback wondered how deep drilling occurs under bodies of water and could there be any adverse impacts from fracking in these areas. Arway acknowledged that this is a bit of the mystery question because there has not been a lot of such drilling. He added that he relies on the recommendations of his hydro-geologists and noted this drilling occurs far below the water itself. Arway did caution that the biggest issue would be around the conduit to bring the gas back up to the surface. After the Chairman again expressed concern about the number and types of chemicals used in the fracking process, Arway assured him that the drilling is two miles below the water table which makes it safe.

Chairman Staback next asked if there have been any comments from the boating community on recent regulations requiring the wearing of personal flotation devices for boats under 16 feet or boats that are not powered. Arway said there has been some misunderstanding in the community about the issue but assured that a lot of education is being done to correct this. Stating that boating safety organizations have been supportive, he acknowledged he has heard some concerns from waterfowlers. Asked if he has approached law enforcement about issuing warnings rather than

tickets for the first six months of the new regulations, Arway assured members that as a general rule, warnings will be issued for the first year.

Representative Staback next asked if the diseases at the Erie hatchery have been confined. Staff for the Commission explained that hatcheries in the Lake Erie area raise and stock about 100,000 steelhead and nearly 50,000 brown trout every year in Lake Erie. He stated the main hatchery that supplies the fingerlings to the co-ops nurseries that raise them tested positive for the IDN disease. Additionally, he said they later found that while not all lots of fish were impacted, the local co-ops had been sharing fish that spread the disease between hatcheries. Due to agreements with Great Lakes Fisheries Commission, the infected fish, numbering about 80,000, could not be stocked. Since that time, staff stated additional security measures and protocols have been enacted at the impacted facilities. The Chairman asked if all 80,000 lost fish were fingerlings. Arway confirmed most were, but acknowledged that some were of catchable size. Asked if this will adversely impact stocking in that area, Arway said it would not because right now they are about 1.5 percent over quota in the hatchery system so they can supplement the impacted area with additional fish.

The Chairman then asked how the fish were euthanized. Staff explained they used a combination of electro fishing current and CO2. He stressed this was in line with international conventions on the most humane way to euthanize the fish. He added the carcasses were then sent to a fur bearer farm so as not be wasted.

Rep. Everett asked if the money garnered from Act 13 would be used to increase the number of law enforcement officers within the Commission. Arway admitted they are trying to interpret the language of the act but it appears to limit the money's use to permit review. This prompted the Representative to offer his help working on this issue. He then commented that while he is not generally supportive of government intrusion, as a kayaker, he thinks mandating personal flotation vests during certain periods of the year is a good idea. Stating the Northeastern portion of the state is still suffering the impacts of the Irene and Lee storms, he wondered what the Commission is doing by way of stream bank restoration. Arway stated he is aware of the issue but insisted that he wants to make sure the work is done properly. He said staff is working on the issues and explained that a new science that puts the energy from a waterway's current in the middle of that waterway and away from the banks is also being explored.

Rep. Haluska asked if the number of co-op nurseries have leveled out. Staff stated they are stable around 160 nurseries with 165 now in existence. He quickly cautioned that demographic trends are showing, however, that many of the older volunteers at these nurseries are leaving and not being replaced in sufficient numbers by younger generations. Asked when the "high-water mark" was for co-op fish nurseries, staff replied five to eight years ago.

Rep. Haluska noted his awareness of the Commission purchasing out-of-state trout and wondered what percentage that now represents. Arway confirmed that in years past the Commission had a purchasing arrangement for trout with an out-of-state vendor but explained this arrangement is no longer in existence. He explained it was determined the Commission could raise trout more cost effectively. He added that 100,000 trout have been received from the Fish and Wildlife service in the past but that program is ending as well. He concluded, saying that by next year, all hatchery trout will be from Pennsylvania. Rep. Haluska wondered if the Commission would be stocking additional fish in the future. Arway explained they are at production capacity right now at 3.2 million fish. He added there is also a declining angler base. This prompted Haluska to opine on how the Commission's working to bring in additional waterways without increasing the number of fish to stock in those waterways which actually decreases fishing opportunities. Arway said he has heard that argument but countered that no study has ever shown a direct correlation between the number of fish caught and the number of licenses sold.

Rep. Moul asked if there have been any long term impacts from fracking spills above ground. Arway confirmed there have been some examples of groundwater contamination. He stated that such contamination can take a long time to clean up since that water may only move a millimeter every year. Arway suggested there is more of a problem surrounding the buildup of sediment in waterways as a result of road work, access site work, and pipeline construction. Asked who is in charge of controlling or policing the sediment issue, Arway said it would be the Department of Environmental Protection (DEP). He added that while the Commission is in daily communication with DEP on such issues, by the time they discover the issue and report it to DEP the damage has already been done. According to Arway, additional funding for permits will allow them to conduct more monitoring of sites in the field. Rep. Moul wondered if natural gas drilling has resulted in any fish kills. Arway said there has been some.

Rep. Moul then raised a concern over a senior constituent who moved out of the state to New Jersey but when he came back and went fishing was arrested for fishing without a license even though he had previously purchased a lifetime senior license. Arway stated that to change the law would require an act by the legislature but he cautioned against selling lifetime senior licenses to out-of-state residents. Rep. Moul agreed that such licenses should not be sold to people from out-of-state but argued that once purchased by someone in-state they should remain in force.

He then asked how does the Commission know how much boat fuel is used in the state every year. Arway stated that boaters self-report their usage every year when they register their boats.

Rep. Peifer championed the Commission's work to encourage more children to get outside and fish. He saluted their work with the state parks as well as free fishing days and special event partnerships like they had with Cabelas. Arway

thanked him and stated they work a lot on marketing with the Recreational Boating and Fishing Foundation. He added they have discovered that what motivates today's youth is different than in the past. He told the story of how one youngster while outdoors constantly used her iPhone to stay in touch with her friends and report on what she was doing.

Rep. Everett applauded Arway for looking at ways to cut the cost of licenses. He then asked if DEP monitors Class A trout water. Arway stated the Commission makes the determination if water is Class A trout water and then DEP is charged with protecting it. Rep. Everett asked what percentage of anglers are trout anglers. Arway replied 74 percent. Stating that the trout stamp does bring in more money, Arway said he would be interested to see if decreasing the cost of the stamp would result in more people buying it.

Rep. Everett then asked if state boating permits apply to all water in the state or if counties could require their own boating permits. Arway confirmed that counties can require their own boating permits for county water if they so choose. He quickly added that state permits would cover much more water, however.

Rep. Maloney stated that promoting youth participation is important to him and encouraged taking fishing and boating opportunities directly to the youth. He also celebrated Arway focusing on retention of anglers and championed that more activities increase the user benefit. He wished more agencies would follow this model.

Rep. Maloney then offered concern over regulations that appear to hamper the removal of sediment and worried about personal flotation devices getting in the way of waterfowlers being able to properly shoulder their shotguns. He then asked if there is anyway the state can help with the issue of Commission trucks stocking trout. Arway stated the trucking issue is a federal one and focuses on trucks being classified as commercial vehicles and no longer falling under the farm exemption. He explained this is causing issues with getting trout to diverse waterways in a timely manner. He encouraged more people to go out and help the Commission on stocking days carry the buckets of trout.

Rep. Maloney then asked if the Commission was having trouble converting communications equipment to the new 800 megahertz band so as to communicate with others in law enforcement. Staff for the Commission admitted that much of the communications equipment is old and that switching over to the newer technology is expensive, especially since the commission did not receive any state assistance. He quickly added, however, that because of the low lying locations many of officers have to travel in, the new technology doesn't work that well, so they use a hybrid approach of old technology, new technology and cell phones.

Rep. Gillespie asked how many boating fatalities occurred last year and how many could be attributed to alcohol or not wearing a personal flotation device. Arway stated there were 22 fatalities last year which was higher than the year before. He promised to provide the Committee with the breakdowns surrounding those deaths later.

Asked by the Representative where the Commission stands with regards to PCBs in the hatcheries, Arway said they are well below safe levels in all hatcheries but reminded everyone that consumption advisories are still in force for fish caught on state waterways.

Rep. Gillespie then asked how much the Commission benefits from Growing Greener and Marcellus Shale impact fee money received by other agencies. Arway stated the Commission is looking into grants and working with agencies like DEP on projects.

Rep. Heffley worried about the negative impacts on local businesses when more waterways are classified as Class A Trout water. Arway stressed that finding trout in a waterway has no impact on local businesses and that once classified, DEP would be in charge of issuing permits for discharges into the water. He then told of a case where a body of water was classified after a gas well site had been located nearby. He said this ended up costing the driller \$1.2 million in relocation expenses. According to Arway, the driller had wished the water had been classified earlier because it would have saved money.

Rep. Heffley then stated that in terms of the decreased number of licenses being sold, he knows that his work schedule doesn't allow him to get out and fish very often and with that being the case he is reluctant to put down a lot of money for the necessary gear and license. Arway responded one way to decrease the fee for licenses would be to levy a water use and degradation fee. He stated that water is very valuable and that this will be a big issue coming up in the future. This idea prompted Chairman Evans to ask if such a fee were imposed why would the Commission be entitled to get such a fee and not the Commonwealth. Arway stated the Commission is a part of the Commonwealth and stressed that both should receive the benefits. Asked by the Chairman what percentage he is looking at, Arway replied that such a number hasn't been determined but it is his hope the legislature would ask the Legislative Budget and Finance Committee to take up the issue.

He speculated that \$36 million or more could be generated. Chairman Evans asked if this was being done in other states. Arway stated it is in the Western United States but not here in the East.

Chairman Staback asked how this would work with the Susquehanna River Basin and the Delaware River Basin. Arway stated the Commission is not part of any fee arrangements with these Basins but is only involved in telling them how much water can be withdrawn. He added they don't impose a fee based on value but on replacement cost. Arway

opined the people of the state want to be compensated for the taking of their air, water, and soil. He argued that since anglers and boaters use the public waterways they should receive some compensation when water is taken and not replaced. He suggested this should occur in situations such as water being taken and injected into shale wells, bottled water, or water that evaporates out of smoke stacks at plants.

Rep. Cutler agreed with the Commission that more opportunities need to be presented to kids and that kids will come to the sport with their own tools such as iPhones. He asked if the Commission is looking at alternative marketing models to reach this younger crowd. Saying the state has tight restrictions on social media, he said the Commission is tweeting, wants to setup a Facebook page, and is looking at building mobile apps to do things such as locate Commission boat launches. He said they are already using QR codes and will continue that undertaking.

Rep. Cutler then asked about the Susquehanna River Basin. Arway explained that emergency regulations were put into place in the middle section because they have not seen a strong year for bass since 2009. He assured members they have spent a lot of time and resources attempting to ascertain the root problem so they can address it and are continuing to do so. To that end, he stated that flushing pharmaceuticals down the drain, lawn chemicals and agricultural runoff are all contributing factors in stressing the fish and preventing them from breeding. He warned this is an issue that will cost money to fix.

Asked about how new waterway designations will impact the workload of the Commission, Arway stated it could not be done without the additional funding they have received. He celebrated how they had been on a 200 year plan for all waterway classification but are now on a 50 year plan because of additional resources and partnerships with colleges and universities.

Chairman Evans thanked Arway for his presentation and answering questions and informed members they would meet at the same time next week to receive the yearly report from the PA Game Commission.

Click [here](#) for additional documents handed out during the meeting.

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## **Senate and House Game and Fisheries Committees**

*10:00 a.m., 11/15/11, Room 8E-B, East Wing* By Michael Chabitnoy, PLS Intern

A joint public hearing was held on the "Hatchery Cost Savings Work Group Report."

John Arway, Executive Director of the Pennsylvania Fish and Boat Commission, commented that the Hatchery Cost Savings Work Group Report was one of the first assignments he had received from the legislature after becoming the Executive Director of the Pennsylvania Fish and Boat Commission (PFBC). Arway told the Committee that hatcheries "are a very important part of our mission to provide, protect, conserve and manage aquatic resources in the state and provide fishing and boating opportunities." He noted that anglers and boaters spend \$3.4 billion annually in Pennsylvania and emphasized that hatcheries are an investment.

Brian Wisner, the Director of Fish Production for the Pennsylvania Fish and Boat Commission gave a background and summary of the report as well as a brief background of the fish hatcheries in Pennsylvania, stating that PFBC was tasked by the Legislative Budget and Finance Committee to form a work group to identify cost saving strategies for the state's fish hatcheries. Wisner told the committee that there are 14 fish hatcheries in Pennsylvania, eight of which produce trout and six that produce various warm and cool water fish species. He explained that the Division of Fisheries Management requests the number, size and species of fish for stocking, while the Division of Fish Production actually produces and stocks these fish and that the Division of Fish Production expenditures have remained relatively constant over the past ten years. The Division of Fish Production, as Wisner explained, maintained four big expenses that were examined by the committee, including personnel, fish feed, utilities cost, and fish distribution.

Wisner explained the various short term and long term strategies contained in the report and the 11 recommendations of the work group to cut costs and raise revenue at fish hatcheries in Pennsylvania. These recommendations are as follows:

- Bird predation reduction through netting.
- Improve Stocking practices to maximize logistics and adjust for use.
- Establish year-round season for stocked trout.
- Create budget line item for pre-maintenance of hatcheries.
- Maximize put-grow-take production.
- Purchase eggs or fish when purchase prices are more cost efficient than production costs.

- Reduce fish culturist overtime.
- Gain timber revenue from hatchery property.
- Prioritize production by species to guide future reductions in programs.
- Advertise on PFBC stocking trucks.
- Install fish food vending machines at hatcheries.

Chairman Kasunic questioned whether the work group explored alternative forms of energy, such as solar or wind power, in order to reduce utility costs. Wisner responded that they had not explored those alternative power sources but explained that the Division of Fish Production “is part of the state purchasing, where DGS (Department of General Services) does the bidding for the lowest cost electrical use. So we are reaping some of the benefits of that.” Chairman Kasunic then asked whether any consideration was given to obtaining free gas through the use of lease agreements with natural gas drilling companies. Arway explained that they would go along with such an arrangement but that most of the hatcheries are not positioned in areas being leased by drilling companies. Arway added that PFBC was always looking at innovative ways to reduce energy costs and that recently a suggestion had been raised to investigate the possible use of hydro power.

Chairman Kasunic wanted to know how the use of netting over hatcheries would directly reduce the cost of fish feed, as was mentioned in Wisner’s testimony. Wisner explained that when birds eat the fish from the hatchery, the money that was spent on feed for those fish is wasted. He gave the hypothetical example of a hatchery manager who had 10,000 fish, 2,000 of which are then eaten by predatory birds, wasting all the feed that was purchased and provided for the purpose of producing fish that are no longer available for distribution.

Chairman Kasunic, referencing a survey conducted by PFBC a number of years ago in which sportsmen expressed their desire for larger trout, questioned why PFBC would back track now and consider, as a strategy, reducing the size of trout for the purpose of consolidating hatcheries and reducing overall costs. Arway responded that “even though that is presented as an alternative, it does not necessarily mean that we are going to do it.” He further elaborated, stating that there were two options to reduce costs; raise smaller fish and raise the same number, or raise a fewer number of overall fish but of a larger size. Arway also commented that the number of anglers in Pennsylvania had decreased but that the number of fish being produced had remained constant, stating that this problem is a challenge that needs to be addressed.

Chairman Kasunic asked for an explanation concerning the recommendation of early trout stocking and a year-round season. Arway explained that they would be looking into changing the stocking pattern in the fall and winter not in the spring. Addressing year-round trout season, Wisner explained that from a fish production standpoint it would be nice to have year-round fishing which would allow better management of resources and staff, but in discussions with the Division of Fisheries Management, they still expressed a desire and need to have the same number of fish in the spring. Wisner added that they would not make the recommendation for a year-round season. Arway added that he was a supporter of the opening day of trout season tradition in Pennsylvania, and noted that there was a large infusion of revenue based on fishing licenses sold for opening day. He also stated that PFBC wanted to utilize the multi-year licenses once they were approved by the legislature in order to increase revenue which is susceptible to losses due to inclement weather prior to opening day, within the current single-year license system.

Sen. Eichelberger asked for clarification on the three methods that were suggested in order to raise revenue. Wisner listed them as: installing fish feeding machines at hatcheries, revenue from timber, and advertisements placed on the side of stocking trucks.

Chairman Alloway questioned whether trout was the biggest stocked commodity for PFBC. Wisner responded that it was the most expensive and largest in terms of pounds but that other smaller species were present in higher numbers. Chairman Alloway then asked how the relationship was between the Division of Fish Production and sportsmen’s clubs, noting that a good relationship with those organizations can be beneficial in terms of costs connected with personnel and feed. Wisner stated that “the cooperative nursery program is one of our best programs, there’s over 165 cooperative nurseries throughout Pennsylvania and we give them over 1,000,000 fingerlings a year that they wind up culturing and raising to stock.” Chairman Alloway wanted to know if these cooperative nurseries had any continued issues with the Department of Environmental Protection (DEP) concerning the effluence produced as a byproduct of the nurseries. Wisner commented that there was a scheduled meeting with DEP to discuss this issue. Chairman Alloway asked to be kept abreast of any such conversations with the DEP.

Chairman Alloway commented that he absolutely agreed with Chairman Kasunic’s suggestion of exploring the use of alternative energy sources as a means to reduce utility costs and expressed his appreciation of the Division of Fish Production’s focus on a variety of fish running the gamut of popularity amongst anglers. He then asked if the chance for survival and growth was increased for a fingerling if it was kept until it was larger rather than being stocked at the current length of 1-2 inches. Wisner explained that it does increase the survival rate and that there are different strategies in place depending on what fisheries managers’ request. Wisner was unable to produce an exact percentage of the number of fingerlings which survived after being stocked but explained that fish that have a low percentage of survival are stocked in greater numbers in order to compensate for expected losses.

Chairman Alloway expressed his strong support for advertising on the sides of stocking trucks and strongly suggested that PFBC start selling advertising space in their monthly magazine as a means to raise revenue. He also expressed support for year round stocking, and suggested that PFBC get in touch with Waste Management who, Chairman Alloway stated, has recently acquired new technology for treating effluent.

Chairman Alloway concluded the hearing by telling both Wisner and Arway that "I think you guys do a fabulous job with your resources and I commend the whole agency from top to bottom."

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## House Game and Fisheries Committee

*10/27/11, 9:00 a.m., Room 140, Main Capitol*

By Jason Gottesman, PLS

The committee met to hold a public hearing on [HB 1760 Evans, J](#) - (PN 2254) Amends Title 34 (Game) to authorize hunting on Sunday. The commission shall promulgate regulations.

Chairman Evans began the hearing noting it is the third in a series of hearings on Sunday hunting designed to educate members and the public on the topic. He pointed out a lot of misinformation about the topic has been spread and the committee is trying to get factual information out so people can make up their minds. He noted those on both sides of the issue will be testifying and noted concerns the questioning of a report by the Legislative Budget and Finance Committee that showed \$840 million of annual economic gain from Sunday hunting. He said the preparer of this report will be testifying to answer questions.

Chairman Staback noted the hearings on this topic have included a large geographical area with a long list of testifiers. He said this is a tough issue made more difficult by the actions of interest groups.

[Brent Miller](#), Northeastern States Manager, Congressional Sportsmen's Foundation, supported Sunday hunting in Pennsylvania since it will help with: wildlife management; economic considerations; landowner liberties; and increase hunter numbers.

He noted the economic benefit that occurred in other states allowing Sunday hunting while they did not realize any of the fears that were anticipated when the proposals were debated. He noted landowners will profit by the ability to lease their lands for Sunday hunting and concluded his testimony by summarizing his Master's degree thesis showing the benefits of allowing Sunday hunting. Among the benefits noted were stemming off a dramatic decrease in license sales resulting in decreased funding for the game commission and a corresponding economic gain.

Rep. Murphy asked if Miller's thesis calculated the influx of hunters returning when Sunday hunting is implemented. Miller said it did not. Rep. Murphy opined a significant number that would come to Pennsylvania have left because of no Sunday hunting and adding this will help economies in the Northern Tier.

Rep. Gergely asked if there was research done on how many licenses were lost because of not having Sunday hunting. Miller said there are no official numbers in his thesis, but noted Pennsylvania has lost licenses between four and six percent per year. Rep. Gergely asked how Sunday hunting was implemented in New York. Miller noted it was implemented gradually using a three-tiered system. He said once the transition began and the negative consequences did not occur, it was opened to the entire state. Rep. Gergely asked if other states implemented the change in phases. Miller indicated most do. Rep. Gergely asked if prognosticated dire circumstances occurred. Miller affirmed they did not.

Rep. Masser asked if Miller looked into the cause for decreased license sales. Miller pointed to limited access as a major factor and also the health, age, and time restrictions of participants. Rep. Masser asked if Miller looked at the impact on youth hunting. Miller said he did not, but said this is one area that should be followed up on.

Chairman Staback said it is important to realize the questions faced by Pennsylvania have been faced by other states and indicated those states have found an overwhelming positive response to Sunday hunting once

implemented. He asked how long it takes the negative impact to be overcome. Miller said it takes about three years for hunting to be readily accepted. Chairman Staback asked Miller to predict what hunting will look like in the future. Miller did not know but anticipated that it will look like nothing like it does today. He pointed to hunting populations decreasing in the northeast and noted not allowing Sunday hunting holds back engagement. Chairman Staback asked Miller if allowing Sunday hunting is a step in the right direction. Miller agreed “wholeheartedly.”

[Joel Rotz](#), State Government Relations Director, Pennsylvania Farm Bureau, testified in opposition to Sunday hunting. He noted a majority of farmers and landowners do not support the expansion of hunting into Sundays wishing to have a day of the week free from hunters and to be able use their land as they see fit. He questioned the economic impact and argued there will be a decline in the economy due to the loss of other recreational activities that do not wish to interact with hunters out of concern for their safety. He said one percent of hunters on Sunday engaging in trespassing still means 9,300 incidents of trespassing and putting up a sign saying no hunting is allowed on the land on Sundays will not be enough to protect the land.

Chairman Evans asked where the numbers come from showing that only half of sportsmen support Sunday hunting. Rotz noted the numbers come from the 2005 Southwick Report showing the number is just a little over half with out of state hunters and just under half with only in state hunters. Chairman Evans said he finds this interesting because he thought he saw in the report that 77 percent support Sunday hunting. Rotz indicated he will revisit the report and check his numbers. Chairman Evans asked why the Farm Bureau has not had a third party examine the new Southwick Report. Rotz noted the report was only released a week ago. Chairman Evans asked if the names of the Farm Bureau’s policy delegates are available to the public. Rotz said they are not, but the names of the county presidents can be found on the bureau’s [website](#). Chairman Evans asked how the delegates can be contacted. Rotz said through the county presidents on the website. He encouraged members to remember farmers are the salt of the earth and to remember exactly who they represent. Chairman Evans noted bureau members are not entirely in agreement on the Sunday hunting issue. Rotz said this is typical with any organization, but waylaid any fears that the board of directors is split on the issue. Chairman Evans asked if this topic will be discussed at the November 14 member meeting. Rotz said his membership consists of reasonable people that will listen to all the arguments presented.

Chairman Staback asked how many members make up the Farm Bureau. Rotz said there are 53,000 family members, though only true farm members are able to dictate policy. Chairman Staback asked if this number represents the vast majority of landowners. Rotz said the 2005 study showed 80 percent of landowners do not support Sunday hunting. Chairman Staback said Rotz’s numbers are incorrect and noted a vast majority do support Sunday hunting. He asked when bureau members were last polled on this issue. Rotz said they are polled annually as part of the bureau’s policy development. He noted there has been a historical problem with Sunday hunting. Chairman Staback urged a re-polling of members. Rotz indicated the issue will be revisited at the November 14-16 member forum since one county passed a resolution calling for allowing Sunday hunting. Chairman Staback asked if the board of directors will sit down and talk about the issue with members. Rotz said if the membership is clear, there is no need to talk. Chairman Staback said the bureau is not helping itself by avoiding compromise.

Rep. Gergely asked how many members are farm members. Rotz said around 50 percent. Rep. Gergely pointed out only one-sixth of the Berks County members, the largest county of the bureau, are regular members. Rotz attributed this to Berks County’s proximity to an urban area. Rep. Gergely asked how the policy vote is weighted. Rotz said delegates are in proportion to their total membership. Rep. Gergely asked if Allegheny County has an organization. Rotz said not individually, noting Allegheny County is combined with Washington County. Rep. Gergely asked if change can be effected merely by altering the views of the county chapters. Rotz said “absolutely” noting all bureau policy is developed from the grassroots up. Rep. Gergely called the question and answer section relating to Sunday hunting on the bureau’s website “dangerous” as it appears to be anti-hunter. He noted leaf-peeping, an activity the section says will be in danger, is one of New Hampshire’s largest attractions even though that state allows Sunday hunting. He noted New Hampshire points out some states do not allow Sunday hunting and called this an embarrassment. He asked for other organizations in cooperation with the bureau. Rotz said they are in partnership with the Granges, horseback riders, hikers, and bikers. Rep. Gergely asked what other counties do not have a vote. Rotz said Philadelphia has no county organization along with Allegheny and Carbon Counties. He noted

Lackawanna County is combined with another county. Rep. Gergely noted Rotz does not know who votes and is polling members. Rotz said the view represents a majority of the farm members and noted people are free to leave the organization if they do not like its views. Rep. Gergely remarked members are looking for compromise and it is frustrating when it is not offered. Rotz said everything legislators do must be in the public interest and the Farm Bureau is not needed for them to find compromise. Rep. Gergely noted those opposed to Sunday hunting though the Game Commission should have control over it.

Rep. Murphy asked if half the members are delegates. Rotz said delegates come in proportion to the number of members in their county. Rep. Murphy asked if Lackawanna County has delegates. Rotz said it does. Rep. Murphy asked if the delegates' names are publicly available. Rotz said they are not and noted the counties control their members. Rep. Murphy asked if the member forum will be open to the public and media. Rotz said it will be. Rep. Murphy commented Sunday hunting helps workers find time to hunt, especially in this economy. Rotz said this will be part of the discussion that will occur at the member forum. Rep. Murphy asked if Rotz has any hard numbers for the committee to review. Rotz said he can get the 2005 Southwick Report with the numbers he has mentioned. Rep. Murphy noted the bureau is not representative of all hunters because it lacks an urban population. Rotz said this is a reason to vote for a member's constituents and not for the bureau.

Rep. Hahn noted how active her local farm bureaus are and said local representative need to get out and let their legislators know how they feel. She also commented that compromise is an idea Rotz should take back to his membership.

Rep. Masser asked if issues are not voted on by the entire membership unless they have been fully vetted. Rotz said this is correct, though no policy is removed when considered. Rep. Masser noted 85 percent of his county's bureau members are farmers and said he understands their issues as a former farmer. He asked for the name of the county asking for Sunday hunting. Rotz said he cannot recall, but noted this is supported more by western members. Rep. Masser pointed out the Ohio Farm Bureau opposed Sunday hunting, but became neutral when nothing bad happened. Rotz said that organization was not as strongly involved as the Pennsylvania Farm Bureau.

Rep. Pyle noted his concern for farmers, but said reaction at his office to a mailer in his district showed 220 support Sunday hunting while 180 oppose. He said he is still on the fence on the issue and asked what activities are acceptable on Sunday. Rotz noted several outdoor activities that do not involve hunting. He said it is not merely about ending an outdated Blue Law. Rep. Pyle said it is an outdated Blue Law and asked what happens if a farmer wants someone to hunt their property on Sunday for animal control. Rotz said not all like the restriction, but they understand it. Rep. Pyle asked why the bureau has concerns about State Game Lands. Rotz said it is because the game lands have no clear boundaries, making trespass easier. Rep. Pyle asked what would happen if he ran into a rabid raccoon on a Sunday. Rotz said that question is better directed to the Pennsylvania Game Commission. Rep. Pyle said he was disturbed at the bureau's "no means no" attitude and said this discourages members from wanting to reach out. He also said he is bothered by the fact that some bureau members support Sunday hunting but are afraid to come forward. He encouraged the bureau to find compromise.

Rep. Moul also said he is on the fence about the proposal and asked if the bureau believes in private property rights. Rotz said it does. Rep. Moul asked if the bureau would support an amendment applying Sunday hunting to private property only and strengthening trespass laws. Rotz said he takes direction from his members and they have not expressed support for this. He said he will take the idea back to the membership. Rep. Moul noted he will not vote for the bill without this compromise amendment.

Evan Heusinkveld, Director of State Services, US Sportsmen's Alliance testified along with Mike Budzik and Jeff Watkins. Heusinkveld noted sportsmen are not asking for special treatment, but merely to be able to practice their sport like everyone else and recreate seven days a week. He noted studies show Sunday hunting will create jobs and have a large economic impact. He said hunters are asking to do with their land as farmers do. He said property owners will still be able to prohibit or limit hunting on their land and argued the Pennsylvania Farm Bureau's position harms its members' property rights. He reiterated allowing Sunday hunting does not force landowners to allow hunting or force people to hunt, but increases the rights of property owners and the family time of sportsmen.

Budzik recounted his experience with Ohio moving to allow Sunday hunting. He said the groups against the move worked out a compromise, which ended up being a huge success for all parties. He could not recall where recreational land users were hurt by hunters or an increase in trespassing incidents. He said all anticipated problems became a nonissue.

Watkins testified on the experience of the Ohio Farm Bureau members' concerns about Sunday hunting. He said the issue came to a cross-roads and the organization compromised by allowing Sunday hunting while strengthening trespass laws. He pointed out many of his members were scared about the transition, but it was phased in and there was no feedback. He said all of their issues dried up overnight.

Chairman Staback asked the organization's biggest concern with the bill. Heusinkveld said the biggest concern is the unwillingness of the other side to meet in the middle. He said hunters and farmers are natural allies, but the organization cannot negotiate against itself for a compromise.

Rep. Gergely noted he partakes in Sunday hunting in Ohio and said Pennsylvania should be progressive and embrace the issue. He argued 20,000 farmers should not impact one million hunters and noted the number of law enforcement reports for trespass is the lowest in October, November, and December. He asked Heusinkveld how many people his organization represents. Heusinkveld said he does not know the exact numbers. Rep. Gergely noted the Game Commission is willing to compromise and the issue can be moved forward. He said the time for compromise on the issue has been reached.

Rep. Murphy asked if youth hunting is in Ohio. Budzik said it is. Rep. Murphy asked if there has been an increase in license sales since Sunday hunting was allowed. Budzik said there has been an increase every year. Rep. Murphy asked the concerns of the Ohio Farm Bureau and how they were resolved. Watkins said people did not want hunters on their land, wanted to attend church, or wanted less trespassing. He said there were no problems once the legislation was enacted.

Rep. Pyle asked if Ohio has implemented youth hunting. Heusinkveld said Ohio has a program similar to Pennsylvania's, which has been met with support. Rep. Pyle said he is concerned about the dwindling ranks of hunters.

Curt Ashenfelter, Executive Director, Keystone Trails Association, remarked tragic circumstances could result from hunters and hikers interacting on Sundays. He noted hiking provides a healthy balance to life, while hunting does not. He said hikers traditionally have a positive relationship with hunters, but said six days a week for hunting is enough and Sunday should be left for other recreational activities. He noted the many benefits of hiking and called into question the economic boom predicted from Sunday hunting, countering that hikers put a lot of money into the economy as well. He suggested the arguments for hunting on Sundays are flawed and will change the lives of Pennsylvanians as they will no longer be able to use the outdoors. He asked the committee to help hikers maintain a healthy balance.

Chairman Evans asked Ashenfelter if he is aware the Game Commission has endorsed Sunday hunting. Ashenfelter said he is aware and disagrees with the result. Chairman Evans asked if hikers pay a licensing fee. Ashenfelter said they do not. Chairman Evans asked if hiking is only allowed on Sunday. Ashenfelter said it is not, though many choose to go out on Sundays because of a lack of hunters. He said some hike seven days a week. Chairman Evans asked if Ashenfelter can share statistics of hikers hurt by hunters. Ashenfelter said he did not have these statistics and he only knows of anecdotal stories. Chairman Evans asked how many hikers are in Pennsylvania. Ashenfelter said about 3.8 million. Chairman Evans asked if Ashenfelter understands the bill does not endorse hunting all year round. Ashenfelter said he does.

Chairman Staback asked the organization's position on Sunday archery hunting. Ashenfelter said he does not know, but would be personally concerned. Chairman Staback asked if the organization is against allowing hunting two Sundays per year. Ashenfelter said he will take any such proposals back to his membership, but argued the current model works.

Rep. Gergely asked if Ashenfelter feels endangered by bow hunting. Ashenfelter said his organization opposes the bill in its current form and pointed out since many hikers are not hunters, they do not understand the difference. Rep. Gergely commented the fear of hikers is more created than real; he noted activities the Keystone Trails Association partakes in during hunting season and said this shows organization members are not afraid. He called Ashenfelter's arguments to the contrary "disingenuous." Ashenfelter noted not all trails



can be maintained when hunting does not take place. Rep. Gergely said there is common ground and said fear mongering does not work. He said Sunday hunting will have a positive economic impact in a difficult economic time.

Rep. Pyle asked why hikers are not using alternatives to hunting lands like using rails-to-trails where hunting is not permitted. Ashenfelter explained the trails are different and different types of trails appeal to different kinds of hikers. Rep. Pyle asked why hikers would want to walk through State Game Lands during hunting season. Ashenfelter said the long distance trails provided by the game lands are dramatically different from other trails. Rep. Pyle asked why the organization will have a problem walking through the woods on Sunday with hunters when they do not have a problem Monday through Saturday. Ashenfelter noted the difference in people in his organization and said some are willing to take the risk and others are not.

Rep. Masser encouraged Ashenfelter to go back to his membership and discuss these issues. He pointed out that not many Sundays will be affected and noted hunters pay for the game lands with licensing fees, so fairness in this regard must be kept in mind.

Rob Southwick, President, Southwick Associates, discussed the [report](#) his company was commissioned to prepare for the Joint Legislative Budget and Finance Committee. After giving a brief background of the hunting economics in Pennsylvania, he reviewed the findings of his report. He said adding Sunday hunting is projected to increase hunting by 27 percent, mostly due to people returning to hunting due to time constraints. In furtherance of this, he noted 43 percent of hunting takes place on Saturday, with the rest currently spread out through the week. He said the increase in hunting will create 7,400 new jobs and will bring in millions of dollars in local and state tax revenues. He said Sunday hunting will have an \$840 million annual economic impact. He projected an 18 percent increase in deer hunting. He noted since his report was released, he was asked to provide a more conservative estimate of the impact of Sunday hunting. He said using the most conservative figures of having it apply to deer season only, with no increases in travel expenditures, and no increases in the purchasing of firearms there would be 2,200 jobs created and \$15 million in tax revenues.

Chairman Evans said that during tough economic times the Commonwealth must find ways to increase revenues and opined this is a great way to do it without raising taxes.

Chairman Staback thanked Southwick for updating the numbers of his report and asked if the reports delivered in other states drew this much controversy. Southwick said they have because the prognosticated economic impact is so large. He noted when the source of the information (typically US Census Bureau and US Commerce Department statistics) is shown the questions cease. Chairman Staback asked if there is any way to track how the predictions turned out. Southwick provided an anecdote where one state predicted it would result in higher licensing fees, which did not happen. He said he tries to be very conservative with the numbers he puts forward. Chairman Staback asked if the number of tags sold reflects nonresident and junior licenses and does not include other specialty tags, like bear or muzzleloader. Southwick said this is correct.

Rep. Hahn asked if Southwick included offsets for losses in other areas of the economy. Southwick said he just looked at hunting and noted the impact of losses is more than made up for by the increase in hunting activity.

Rep. Gergely asked if other studies have looked at usage. Southwick said they have not. Rep. Gergely noted the Pennsylvania Retailers Association has endorsed Sunday hunting due to its economic impact. He also asked if in the [2005 study](#), a majority of people supported giving the Game Commission oversight as to whether to allow Sunday hunting. Southwick said that is correct with 70 percent favoring this and 56 percent favoring Sunday hunting. Rep. Gergely opined the issue has reached a tipping point and said Sunday hunting should be tried with a sunset provision. He said 20,000 Farm Bureau members are dictating whether 7,500 jobs can be created.

Rep. Murphy said Sunday hunting is a revenue generator and a jobs bill. He said hunters are looking forward to being able to recreate on Sundays. He noted there has been no testimony of injuries due to hunters and said there is a need to separate the fact from the fiction.

Carl Roe, Executive Director, Pennsylvania Game Commission read the resolution passed by the commission in support of Sunday hunting and noted the one member who abstained from that vote has provided

[testimony](#) supporting Sunday hunting. He noted once given the authority, the Game Commission will pass regulations relating to bag limits and will monitor the effect of changes in harvest. He said a conservative approach to Sunday hunting should be taken. He said the commission welcomes any additional authority the legislature wishes to grant it.

Chairman Evans asked if Sunday hunting should be brought out on a measured basis. Roe agreed the commission would take a conservative approach to the implementation. Chairman Evans asked if the commission would be willing to sit down with the Farm Bureau. Roe said he is always willing to meet with anyone on anything the commission has authority over.

Chairman Staback said the commission's position is a ringing endorsement of Sunday hunting. He asked Roe's opinion on the Southwick report. Roe said Southwick has a great reputation and said Sunday hunting will have a positive economic impact. He said current hunting numbers are decreasing, but junior and Mentored Youth license sales are up and will increase with Sunday hunting. Chairman Staback said he is ready to accept the report and noted Southwick has no reason to be biased.

Rep. Gergely asked if youth hunters are more willing to accept Sunday hunting. Roe noted he has not asked recently. He said the reasons people leave hunting and come back vary and most young people do not hunt because of a lack of time. Rep. Gergely asked if Sunday hunting would increase license sales. Roe said 39 percent said they are more likely to return to hunting if Sunday hunting was offered.

Rep. Gillespie asked if those voting against allowing Sunday hunting gave a rationale. Roe said they voted that way because they felt it reflected the area from which they came.

[Skip Seifert](#), Vice President, Pennsylvania Equine Council, noted the equine industry is the second largest and fastest growing agricultural industry in Pennsylvania, bringing in \$10 billion annually. He remarked perception is reality and said there is a perceived danger to hunting for most of those who participate in equine activities. He noted a recent survey at the Pennsylvania Horse Expo showed only five percent of hunter-horse owners support Sunday hunting. He noted the increase in use of game lands by equine participants and said they have an interest in the well-being of those lands. He said expansion of hunting will have an overall negative impact on the equine industry and diminish the industry's economic impact.

Chairman Evans asked if it is more dangerous to ride a horse than to go hunting. Seifert said it is.

Rep. Gergely noted horseback riding is the third most dangerous sport and hunting does not even make the list. He also pointed out horseback riders have access to game lands even though it is the hunters that pay for them. Seifert said the dangerousness of horseback riding does not change the perception that there is a danger of riding while people are hunting. Rep. Gergely said this amounts to restricting rights by perception and said the bill merely gives the Game Commission the power to oversee Sunday hunting. Rep. Gergely asked Seifert to explain equine restrictions on game lands. Seifert said they cannot ride on all. Roe added there are no season restrictions on the game lands they can ride on. Rep. Gergely asked Seifert to not restrict hunter rights when hunters do not restrict the rights of equine participants.

Rep. Moul asked if the Equine Council would oppose an amendment restricting Sunday hunting to private land. Seifert said the organization is open to compromise, but noted this will not change the perception of danger in the woods during hunting season.

Chairman Staback asked if Seifert's members use the trails on game lands mostly on Sunday. Seifert said there are no game lands that he uses where one can ride, but opined allowing hunting will not make much of a difference on the use of most trails. Chairman Staback asked if people ride during hunting season. Seifert said this probably occurs, but on a more limited basis than when there is no hunting. Chairman Staback asked if any riders have been shot. Seifert said they have not, but anecdotally said some horses have been accidentally shot. He said nothing can be done about the perception of danger.

[Rick Watts](#) and [Kathy Davis](#) testified on behalf of the Quality Deer Management Association (QDMA). Watts began by saying QDMA supports Sunday hunting in Pennsylvania. He said it will increase recreational opportunities, participation, recruitment, and help provide for the economy. He said for every 100 hunters lost, 70 new hunters join with most not joining due to a lack of time. He said adding Sunday hunting would effectively double the amount of days available for hunting. Davis said allowing Sunday hunting will allow

children of single parent or divorced homes to hunt without interfering with other sports. Watts added since other activities are allowed on Sunday, hunting should also be allowed. He said hunting is safe and noted 34 injuries were reported in cheerleading and swimming in 2008 and hunting saw fewer, including two self-inflicted deaths. Davis noted one-third of all Pennsylvania hunting injuries are self-inflicted. Watts said there will be a positive impact from hunters and Sunday hunting is disallowed in only a few states.

Rep. Gergely agreed with Davis’s point regarding children hunters of divorced parents. Davis said some of the decreased rate of hunters joining has to deal with children of divorced parents. Rep. Gergely asked when state parks are used the most. Davis said 51 percent of usage occurs in the summer months with three percent usage in November, four percent usage in December, and two percent usage in January. Rep. Gergely opined the Southwick report makes sense and noted public lands are not being used by others in the hunting months. He asked what impact Sunday hunting has had on harvests. Davis noted when the change happened in New York, the biggest harvest days were spread between Saturday and Sunday, with the biggest on Saturday. Watts noted harvest rates are dictated by the allocations out there and said the Game Commission will ensure there is not an over-harvest.

Rep. Moul asked for support on the amendment to restrict Sunday hunting to private property and increase trespass enforcement. Watts said QDMA supports private property rights, but encouraged leaving what to do with public lands in the hands of the oversight agencies. Davis noted the issue is the repeal of a Blue Law designed to keep the blue collar worker from hunting. She said these people deserve the right to hunt as much as possible.

Testimony was also submitted from [The Allegheny County Sportsmen’s League](#).

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House Game and Fisheries Committee
6/8/11, 11:30 a.m., 205 Ryan Office Building
By Kimberly Hess, PLS

The committee met to consider bills.

SB 450 White, D - (PN 433) Amends Title 30 (Fish) providing for terms of members of the Pennsylvania Fish and Boat Commission by removing the provision that a member may continue to serve for period not to exceed six months after the member's term expires and allows the member to serve until a successor is appointed and qualified. - The bill was unanimously **reported as committed**.

Rep. David Maloney (R-Berks) questioned if the legislation has a limit on how long a commissioner could serve beyond the eight-year term. Committee executive director Greg Raffensperger confirmed the service would not end until the governor appointed a successor. He noted the governor could choose not to make such an appointment.

HB 721 Haluska - (PN 735) Amends Title 34 (Game) adding language providing any violation of section 2361 (a) (11) (relating to unlawful acts concerning taking of furbearers) is a summary offense of the first degree. - The bill was unanimously **reported as committed**.

Rep. Gary Haluska (D-Cambria) explained his bill updates penalties for illegal traps. He noted the Trappers Association supports the bill, as legal trappers do not want bad publicity of illegal traps killing pets.

House Game and Fisheries Committee
5/25/11, 9:30 a.m., Room 39 East Wing
By Jeff Cox, PLS

The committee met to consider five bills.

SB 274 Alloway - (PN 250) Amends Title 34 (Game) in hunting and furtaking, licenses, to allow the Pennsylvania Game Commission to establish regulations fostering youth hunting, including allowing exemptions for youth hunting activities. This includes allowing a youth hunter to have no more than one antlerless deer permit per season. In special licenses and permits, allowing the commission to define, implement and provide for the issuance of falconry permits to eligible persons. Makes it illegal to engage in falconry without a valid permit. - The bill was unanimously reported as committed.

HB 1236 Evans, J - (PN 1355) Amends Title 30 (Fish), in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members by decreasing the minimum number of service days required for eligibility from 180 to 60 days. - The bill was unanimously reported as committed.

HB 1237 Evans, J - (PN 1356) Amends Title 34 (Game), in hunting and furtaking licenses, further providing for resident license and fee exemptions for members of the National Guard or a reserve component on active service by decreasing from 180 to 60 days the number of consecutive days of deployment that qualifies for a fee exemption. - The bill was unanimously reported as committed.

HB 1398 Staback - (PN 1659) Amends Title 34 (Game), in special licenses and permits, to provide for the requirement of an exotic animal permit for enumerated animals. Amends the definition of "exotic wildlife dealer" by requiring at least five documented transactions involving exotic wildlife. - The bill was unanimously reported as amended.

A01690 by Staback, adds language allowing wildlife sanctuaries as designated by the Game Commission to still possess certain exotic wildlife under permit. The amendment was unanimously adopted.

Minority Chairman Edward Staback (D-Lackawanna), prime sponsor of the bill, offered a brief overview of the legislation and the amendment.

Rep. Dan Moul (R-Adams) wanted to know who currently regulates sanctuaries. Chairman Staback responded the sanctuaries are regulated by the Game Commission. Rep. Moul then asked how the offspring of these animals would be handled. Chairman Staback said there is nothing in the law to prohibit the keeping of the offspring.

Rep. David Maloney (R-Berks) wanted to know about the certification process. Richard Palmer, Director of the Game Commission's Bureau of Wildlife Protection, explained the permit applicants must provide their background and training to the Commission. He said it often comes from a facility already permitted by the Commission and the Commission evaluates each application on a case-by-case basis. Rep. Maloney then asked who inspects the facilities and when are they inspected. Palmer explained the facility is inspected at the time of permit renewal. He further explained the Commission conducts random inspections and inspections upon receipt of a complaint about a facility.

Rep. Joe Emrick (R-Northampton) told the committee that a wolf recently escaped from a facility in his district. He wanted to know what actions the Commission takes when such an event occurs. Palmer said the permit holder notifies the Commission and then the Commission notifies local law enforcement and the news media. He added that after the animal is captured, the Commission then conducts an investigation into the circumstances of the escape.

HB 1417 Staback - (PN 1691) Amends Title 18 (Crimes), 30 (Fish) and 34 (Game), in assault, further providing for offense of aggravated assault of a wildlife conservation officer or deputy wildlife conservation officer of the Pennsylvania Game Commission, or a waterways conservation officer or deputy waterways conservation officer of the Pennsylvania Fish and Boat Commission. - The bill was unanimously reported as amended.

A02130 by Staback, described as a technical amendment. The amendment was unanimously adopted.

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House Game and Fisheries Committee  
4/13/11, 9:30 a.m., Room 302, Irvis Office Building  
By Rebecca Kann, PLS

The committee met to consider three bills.

HB 524 Reichley - (PN 491) Amends Title 34 (Game) to require antlerless hunting permits be issued by the Game Commission or agents authorized by the director specifically for this purpose. - The bill was amended and failed by a vote of 10-15 with the following members voting in the negative: Representatives Bryan Cutler (R-Lancaster), Joe Emrick (R-Northampton), Doyle Heffley (R-Carbon), Garth Everett (R-Lycoming), Keith Gillespie (R-York), Mark Keller (R-Perry), Michael Peifer (R-Pike), Jeff Pyle (R-Armstrong), Mike Reese (R-Westmoreland), Todd Rock (R-Franklin), Deberah Kula (D-Fayette), Bill DeWeese (D-Greene), Kevin Murphy (D-Lackawanna), Gerald Mullery (D-Luzerne) and Tim Mahoney (D-Fayette).

Steve Smith of the Pennsylvania Game Commission (PGC) said the PGC envisions a system where hunters could apply for a doe license through a lottery-based system. The odds would be pre-determined, he said. There are nineteen units throughout the state that do not sell out in the first round of applications, he continued, with only three that typically sell out right away. For example, he said there would be a one in three chance in the 2G area of getting a doe license.

A01281 by J. Evans, was described as technical and the language "through the Pennsylvania Automated Licensing Service" is added to further describe authorized license-issuing agents. The amendment was adopted with Rep. Murphy voting in the negative.

A01418 by Staback, changes the effective date from "in 60 days" to June 15, 2012, or immediately, whichever is later. The amendment was adopted with Rep. Murphy voting in the negative.

Minority Chairman Staback (D-Lackawanna) said the amendment is necessary because of time constraints. By the time the legislation would become law, it would be well after July, he explained, which is when the licenses would go on sale. By moving the date ahead to June 15, 2012, it makes more sense, he stated. Greg Raffensperger, Executive Director of the committee, added the date change also gives county treasurers another year. On the bill as amended, sponsor Rep. Doug Reichley (R-Lehigh) stated he appreciates the guidance and advice on this piece of legislation from both chairmen. He said a Lehigh County constituent brought this problem to his attention. Even though some county treasurers are uncomfortable with this, sportsmen across Pennsylvania are in favor it, he explained. He added that Chairman Staback's amendment should also make it more accommodating for the county treasurers.

Rep. Dan Moul (R-Adams) asked if any organizations are opposed to this legislation and Raffensperger said some individual county treasurers are opposed, but no sportsmen's organizations are against it. Rep. Everett indicated he understands the lottery process involved, but asked if county treasurers would still be able to sell the licenses. He said he wanted to know how things would work at the county level. Raffensperger said it would be just like any other licensing authority. Rep. Peifer stated he's heard concerns from many county treasurers. "This is their livelihood," he stressed, saying the revenue pays for staff to be able to sell other types of licenses to constituents. He said he would rather see a county treasurer than a Wal-Mart be able to sell a doe license. He asked how many licenses were sold last year. Smith replied 900,000. Rep. Peifer asked if there is any way to hold off on voting this, perhaps to hold a public hearing. He asked if a motion would be in order to do so because he said he believes county treasurers are very concerned. Chairman John Evans (R-

Erie) said there was a hearing held last session. Chairman Staback added there was about "50/50 sentiment." He said at the hearing, he thought he was very clear that this is the only license the Game Commission can sell. The day is coming when point of sale is going to be here, he remarked. Rep. Peifer commented that when a constituent goes to a Wal-Mart, for example, to purchase the license and cannot get one, that constituent is still going to complain to his legislator. That won't go away with this legislation, he argued, stating this will not solve the problem. Chairman Staback countered, stating an individual who goes into a Wal-Mart looking for a doe tag license will be told yes or no *on the spot*. Chairman Evans indicated this idea "hasn't been a big secret" and that it's about sportsmen's convenience. Moving ahead technologically, in non-traditional ways is something the committee must consider, he acknowledged. "We're not taking away treasurers' ability to sell," he concluded.

Rep. Pyle remarked he understands Rep. Peifer's points, but in Armstrong County where there's treasurer transition taking place, he said he would like the opportunity to speak to the incoming treasurer on this issue after the primary election.

Rep. Keller stated his biggest issue with this legislation is the lottery process. He asked if someone who does not obtain a license the first time will return and try again. Smith answered no, the system would prevent people from doing that. Rep. Keller announced he cannot support this legislation.

Rep. Moul wanted to know if the lottery system would be like "drawing straws" or would it be first come, first served. Smith explained in certain counties, the chances of success are over one hundred percent. With a first come, first served system, he said the Game Commission doesn't want to put too much stress on that system.

Rep. Gary Haluska (D-Cambria) said having been a member of this committee for seventeen years, he knows this is a very antiquated system. He said this legislation is being *very fair* to treasurers. Pennsylvania needs to move forward as a state, he continued, commenting Pennsylvania is behind a number of states with their systems. It is already a lottery so to speak, Rep. Haluska remarked. This legislation would make the system quicker and easier, he said. The Game Commission has thought this through, he said, and announced his support for the legislation.

Rep. Kurt Masser (R-Northumberland) asked if someone lives in Philadelphia but hunts in Sullivan County can the license be purchased in Philadelphia. Committee staff answered yes.

Rep. Kula said her district is close to the West Virginia and Maryland borders. She asked if WV or MD residents would be ahead in line of in-state residents. Smith responded non-residents are allowed to apply in the second round, so in-state residents have the first chance.

Rep. Emrick asked what happens if the number of licenses decreases. Smith said there's always the possibility to fluctuate from year to year, but over the past twenty years it has been "pretty consistent."

HB 860 Kula - (PN 898) Amends Title 34 (Game) changing the legal blood alcohol limit for adults from 0.10% to 0.08%. Further provides it is prima facie evidence if the amount of alcohol by weight in the blood of a minor is equal to or greater than 0.02% at the time the chemical test is performed on a sample of the minor's breath, blood or urine. Also the amount of time in which the sample may be obtained is reduced from three hours to two hours. - The bill was unanimously reported as committed without discussion.

HB 1057 Reed - (PN 1148) Amends Title 34 (Game), in protection of property and persons, to add to the definition of "safety zone" the "area within 50 yards around any occupied dwelling house, residence or other building or camp occupied by human beings, or any barn, stable or other building used in connection therewith and the area within 150 yards around any attached or detached playground of any school, nursery school or daycare center" when applied to a properly licensed furtaker in a permanent watercourse. - The bill

was unanimously reported as committed. Raffensperger noted this language unanimously passed out of this committee last session.

Rep. David Maloney (R-Berks) said this legislation seems "very cumbersome," but indicated he is still in support of it.

Rep. Moul asked if this change would endanger children who are stepping in streams. Raffensperger said it would still be 150 yards from playgrounds, nursery schools, etc. Rep. Maloney said when the right to trap is restricted, the amount of pests increases. "If you're in the water, you're in the water," he said. Rep. Moul stated it is just a concern of his. Smith added that this trapping would only take place seasonally, between October and February. Not many children are wading in streams during those months, he remarked.

HB 754 Gabler - (PN 770) The Shooting Range Protection Act provides definitions and states the Department of Conservation and Natural Resources may not Transfer or utilize a shooting range for any purpose other than a shooting range or suspend the normal and accepted shooting activity on any shooting range unless for the improvement or modification of the physical appearance of the shooting range to properly protect and ensure the health, safety and welfare of the residents of the surrounding area and the local environment. The suspension shall last no more than six months and must be completed through a court order. - The bill was unanimously reported as committed with the request to re-refer to the Environmental Resources and Energy Committee. Chairman Evans indicated Rep. Matt Gabler (R-Clearfield) feels the bill was referred to this committee in error.

Rep. Cutler stated he would like to make a motion to reconsider the vote on HB 524. He said he isn't sure of how to proceed in committee this way. Rep. Gillespie added there are many new members on this committee, who weren't members last session when the hearing on this bill took place. Raffensperger said since the bill failed, it will be reintroduced. Rep. Cutler indicated he would withdraw his motion.

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### House Game and Fisheries Committee

*3/9/11, 10:00 a.m., B31 Main Capitol*

By Mike Howells, PLS

The committee met to consider bills.

**HB 575 Baker, M** - (PN 552) Joint Resolution proposing an amendment to the Pennsylvania Constitution stating that the right to hunt, fish and harvest game shall forever be preserved, subject to state restrictions. - The bill was unanimously **reported as amended**.

**A00846** by J. Evans, inserts language relating to suspension or revocation of a license. The amendment was unanimously **adopted**.

**HB 735 Gillespie** - (PN 752) Amends Title 34 (Game) to no longer require the displaying of a license when hunting or furtaking. Hunter must only carry license on person while hunting or furtaking. - The bill was unanimously **reported as committed**.

Rep. Jeff Pyle (R-Armstrong) asked about the Pennsylvania Game Commission's position on the bill and how it may affect dealing with poachers. A representative for the Commission said it is in support of the bill and given the new, smaller size of licenses does not see it as a hindrance.

**SB 387 Alloway** - (PN 373) Amends Title 34 (Game), in hunting and furtaking licenses, further providing for resident licenses and fee exemptions by adding "issuing agent" to the scope for issuing military licenses. - The bill was unanimously **reported as committed**.

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House Game and Fisheries Committee

03/03/11, 10:00 a.m., Room 60, East Wing

By Jason Gottesman, PLS

The committee heard testimony from the Pennsylvania Fish and Boat Commission (PFBC) on PFBC's [annual report](#).

[John Arway](#), Executive Director of the Pennsylvania Fish and Boat Commission, briefly described the agency and then spent the bulk of his testimony discussing his three broad policy initiatives he has attempted to implement since taking the job last year. They are:

- Insuring a contract for Waterways Conservation Officers (WCOs);
- Improving agency morale and public support; and
- Finding a source of alternative funding for the agency for present and future generations.

Regarding WCOs, Arway pointed out a new contract was finalized in August. He said "this contract was critical to ensure certainty and stability, both among the officers and for the anglers, boaters and resources served by the PFBC." He also noted the agency welcomed six new WCOs in 2010. On the subject of employee morale improvement, Arway pointed out many training initiatives to increase cooperation between the board and staff. He further noted improvement in employee morale through programs like "Employee Fishing and Boating Appreciation Day" and "Praise an Employee" initiatives. Arway then discussed funding for PFBC, explaining fishing and boating in Pennsylvania bring in a combined \$3.4 billion annually, but said "most people do not realize the Fish and Boat Commission relies almost entirely on fishing licenses, boat registrations and federal funding tied to fishing and boating to pay for everything we do." Regarding alternative revenue streams, Arway said he has proffered the following ideas:

- Compensating the Commonwealth for the consumptive use and degradation of water,
- Reimbursing PFBC for the services it provides to all Pennsylvanians and businesses, and
- Allowing for the issuance of creative license packages designed to retain and recruit anglers.

Arway contended the alternative funding sources will allow PFBC to cover the costs associated with helping the Department of Environmental Protection with regulatory compliance and will allow PFBC to lower fishing and boating licenses to help spur participation. He said "alternative funding represents goal one" in our plan. He also noted additional information can be found in PFBC's [strategic plan](#).

Chairman Evans asked if there is any Marcellus Shale drilling occurring on PFBC property. Arway noted the commission has 43,000 acres, some of which lies in the Marcellus Shale field that companies wish to lease. He noted he will have more information on this after a meeting on Monday with PFBC's commissioners. Chairman Evans asked what kinds of returns PFBC expects on any drilling. Arway noted he does not have a true estimate, but said there are a couple of prime properties. He said money used can be put toward repairing dams, 16 of which are classified as high hazard. Chairman Evans asked about a research vessel the agency has in Lake Erie. Arway stated the vessel has been repaired and is again fully operational. Staff noted there collaborative efforts with institutions of higher education to use the vessel, but said the vessel is mostly just for PFBC research

Chairman Staback asked how much time it took to reach an agreement with the WCOs on their contract. Staff indicated it took about two and a half years and the agreement was reached in August of 2010 and will last until June 30, 2012, at which time a new contract must be renegotiated. Chairman Staback asked if the WCOs are satisfied. Staff said the contract is fair to both sides, but both sides have their complaints. He noted some labor issues remain outstanding, in particular is mandatory overtime. Chairman Staback asked what can be done in the future to avoid something like this. Staff stated the WCOs waited to see what happened with WCOs in the Pennsylvania Game Commission. He noted once that contract was settled, the PFBC contract was settled in short order with the same deal. Chairman Staback asked if Arway has run his proposals by other officials for what to do with the Marcellus Shale money. Arway noted he sat down with the governor's staff and they promised to get an opinion to him. He said he has yet to receive feedback. Regarding water used for fracking going back into water systems, Chairman Staback asked if regulators will prohibit this and encourage recycling of the fracking water. Arway said this must be accomplished through a change in the law. Chairman Staback asked if water used for fracking that never surfaces will cause an environmental impact. Arway said there is likely to be some harmful environmental impact, but nothing nearly as bad as something like acid mine drainage. He noted the full impact will likely not be known for over 100 years. Chairman Staback asked if there has been any major fish kill as a result of broken pipes with contaminated water. Arway noted there has been nothing like this recorded, but there have been documented incidents of negative impacts on other aquatic life.

Rep. Everett asked if Arway is talking about charging drillers for water used or all users of water. Arway said all consumption of water will be charged for. Rep. Everett asked about the procedure for adding additional canoeing or kayaking access. Arway said PFBC puts out a plan, but noted the commission has become more proactive in finding access points. He noted Rep. Everett should contact his office and they will look at the site and determine if there is a need.

Rep. Emrick applauded Arway for his outreach efforts and asked if there is a place to lodge complaints on PFBC's website. Arway noted there is in the "fishing hole" section of the website. Rep. Emrick asked if it is true Arway wants to reduce licensing fees. Arway said it is and that is how alternative funding methods would be used. He noted when fees are increased, the number of anglers decreases and he said if there is an increase in fees the commonwealth will lose another eight to ten percent of its anglers.

Rep. Gillespie asked if other states charging are for the use of water. Arway other states are not and said he would like Pennsylvania to be a national leader in this regard. Rep. Gillespie asked if there is a charge for sand and gravel use and how much money is obtained through this venture. Staff indicated the sale of sand and gravel brings in \$750,000 annually from 1.4 million tons sold. Rep. Gillespie asked if there has been any negative environmental impact from this. Arway said this has been the subject of discussion and he wants to minimize any risk. He noted the change cannot be measured, but there are more productive fisheries in areas that are not dredged.

Rep. Masser said he supports the employee programs and asked how stream stocking is determined. Arway stated PFBC does not stock Class A trout streams, but the rest can be stocked. He noted there are many more fishable waters than there were 30 years ago and there are not enough fish for all of them. He noted the determination is based upon the potential use of the stream and the number of trout available to stock. Rep. Masser asked for an update on the health of the Susquehanna River. Arway said the river is sick and noted declining classes of smallmouth bass due to disease. He noted DEP controls the water quality of the river. Rep. Masser asked what is being done to encourage youth fishing. Arway noted the lack of youth in fishing is a national problem and said he hopes lowering the cost of licenses will spur involvement. He further expressed a desire to field test some youth participation programs.

Rep. Haluska asked for an overview on upgrades to hatcheries. Arway said the Big Spring Creek facility has been closed and microscreen filtration systems were installed in other facilities. He said PFBC monitors the conditions of the streams and has made a lot of good progress. He noted ecological health of the hatchery is important and they will be lowering phosphorous and nitrogen levels to comply with new regulations. Rep. Haluska asked if PFBC has been in talks with the Game Commission on natural gas. Arway said there have been discussion and said the Game Commission has a lot of institutional knowledge in this area and PFBC does not want to learn it on its own.

Rep. Maloney expressed concern over the downward trend in license sales and said making hunting and fishing part of the education curriculum might help with fish and game participation. He also expressed concern over the lack of youth involvement. Arway said he too sees the problem and knows the importance of youth participation. He said the answer to increased participation may lie with the kids themselves and said he is meeting with the governor's youth council on this issue. Rep. Maloney asked if anything has been done to increase the survival rate of hatchery trout used for stocking. Arway explained the trout are not bred to survive from year-to-year. He noted there are very few temperature controlled streams in Pennsylvania and those that exist do not need to be stocked. He noted the holdover rate is five percent. Rep. Maloney also expressed concerns over the water usage fee and its implementation.

Rep. Moul asked what Arway would do with the funds from water usage. Arway said it will be used to decrease license costs. He noted using the money to clean up waterways is outside the jurisdiction of PFBC. Rep. Moul said he does not like this because it sends the message it is fine to denigrate Pennsylvania water so long as you pay the commonwealth. He opined the money should be used to restore waterways. He noted people put a lot of chemicals in the water but the Marcellus Shale industry is being singled out for pollution. Rep. Moul asked if WCOs received retroactive pay in their contract. Staff said some received that, but it was not across the board. Rep. Moul said PFBC should not bear this burden since it was the fault of WCOs the contract took so long. Staff indicated PFBC does not negotiate the contract, but it is rather the Office of Administration.

Rep. DeWeese asked Arway to fast forward ten years and give an opinion as to whether anglers will see adverse affects from drilling. Arway said he optimistic this will not be the case. He said it is within reach today to prevent negative effects and the commonwealth should be able to regulation, legislate, and enforce in such a way to avoid this.

Chairman Evans noted a voting meeting has been scheduled for next week. Also noted was the retirement of Republican Executive Director David Comes, who is to be replaced by Greg Raffensperger, a research analyst with the committee.

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## House Game and Fisheries

03/01/11, 12:20 p.m., Room 205, Ryan Office Building

By Jason Gottesman, PLS

The committee met to consider bills.

[HB 78 Benninghoff](#) - (PN 152) Amends Title 30 (Fish) to increase the penalty for homicide while operating a watercraft while under the influence to a felony of the second degree. - The bill was unanimously **reported as amended**.

[A00593](#) by Evans, was described as technical in nature. The amendment was **adopted** unanimously.

Rep. Kerry Benninghoff (R-Centre), prime sponsor of the bill, said he hoped to get the legislation through last session and then discussed the event that lead to the need for this bill. He said the legislation is further needed to provide consistency with the law, in particular, the Vehicle Code. He said the legislation will allow district attorneys to send a message to these offenders and the bill is supported by the Fish and Boat Commission.

[HB 575 Baker, M](#) - (PN 552) Joint Resolution proposing an amendment to the Pennsylvania Constitution stating that the right to hunt, fish and harvest game shall forever be preserved, subject to state restrictions. - The bill was **held over**.

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House Game & Fisheries Committee

2/10/11, 10:00 a.m. Room 140 Main Capitol

By Jeff Cox, PLS

Chairman Evans announced the committee meeting set for Thursday, February 24 with the Pennsylvania Fish and Boat Commission has been postponed and rescheduled for Thursday, March 3. He told the committee the meeting room and time has yet to be determined.

[Carl Roe](#), Executive Director of the Pennsylvania Game Commission provided an overview of the commission's [Annual Report](#). He discussed the commission's response to the Legislative Budget & Finance Committee's Deer Management Report; the commission's fiscal status and need for further revenue; the commission's legislative agenda for this session; and some of the commission's major programs and initiatives.

Regarding the Deer Management Report, Roe commented, "We welcomed the report and agreed with the major conclusion that the Game Commission's deer program is scientifically sound." He added, "Having said that we always strive for continue improvement in our programs and have taken the Wildlife Management Institute's recommendations and evaluated them for implementation." Roe explained that the commission is transferring the herd health measure from one that is based on reproduction health of the herd to the fawn to doe ratio that may be more representative of the herd health on the basis of recruitment into the herd. He noted the commission will be refining this measure in the future. He discussed the commission's efforts to measure forest health and the use of Citizens Advisory Committees (CACs) to assess public opinion about deer-human conflict. Roe pointed out that the report recommended eliminating the

CACs because "they were overly biased to hunters." He told the committee, "We will finish this cycle of CACs and then move to a statewide survey instrument at the Wildlife Management Unit level that is believed to provide a more random sample of citizen desires in the deer human conflict measure of deer management." Regarding increasing the harvest reporting rate, Roe said the commission has already implemented the capability to report online and is currently testing a voice recognition system to allow telephone reporting. He added, "We are certainly hoping that this will increase the reporting rates on deer as well as all species with reporting requirements."

Roe told the committee members, "The biggest challenge to face the Game Commission is finances." He pointed out there has not been a license increase since 1998. According to Roe, the commission closed out last year with a balance of approximately \$39 million on a cost accounting basis but noted "that amount barely covers a half a year's budget authorization." He explained that the commission has seen some increase in Marcellus Shale revenue from the leasing program but those revenues have not covered the decrease in the timber market. Roe pointed out the commission received a \$4.7 million increase in federal funding through the Pittman-Robertson Program that allowed for improvements in the infrastructure on state game lands. He suggested other ways to increase revenues for the commission including a Pennsylvania excise tax similar to Pittman-Robertson to help fund wildlife conservation efforts of the Commonwealth and giving the commission the authority to set license fees. Roe argued that the General Assembly giving this authority to the commission "would allow for a more gradual increase and less impact on hunters as opposed to infrequent and larger increases."

Roe described the 2009-2010 legislative session as "one of the best we have had in many years." He cited passage of bills increasing penalties; authorizing Pennsylvania to join the Interstate Wildlife Violator Compact; and codifying the commission's normal operating procedures. Roe said the commission believes there is a need to work on the officer assault provision in Title 34 along with revisiting the confiscation aspect of certain violations. He expressed the commission's support for legislation allowing the transfer of an antlerless license to a mentored youth by the adult mentor and legislation eliminating the requirement that a license be displayed. Roe emphasized to the committee, "One area that we believe is critical is to recognize Lyme disease as an occupational hazard for our conservation officers, wildlife biologists, foresters and food and cover employees." He also said that after a license increase, the commission would like to see wildlife conservation officers be included in the 50/20 retirement program that almost all other law enforcement officers have.

Roe then outlined several of the commission's programs and initiatives including: protecting endangered species; the Wind Energy Cooperative Program; working with the Pennsylvania Trappers Association to change how body gripping traps are to be set; enhancing and improving the Automated License Sales System; fully executing the moneys available to the commission from Growing Greener II; the Marcellus Shale program; the Seedlings for School Program; the revitalization of the National Archery in the School Program; and the Wild Pheasant Recovery Areas program.

Chairman Evans wanted to know the direct results of the increased penalties for violations of Title 34. Roe responded that there has been an increase in public interest in going after the more egregious offenders of the wildlife code and commission has received more tips on the tip line. He said there has also been a lot more tips to conservation officers. According to Roe, there have been two major felony cases since the enactment of the increased penalties. He said one case is in Lebanon County and the other case is breaking in Bradford County where 38 deer were illegally taken and up to 20 felony charges could be filed. Chairman Evans then asked about the current status of oil and gas leasing. Roe said the commission has 39 wells on State Game Land with the commission owning the rights on 18 of them. He added someone else has the oil, gas and mineral rights on the 21 remaining wells. According to Roe, the commission has more than 72,000 acres leased out and an additional 100,000 to 120,000 acres where somebody else owns the rights that are actively working on State Game Lands. He said last year the revenues were down because the gas price was down with the commission's oil, gas and mineral programs generating a little under \$2.5 million in revenue. Roe explained that of the 18 wells, seven are in production right now and as more wells come onto production the commission will see increased revenues. Chairman Evans asked where the money goes that is generated by this program. Roe responded that it generally goes into the Game Fund. He noted the last two leases generated \$3.8 million which will go into the Game Fund.

Minority Chairman Staback commented that hunters would support any manner to get actual hard data from actual hunters on the deer kill and lessen the reliance on estimates. Describing the internet and the phone service system as "good ideas for the future," Chairman Staback wanted to know if the commission has given any thought to utilizing the point of sale system to collect the deer kill data. Roe responded that the commission has looked into that but the commission's concern was two-fold. He said the commission would never get 100% reporting unless there was a significant penalty at the backend and the costs involved with it. Roe explained that there are 900,000 antlered licenses that would have to be reported and then around 800,000 antlerless licenses which is a total of 1.7 million licenses. He said based on the internet and phone system reporting it is about 50¢ per transaction so the cost would be around \$900,000 to get everybody to report if everybody reported. Roe further explained the commission's confidence interval in a statistical sense right now is over 95% on the sample size and to get the level from 95% to 99% it is a question of whether it is worth almost \$1 million to get there. He added that the commission would like to see the telephone reporting system go forward for a couple of years to see if it increases the reporting. Roe pointed out when the commission started the internet reporting system it saw a shift from mail-in reporting to internet reporting but no overall increase in reporting. He added, "It is an expensive proposition to get to 100% when you probably won't get to 100% anyhow." Chairman Staback wondered if there could be some way that when a hunter went to buy a license that in conjunction with purchasing the license the question could be asked whether the hunter killed a big game animal the previous season. He commented that would be better than estimating the kill from the previous season. Roe responded that it could be a possibility but questioned the timeliness of the information. He

said the commission inputs its harvest information from the previous season from the middle of March to the beginning of April in order for the commission to set the antlerless allocation for the following season. Roe said if the commission received that information from the middle of June until November the commission would be unable to set the allocation for that year. He added the timeliness of the information is just as important as the costs that could be involved. Chairman Staback urged the commission to continue to spend time to find another manner of reporting deer kills.

Noting that at last year's hearing he had asked Roe on how many acres of State Game Lands did the commission own the mineral rights, Chairman Staback commented that Roe had said he could not answer the question with any degree of accuracy but the commission was going to have a fulltime attorney study the deeds in the county courthouses to make that determination. He wanted to know how much progress has been made up to now. Roe responded, "Slow but steady progress is the best way to describe it." Chairman Staback asked if the commission has found it had more mineral rights than previously thought. Roe responded, "Absolutely." Chairman Staback then asked if the commission has leased any more State Game Lands. Roe said the commission has had two leases.

Rep. Everett suggested the committee conduct a public hearing with the Game Commission, the Fish & Boat Commission, and Department of Conservation and Natural Resources to discuss the increased costs to those agencies in manpower and workload because of Marcellus Shale. Roe responded that he would look forward to such a hearing.

Regarding a point of sale system, Rep. Cutler commented that his wife was late in buying a license last season and she received a letter from the commission that she had purchased a license before and did not have a record yet of her buying one for the hunting season. He wanted to know if the commission tracks the number of letters that go out and the response rate. Roe explained that the representative's wife would have been part of a test the commission did this past year. He said that in late September the commission did a random sample of individuals who had yet to purchase a license at that point in time and sent a reminder letter to some and not others. Roe noted the buying rate was about the same for those who received a reminder letter and those who did not. Rep. Cutler asked if the commission has considered mandatory reporting. Roe commented that the commission "would love to increase the reporting rate." He expressed his hope the telephone system would increase the rate. Rep. Cutler said he is still receiving complaints about the deer population in the northern tier of Pennsylvania. He asked if the change in the fawn to doe ratio will increase the concentration of deer in a given area. Roe said the commission does not believe the fawn to doe ratio will influence the action very much.

Rep. Moul pointed out the death of WCO Grove took place a couple of miles from his district office and he wanted to know if it was true that the WCOs do not have cameras in their vehicles. Roe responded that is correct. Rep. Moul asked if cameras would be helpful in the future and whether it is a matter of money to equip the vehicles or WCO with a camera. Roe said the commission did have a pilot program in Schuylkill County. He explained that the commission is looking at body mounted cameras because those types of cameras would be more practical for WCOs.

Roe added that the commission is looking at it and how to fund it. Rep. Moul wanted to know the cost per WCO. Roe responded that it would be about \$500 to \$600. Rep. Moul asked if legislation is needed. Roe said, "We don't think so."

Rep. Pyle wanted to know if any Wild Pheasant Recovery Areas are being considered for western Pennsylvania. Roe responded that the latest area is being established in Franklin County. He explained it is a cooperative effort with the Pheasants Forever group and local landowners. Roe said the commission has been approached by some people in Mercer County. Regarding deer kill reporting, Rep. Pyle suggested the commission look at positive incentives at the beginning instead of sanctioning at the backend of the process. He also recommended the committee conduct a public hearing on deer management in western Pennsylvania.

Rep. Gergely asked about crossbow licenses sales. Roe responded that in the first year the sale of crossbows increased about 7% and had little impact on the harvest. Rep. Gergely then asked if the commission saw an increase in archery licenses with the crossbows. Roe said there was a marginal increase. Rep. Gergely then advocated for Sunday hunting in Pennsylvania and urged the commission to ask for the authority to determine whether Pennsylvania should have Sunday hunting. Roe said the commission would welcome any authority in that regard. According to Rep. Gergely, states with Sunday hunting have seen an increase in the number of out-of-state license sales while Pennsylvania has seen a steady decrease. He argued that the increase in other states was most likely Pennsylvanians who could not hunt on Sundays in the Commonwealth. Rep. Gergely called for further discussions on the issue with all of the stakeholders.

Rep. Haluska thanked the commission for looking at its trapping regulations and for the introduction of crossbows. He then went on to comment that gathering deer kill information at point of sale may not be timely but would provide the commission with the trends from season to season. Roe said the commission will continue to look at the reporting issue. He added the commission has been focusing on speeding up the transaction time. Rep. Haluska asked about the National Wild Turkey Foundation's efforts to have a licensing stamp for hunting wild turkey. Roe responded that the commission has had numerous discussions with the foundation regarding the matter.

Noting that Roe had referred to "a more random sample of citizen desires in the deer human conflict measure of deer management," Rep. Emrick wanted to know who the citizens are that Roe was referring to. Roe said he was referring to landowners, foresters, farmers and other stakeholders. Rep. Emrick commented that in eastern Pennsylvania there is also a concern with the reduction in the deer herd and there is some resentment between hunters and the commission. He then asked about predation and if the commission is looking at the impact of coyotes on the fawn population. Roe said the commission is not currently looking at it but conceded the commission's previous fawn study is ten years old. He pointed out that study showed that 46% of the fawns died from predation of which 33% was by bears and the remainder by coyotes.

Rep. Hahn praised the commission for its mentoring program. She commented that people in her district are unhappy with the antler restrictions. Roe said the commission is monitoring the restrictions and its impact.

Rep. Maloney also expressed his appreciation of the mentoring program but said some are disappointed with the inability to transfer an antlerless license to a mentored youth by the adult mentor. He also expressed concern with the fawn to doe ratio.

Rep. Rock wanted to know how the commission is paid for the Marcellus Shale drilling. Roe explained that there is a fixed rate in the lease then there is a bidding process for the royalties' rate. Rep. Rock then asked about the typical life span of a well. Roe said it depends on the how good the well is. Rep. Rock wanted to know about the commission's role in the wild pheasant introduction program. Roe said it is a partnership between the commission, the Pheasants Forever group and local landowners. He said the commission is responsible for transporting the pheasants to the recovery area. Roe also said it is usually a six year period from the time the pheasants are introduced in the area until the hunting of the pheasants is allowed. Rep. Rock asked how much acreage is involved. Roe responded that it is about 15,000 to 20,000 acres.

Rep. Heffley wanted to know the commission's thoughts on removing the purchasing of hunting licenses at county treasurers' offices. Roe explained that if the selling of licenses was removed it would take the commission about one year to set up a new system. He added that the commission has had "a fruitful relationship with the county treasurers."

Chairman Staback asked if the commission is considering expanding the number of hunter safety courses. Roe responded, "Absolutely." Chairman Staback praised the commission's board members and said they deserved credit for improved relations with hunters and sportsmen. He said the current members listened to the concerns and reacted accordingly.

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GAME COMMISSION DELIVERS ANNUAL REPORT TO LEGISLATURE

HARRISBURG - Pennsylvania Game Commission Executive Director Carl G. Roe today presented the agency's annual report to the General Assembly, and delivered testimony before the House Game and Fisheries Committee.

To view a copy of the agency's annual report, please visit the Game Commission's website (www.pgc.state.pa.us), put your cursor on "Resources" in the menu bar under the banner on the homepage, then select "Reports/Minutes" in the drop-down menu, then click on "Annual Legislative Reports" and choose "2010" in the listing.

Following is Roe's testimony before the House Game and Fisheries Committee:

It has been another challenging year for the Game Commission. However, we continue to stay focused on our core mission and providing exceptional service to the public.

This report will address several major areas. Our response to the Legislative Budget and Finance Committee's Report on deer management, our fiscal status and need for further revenue, our legislative agenda for this session and a discussion of some of our major programs and initiatives.

We will start with the Legislative Budget and Finance Committee's Deer Management Report. We welcomed the report and agreed with the major conclusion that the Game Commission's deer program is scientifically sound. Having said that we always strive for continued improvement in our programs and have taken the Wildlife Management Institute's recommendations and evaluated them for implementation. I will address the three measurements noted in the report. We are transferring the herd health measure from one that is based on reproduction health of the herd to the fawn to doe ratio that may be more representative of the herd health on the basis of recruitment into the herd. We will further refine this measure in the future.

The second measure was forest health. There was not a problem with the measure itself but with the number of samples available to have more precision. We are currently combining the U.S. Forest Service data with our own forest inventory data and are looking at the Department of Conservation and Natural Resource data to expand that information set to provide more precision. Since these data sets are collected differently, we have some work to do to insure the data are comparable and can be combined.

The final area is the Citizen Advisory Committees (CACs) to assess public opinion about deer-human conflict. The report recommended eliminating them because they were overly biased to hunters. We will finish this cycle of CACs and then move to a state wide survey instrument at Wildlife Management Unit level that is believed to provide a more random sample of citizen desires in the deer human conflict measure of deer management.

Although the report had great confidence in our population model, it did offer some ideas on how to improve the model. We have incorporated those minor adjustments into the population model.

In addition to the previous measurements, the other area for improvement was to increase the harvest reporting rate. We have already implemented the capability to report on line and we are currently testing a voice recognition system to allow telephone reporting. We are certainly hoping that this will increase the reporting rates on deer as well as all species with reporting requirements.

We used this report to immediately improve our deer program measures. We take our responsibilities to the public seriously and we thank the Committee for their assistance in getting the report done.

The biggest challenge that continues to face the Game Commission is finances. We have not received a license increase since 1998. I know of no other business or government entity that is still operating on primary revenue streams that are 13 years old. We continue to operate in a most efficient manner, but there is a point of declining returns. We closed out last year with a balance of approximately \$39 million on a cost accounting basis. Although that sounds like a significant balance, that amount barely covers half a year's budget authorization. We have seen some increase in Marcellus Shale revenues from the leasing program, but these revenues have not covered the decrease in the timber market in our habitat improvement cuts. As an example, three years ago we were receiving around \$12 million from our habitat work. Those revenues for the past three years have not exceeded \$6 million. Marcellus Shale revenue has allowed us to barely tread water, but not allowed us to move forward with much needed funding to support our many diverse wildlife habitat and species management programs. We recognize this is not the best environment to foster an increase in license fees. I do emphasize that this is a fee and not a tax. However, there will be opportunities for fee increases in the future, and we believe that the hunting and trapping licenses should be part of any fee increase discussion.

We also had the great fortune to have a \$4.7 million increase in federal funding through the Pittman-Robertson Program. We were able to improve a lot of infrastructure on state game lands and many habitat improvement projects. It is also allowing us to automate our state game land's records and plans. The downside was the fact that we had to obligate almost \$1.25 million in value from the existing Game Fund in order to receive this federal funding.

Our mission is broad-all wildlife for all people all the time; 480 species, 88 percent non-game, for nearly 13 million people. We provide service to the entire citizenry of the Commonwealth. However, only eight percent are funding that service. We do not ask if you have purchased a hunting license before we provide services. That means 92 percent of Pennsylvanians enjoy the wildlife management and state game lands benefits provided by the Game Commission without any investment.

With that in mind we would suggest there are other ways to increase revenues for the Game Commission. We have stated before that hunting brings in around \$212 million in state and local taxes. A percentage of that tax could be directed to the Commission. A Pennsylvania Excise Tax, similar to the federal Pittman Robertson, could be initiated in the future to help fund the wildlife conservation efforts of the Commonwealth. In the past, it also has been suggested that the General Assembly give the Commission the authority to set license fees which would allow for a more gradual increase and less impact on hunters as opposed to infrequent and larger increases.

Besides an increase in funding we have several areas that we would like to see the General Assembly address this year. First let me say that last legislative session was one of the best we have had in many years. Thanks to the leadership of Chairman Edward Staback we finally had an increased penalty bill that puts some teeth in wildlife protection. Additionally, Sen. Richard Alloway's sponsorship and the House support of the

Interstate Wildlife Violator Compact Bill, a bill that Rep. Marc Gergely had introduced in the past, is another law that strengthens the protection of the Commonwealth's wildlife resources. Another major bill last session was Rep. Bryan Cutler's bill that removed the myth that our officers had unfettered powers. This bill codified our normal operating procedures that followed case law and the Constitution.

We do need some legislation to clarify some aspects of law from Act 54 as it affected many parts of Title 34. We will be happy to work with you on that, especially on the officer assault portion. We would like to revisit the confiscation aspect of certain violations. We fully support the transfer of an antlerless license to a mentored youth by the adult mentor. We support the idea of eliminating the requirement that a license be displayed. One area that we believe is critical is to recognize Lyme disease as an occupational hazard for our Conservation Officers, wildlife biologists, foresters and food and cover employees. Additionally, after a license increase, we would like to see our Wildlife Conservation Officers included in the 50/20 retirement program that almost all other law enforcement officers have. Another piece of legislation is to allow our hunter trapper education program to be offered in schools. We believe this would greatly enhance recruitment. There are other legislative issues that we look forward to working with you on.

We had a pretty good 2009-2010 hunting season. The estimated deer harvest was 308,920 with 108,330 antlered deer and 200,590 antlerless deer taken. We issued 60 elk licenses and hunters harvested 44 elk. One elk that was taken this year will be the new state record for typical elk. Our bear harvest was one of our strongest with 3,513 bears being taken during the archery, regular bear and extended seasons. Spring turkey season continues to be one of our most popular hunting seasons. We had 228,900 turkey hunters in the spring. They had a 19% success rate with a harvest of 42,478 gobblers. Ruffed grouse flushes were higher than the long term average and continue to improve as we add more early successional growth areas in our forests.

On the threatened and endangered species side, we are very pleased to report that after a twenty-five year effort and great success we had 193 bald eagle nests located in 50 of the 67 counties. Additionally we had 29 peregrine falcon nests with 23 nests producing 62 young. These are considerable increases in a relatively short period of time that all Pennsylvanians should be proud of. However, there are still many species within the category of greatest conservation need. Those requiring habitats of grasslands and early successional forests are most at risk.

An area of concern continues to be the spread of Chronic Wasting Disease, CWD. It has become fairly prevalent in the western part of the United States and is now immediately to the south of us. In West Virginia there have been more reported cases and now Virginia has its first reported case. We test our harvested elk and a random sample of our deer harvest and continue to have no positives for CWD. We have continued to advise and emphasize the need to not bring in banned parts to Pennsylvania. With CWD that close to the border, it is not if Pennsylvania will get CWD, but when.

Another issue on the wildlife disease front is White Nose Syndrome. This disease continues to spread in Pennsylvania and is having a devastating effect on bat populations within hibernacula. We have had mortality incidents with well over ninety percent mortality in individual hibernacula. We are currently monitoring the activity in many areas of the state and can always use the help of the general public. They should report bat mortality as soon as possible for us to determine the cause of mortality.

Continuing with bats, our Wind Energy Cooperative Program continues to expand as we now have 28 wind energy cooperators. We have had concerns over increasing mortality of bats and birds in certain areas and at certain times of the year. We have estimates of mortality in the thousands of bats and increasing concern on some raptors. We believe we can minimize some mortality by implementing some best management practices for wind energy. We are working with individual cooperators in ways to best execute those programs.

A recent concern is the use of body gripping traps at distances from a water course. We had a few inappropriately placed traps that resulted in unfortunate taking of domestic animals. We are working with the Pennsylvania Trappers Association and have introduced a change to how those traps are to be set. Additionally, we welcome Rep. Gary Haluska's efforts on increasing the penalty for misuse of these specific traps.

In the administrative area, we are in our second year of implementation of the Automated License Sales System more commonly referred to as PALS and are looking at ways to improve the system. Several enhancements have been made to improve customer service. Most importantly we now have a complete data base of our hunters and trappers. This allows us to watch the churn rate meaning the number of hunters coming in and out of purchasing a license. This year the churn rate was almost 20 percent from last year license buyers. To assist our agents, we have lowered the bond requirement for many as the bond can be based on the amount of sales instead of the inventory of licenses they had on hand. The data base has allowed us to identify customer groups and in fact gave us appropriate information to run several surveys with our new Human Dimensions Coordinator. We are anticipating great advances in understanding our hunters and trappers' interest and desires in relation to our wildlife resources.

In respect to Growing Greener II, I am pleased to announce that we fully executed the monies made available to us under the program. A detailed list of the latest expenditures is available in the annual report. Some of the highlights include the lead remediation and reconstruction of our public ranges, improving habitat and the construction of a new wildlife education facility at Pymatuning.

An area that is a significant challenge is the increase in requirements for the Marcellus Shale program. A lot of the focus has been on water; however, all the surface use impacts from gas drilling and production are equally critical. Land operations such as geophysical seismic testing, access roads and pipelines, water and frac fluid temporary storage areas and well sites require various levels of permitting and wildlife resource

evaluations against threatened and endangered species and critical habitat types such as wetlands and hibernacula. This is a labor intensive process of clearing, mediating or mitigating the problem areas. We currently have a request to the Office of the Budget to increase our complement to handle this new and increased workload.

One of our relatively new programs is our Seedlings for School Program. From our Howard Nursery and in conjunction with our Wildlife Education Program we offer seedlings to schools for habitat and educational development. We provide the seedlings to be planted as well as a curriculum for the classroom and outdoor activities. In 2010 we distributed 169,200 seedlings to 870 different schools. We believe this a great way to bring our youth into the outdoors. This program is assisted with a sponsorship by the Wildlife for Everyone Endowment Foundation and Waste Management.

Another program that is focused on our youth is the revitalization of the National Archery in the School Program, NASP. The Commission's outreach coordinator has taken this as one the primary programs to accomplish over the next few years. We purchased kits and are partnering with the archery industry to place more programs in schools. This is a program that is an approved part of the Physical Education Curriculum in the state. The Statewide Championship for the NASP will be held at Penn State University on March 11.

We are very excited about a new outreach program with Harrisburg Area Community College. Although in the past we offered courses in the College, we have now partnered to offer a wildlife certificate program. A person will receive a wildlife conservationist certificate after taking four required courses and any three electives offered. Courses will be at the college or the Game Commission headquarters. We had an opening day information session and there were close to 100 people who attended and expressed great interest in the program.

As I have mentioned in previous reports, using Federal State Wildlife Grant monies, we have hired a biologist for each of the regions to focus on private lands. As you know almost eighty percent of the land in the Commonwealth is in private ownership. In order to affect habitat on a landscape level we need to have the assistance of private landowners. Over the past four years our efforts have resulted in over 943 plans being developed on 142,628 acres. This is a remarkable achievement and is only limited by the resources to expand and implement this program.

We continue with our wild pheasant reintroduction program. We have established 4 Wild Pheasant Recovery Areas, WPRA. The newest area, Hegins Valley, will receive birds for the first time this year. We are currently working to establish a fifth WPRA in Franklin County and are working with local groups and land owners to initiate that program with the goal of putting wild birds there beginning next year.

Our current class of Wildlife Conservation Officer Cadets will graduate on March 5, 2011. The 21 graduates will be immediately assigned to districts. However, because we will still have 16 vacant districts we

will start a new class in March 2012. This is a considerable expense, but we will fund it as a priority.

Even with limited resources we continue to serve the public and our wildlife resources. We have increased partnerships and leveraged every dollar imaginable to get the job done. We have the direction provided by our strategic plan. We have the will to do more and are only limited by the resources we have available to fulfill the needs of the citizens of the Commonwealth. I will be glad to answer any questions.