

EXECUTIVE SUMMARY:

AN INDEPENDENT INVESTIGATION AND SCIENTIFIC ASSESSMENT OF THE PENNSYLVANIA GAME COMMISSION'S DEER MANAGEMENT PROGRAM

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**Prepared For
The Pennsylvania State Legislature**

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**The deer reduction program was begun as a scheme to generate more money
for the state through increased timber sales.**

About a decade ago, the Pennsylvania Game Commission initiated a statewide deer reduction program. Although sportsmen were told that the reduction was in their best interest and would be temporary and limited, to date the herd has been decimated by 50-90% and more in some areas – rendering it nearly unhuntable in some parts of the state. The social and economic impacts have been incalculable: sportsmen who were once angered by deer reduction have become frustrated that their voices fall on deaf ears, general license sales have plummeted by 40-50%, the interest by youth is in a precipitous decline (a threat to the future of hunting), hunting camps stand empty and "for sale" across northern-tier counties, outdoor-related family businesses have gone bankrupt, and hundreds of millions of dollars are annually lost by the outdoor and sport-hunting industry across the Commonwealth. Considering the dwindling number of sportsmen, the ultimate risk to our Second Amendment Right to keep and bear arms is increasing. What, then, could be a reason for the Game Commission to risk so much?

I. GREEN CERTIFICATION: THE REASON FOR DEER REDUCTION

The deer reduction program was concocted in 1996 by Bryon Shissler – an independent wildlife biologist who has spent most of his career attempting to cull deer herds. Stemming from the 1992 Earth Summit in Brazil, in 1993 the newly-created Forest Stewardship Council (FSC) of Bonn, Germany began a process of certifying affiliates in 40 countries to operate their new Green Certification program. By 1995, FSC had certified Scientific Certification Systems, Inc. of Oakland, California as their U.S. representative. By 1996, SCS had certified Mr. Shissler as their Central Appalachian Regional representative, and Shissler had engaged DCNR in a pilot-year study to test the revenue-generating value of the Green Certification program for the agency. Although Shissler could have chosen any number of criteria on which to evaluate DCNR's forest management activities (such as acid-rain remediation, improved timbering practices, or maintaining stream quality), he chose the agenda-driven issue that had dominated his career – deer reduction. Therefore, to be awarded Green Certification, DCNR had to initiate herd reduction; to renew annual certification, DCNR had to continue to annually reduce the herd – indefinitely.

There was a problem – DCNR had no control over deer management. Deer management was controlled by the PGC. In 1998, the PGC complied with DCNR's need. First, Calvin DuBrock (Chief of PGC Research and Management) shifted Gary Alt from the bear program to head of the newly-created Deer Management Section. This move was done because Alt was the most sportsmen-trusted PGC staff member, and the person most likely to be able to convince sportsmen that deer reduction was necessary and in their best interest. Next, in 1998 PGC selected Scott Williamson of the Wildlife Management Institute to devise and recommend to the Commissioners the new deer reduction methods that should be deployed. Scott Williamson was already a proponent of deer reduction, and assisting him on the committee were Bryon Shissler and three other deer-reduction proponents (Cindy Dunn of Audubon, Susan Stout, and Ben Moyer). Thus, Scott Williamson and this Deer Management Working Group (DMWG) designed the deer reduction program during 1998-2000. Included in his recommendations were

the concurrent buck and doe season, increased antlerless allocations, the DMAP program, and changing from the traditional county-based management system to Wildlife Management Units (WMUs). This was an orchestrated effort between the PGC (Calvin DuBrock and Gary Alt) and Williamson and Shissler of the DMWG. It was concocted to deflect attention away from Green Certification, and to give the impression that the new deer management program was the result of an unbiased independent panel of broad interests. In sequence, Alt began his statewide lobbying tour for deer reduction, and the PGC initiated the herd reduction program. By then, DCNR and the 5-billion-dollar timber and wood-products industry had already been reaping the profits from Green Certification for two years.

To implement the plan, the then-governor initiated two actions: (1) he directed the PGC Board of Commissioners (BOC) to fire the agency's executive director, and inserted his friend, Vernon Ross, to serve at that post; and (2) he dismissed a member of the BOC who opposed deer reduction and by 2001 had hand-selected new members who were agreeable to approving the herd-reduction plan. In a March 2002 Greensburg Tribune-Review newspaper article, one of these new Commissioners, John Riley, was quoted as stating, *"The Game Commission is pushing the deer management plan because the state needs the deer herd reduced; and that's what this is all about – forestry, not wildlife. This isn't even a Game Commission issue, but we're making it that way."* Quoting from the article, *"Commissioner Riley explained that the deer management plan is actually a forestry bureau issue, based on the state forests 'Green Certification' – which creates a sizeable income to the state in timber sales."* Further quoting the article, *"Riley was just appointed to the Game Commission Board in January and his swift appointment was no mistake. He openly admitted that he now brings the number of commissioners to seven, an odd number that can swing the vote in favor of antler restrictions and high antlerless deer license allocations."*

These facts appear in *"An Independent Scientific Investigation of the Pennsylvania Game Commission's Deer Reduction Program"* and *"Proof of Scheme"*. Please note that only a handful of people orchestrated the deer-reduction program and continue its implementation. These documents are available at www.acsl-pa.org. All original documents pertaining to this matter are available for public review.

II. ECOSYSTEM MANAGEMENT: AUDUBON'S AGENDA FOR DEER REDUCTION

In 1999, Audubon Pennsylvania sponsored a deer-reduction conference in Harrisburg called the *"Conference on the Impact of Deer on the Biodiversity and Economy of the State of Pennsylvania"*. Speakers included Cindy Dunn (Audubon's Executive Director), John Oliver (Secretary of DCNR), Bryon Shissler, Susan Stout, Calvin DuBrock (PGC), Scott Williamson, and Ben Moyer. The keynote speaker was Gary Alt. Most of these people represented those who had initiated the Green Certification/herd-reduction program, and five of them were at that time in the process of designing the PGC's methods toward achieving herd reduction as members of the Deer Management Working Group.

In 2001, Audubon convened a deer management forum and assembled a team to develop an "ecosystem management" manual, and by 2005 this 362-page manuscript (*Managing White-tailed Deer in Forest Habitat From an Ecosystem Perspective*) was presented by authors including Roger E. Latham, Bryon Shissler, and Cindy Dunn. Robert Boyd, Calvin DuBrock, Chris Rosenberry, and Vernon Ross of the PGC were acknowledged in Audubon's Ecosystem Management master plan by stating, *"We are grateful to those..."* in the PGC who assisted. The manuscript listed Audubon's mission *"to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the Earth's biological diversity. The abundance of native wildflowers..."* Thus, Audubon had identified its mission to protect wildflowers and nongame birds and mammals (biodiversity), accomplished through reduction of the state's deer herd. Toward this end, the manuscript's strategic plan called for the merger of PGC and PFBC into DCNR – whom Audubon considered to be a more friendly participant.

It was the goal of Bryon Shissler, DCNR, and Audubon to change the mission of the Game Commission to accommodate their new vision of forest and wildlife management – from traditional game management and serving the interests of sportsmen and recreational hunting, to serving the forestry and biodiversity interests of DCNR and Audubon. Toward this end, Bryon Shissler testified before the Agricultural and Rural Affairs Committee regarding the deer management issue, stating, *"We are not suggesting that the people within the Game Commission or hunters are bad people. We need a wildlife agency that represents all the people not just deer hunters. One option to achieve this goal would be to broaden the current PGC Board of Directors from being exclusively hunters to include a representative selected by residential communities, forest landowners, agriculture, environmental/conservation NGO's etc..."* Thus, the goal of Shissler and Audubon was to change the PGC from a game management agency to serving more as a biodiversity subsidiary of Audubon. This, regarding deer management, they have achieved.

In 2009, Dan Devlin (DCNR's Bureau of Forestry Chief), convened a forum and assembled a team to adopt Audubon's "ecosystem management" philosophy for DNCR. This plan for ecosystem management and biodiversity is to be achieved through reduction of the deer herd. Its authors included Roger E. Latham, Bryon Shissler, and Chris Rosenberry (PGC's deer section leader).

Also in 2009, Chris Rosenberry authored PGC's deer management plan (*Management and Biology of White-tailed Deer in Pennsylvania 2009-2018*). In it, he described PGC's version of ecosystem management that PGC calls "adaptive management" – *"focused on monitoring responses to management actions and learning"*. This new approach to deer management discards the traditional need for quantitative scientific data and replaces it with "value-laden" measures, such as monitoring the impacts on wildflowers and reducing the deer herd until indicator wildflowers (including trillium, Canada mayflower, and Indian cucumber root) occur in sufficient numbers within the forest. In addition to biodiversity, PGC goals include improving deer health and forest health (seedling regeneration). By adopting such a value-laden subjective method of deer management that relies on wildflower impacts instead of scientific data regarding forest carrying capacities and herd densities, PGC is now able to reduce the herd to any level with impunity – without scientific accountability or even knowing how many deer exist. When asked by Commissioner Tom Boop at the April 2011 commissioners meeting if he knew how many deer existed in the state, Rosenberry responded, *"No! It doesn't matter."* By instilling their personal vision of what the PGC represents and deliberately replacing the chartered mission of the agency with their new agenda-driven concept, a few staff members are violating state law – Title 34: The Game and Wildlife Code.

Although the deer-reduction program had been initiated toward achieving an annual Green Certification award for DCNR (and, thus, enhancing the domestic and international sale of timber from state forest lands), within five years Audubon had been successful in designing and installing their new "ecosystem management" philosophy into DCNR and the PGC. In so doing, Bryon Shissler and Audubon were successful in the elimination of the traditional decades-long "maximum sustained yield" wildlife management philosophy – a scientific and quantitative/data-intensive game management method that had made Pennsylvania the number two deer-hunting state in the nation – and in supplanting this traditional game management philosophy with their value-laden and qualitative version that emphasized the value of wildflowers, native shrubs, and nongame wildlife over deer.

III. A SCIENTIFIC ASSESSMENT OF THE DEER-REDUCTION PROGRAM

Therefore, the combined ecosystem management goals – the principal issues that have been used by Audubon, DCNR, and PGC to justify the permanent reduction of the deer herd – are biodiversity, deer health, and forest health (seedling regeneration). Permit the author to very briefly address these issues, and to dismiss them as being without scientific merit.

A. Regarding Biodiversity. There are 464 other species of birds and mammals in Pennsylvania in addition to deer, and it has been implied (and even stated by a science-trained but intensely-lobbied member of the Board of Commissioners) that all 464 species are negatively impacted by deer. However, at close inspection, of about 400 species of birds, only ruffed grouse and about 18 species of songbirds might experience a significant population increase if deer are reduced in numbers. Further, 14 of these 18 songbirds are listed as commonly occurring throughout the state's forests, indicating that the deer herd has been sacrificed to potentially increase the numbers of grouse and little more than a dozen already-common songbirds. Of the roughly 70 mammals in the state, only one, the snowshoe hare, has been identified as having the potential to significantly increase in numbers as a result of deer reduction.

To the inspection of an ideologue, it might be justifiable to decimate the Commonwealth's deer herd in order to achieve even the slightest degree of his agenda. However, reasonable people – whether they are sportsmen, non-hunters, or elected-officials – should find it difficult to accept the great and lasting impacts to tradition, society, and our economy that have resulted from the deer-reduction program in order to potentially benefit snowshoe hares, grouse, and a handful of already-common forest-dwelling songbirds. Based on biodiversity, therefore, there is no scientific justification for herd reduction.

It should be noted that in 2009, a multi-year wildflower biodiversity study was published by Susan Stout of the U.S. Forest Service – a staunch promoter of herd reduction. In the report, she stated that results "surprisingly" indicated that plant biodiversity (including trilliums, Canada mayflowers, and Indian cucumber roots) had not improved 10 years following deer reduction. Would it not have been prudent to conduct such a study prior to implementing such a draconian deer-reduction plan on the false premise that herd reduction would improve vegetative biodiversity?

B. Regarding Deer Health. A nine-year PGC deer-health study was conducted between 2000-2008 in all 22 Wildlife Management Units throughout the state. The number of embryos per adult doe were counted as an indicator of deer health. From another 2006 PGC study, it had been established that 1.5 embryos per doe represented deer in good health, and deer were not considered to be in poor health until the count declined below 1.1 embryos per doe. In all 22 WMUs over the 9-year period, embryo counts ranged from 1.51 to 1.61 per doe, and averaged 1.57 per adult doe. This data indicated that deer were not in poor health, and, therefore, the forest had been and remains in good health.

At the agency's April 11, 2011 BOC meeting, Deer Section Leader Chris Rosenberry stated, "*Annual herd reduction is based on accomplishing two goals: deer health and forest health.*" Rosenberry stated, "*All WMU's are achieving deer health goals. Fawn/doe ratios have been stable and good since 2003.*" Thus, Rosenberry had indicated that a second deer-health study lasting from 2003 to the present verifies that deer had been and remain in good health. Based on deer health, therefore, there is no scientific justification for herd reduction.

C. Regarding Forest Health. Considering that two of the three goals of PGC and "ecosystem management" (biodiversity and deer health) are of inconsequential significance as a justification for the draconian reduction of the Commonwealth's state mammal (see the above two sections), let us assess the scientific merit of the PGC's third justification for herd reduction – forest health (seedling regeneration).

In 2006 (six years after deer reduction had begun), DCNR conducted a statewide browsing survey and published the "*Browsing Impact Report for the Pennsylvania State Forests.*" Although the report concluded that the deer herd is a destructive force on Pennsylvania forests that has not yet been reduced far enough, this conclusion seems to be contradicted by data within the report. From the study's over 40,000 survey sites, nearly 90% of forest regeneration experienced "none to light" browsing by deer. This

increased to 96% when regeneration that was "moderately" browsed was included. Therefore, only 4% of forest regeneration was categorized as "heavily" or "severely" browsed.

In a published report in the Penn State Agricultural Magazine by Dr. William Sharpe of Penn State's College of Agricultural Sciences, Dr. Sharpe wrote, *"Red maple is replacing trees that have high economic value. Its soft wood, color, and grain aren't as highly valued as that of oak."* Stating in the article, *"Forest hydrologist William Sharpe – who has chronicled the effects of acid rain in Pennsylvania for several decades – also has watched as red oaks decline and red maples become predominant. He maintains that soils in many places have become too acidic to support adequate growth of red oak. According to Sharpe, Pennsylvania's forest soils for many decades have been absorbing acidic precipitation originating in the Ohio Valley – the greatest industrial complex in the world. Large mature oaks are dying, and that cannot be blamed on deer."* Quoting from the article, *"Penn State research in the 1970s found that deer actually preferred to browse red maple over red oak, so Sharpe does not subscribe to the deer hypothesis."* Again, would it not have been prudent and scientifically responsible to refer to this scientific Penn State study before initiating the deer-reduction program?

At the PGC's April 11, 2011 commissioners meeting, the agency's Director of the Bureau of Habitat Management, Bill Capouillez, stated, *"The trend in forest health over the last five years is that as many WMUs went up in regeneration as went down. Some WMUs increase in forest regeneration one year, and go down the next."* The conclusion is that the forest has not produced more seedling regeneration and no trend is evident regarding seedling regeneration after 10 years of herd reduction.

It is evident, therefore, that the deer-reduction program was initiated toward achieving Green Certification for DCNR, and that later attempts to justify herd reduction based on biodiversity, deer health, and forest health were feeble after-the-fact attempts to justify this action. A scientific assessment of these issues indicates that there was and remains no scientific justification for the deer-reduction program. The resulting impacts to society, economy, the natural ecosystem, and the PGC itself are incalculable. The PGC staff should be held accountable for this level of incompetence.

IV. AUDIT OF THE DEER PROGRAM

On July 26, 2007, former PA Rep. David Levdansky presented a proposal to Chairman Ed Staback of the House Game and Fisheries Committee (HGFC) to conduct an audit of the PGC's deer management program. The request was denied, and soon found to consist of 23 cleverly-designed questions that if answered, would have yielded a positive response in favor of PGC and the deer program. About two months later on October 3, 2007, Tim Schaeffer (then Executive Director of Audubon and now a ranking member of the PA Fish and Boat Commission) again presented the same fraudulent proposal to the Chairman of HGFC. As before, it was rejected, and soon found to be the identical proposal that had been previously presented by Rep. Levdansky. This proposal was also rejected by the Chairman of the Legislative Budget and Finance Committee because of concerns regarding bias and the inability to identify its author considering that the chairman knew that Levdansky did not possess the knowledge to have written this highly-technical proposal. Because of this concern regarding the legitimacy of the proposed Levdansky audit, LBFC shifted the responsibility for the audit's integrity "onto the shoulders" of HGFC by requesting that HGFC prepare a resolution, and agreed to conduct an audit as directed by HGFC – House Resolution 642. However, the text of HR 642 was used by Rep. Levdansky only as the two introductory sections of the request-for-proposal, and 15 of the original 23 questions from the Levdansky/Audubon original fraudulent proposal were switched into the audit as the "Scope of Work."

To compound the audit fraud, the \$95,000 contract was awarded to Scott Williamson of the Wildlife Management Institute – the man who had designed the PGC's deer-reduction program in 1998-2000 as

Chairman of the Deer Management Working Group (see Section I of this document). This represents a blatant conflict of interest and possible violation of state law. A detailed account of the audit issue entitled "*Mismanagement of Pennsylvania's Deer Herd*" is available online at www.acsl-pa.org.

V. INFLUENCE OF THE PRIVATE TIMBER INDUSTRY

A member of the BOC stated before other members that Green Certification was a compelling story, but baseless and not a factor affecting the timber industry nor herd management. However, at inspection of the principal lumber company's website which operates in his district, Green Certification appeared as the company's principal marketing tool. Further inspection revealed that their international marketing spec-sheets (in German and Chinese) showcased their ability to achieve Green Certification and served as their principal international marketing tool. Inaction by the BOC continues to serve the interests of the timber industry (which continues to lobby the BOC to "stay the course" and even increase antlerless allocations) at the expense of sportsmen and recreational hunting.

VI. GROWING PROTEST

On December 31, 2010, William Shaffer, former Chief Forester for the PGC, wrote to the PGC Board of Commissioners: *"I am a retiree of the PGC, 1994, from the position of Chief, Forestry Division, then Bureau of Land Management. I am concerned AND angered by the mismanagement of the deer herd in PA under the guise of biodiversity. A feigned lack of forest regeneration caused by deer was a pretext used to correlate and established such a fact, which, in fact, never existed. Research by Penn State professors show acid rain, rodents, ferns, et. al. have more impact on a lack of new regeneration than deer. I saw this happening during my career as a forester, repeatedly. This information was provided to the Commission by several Penn State staff and ignored while I was working. It is time for serious effort to elevate the number of deer or for what reason is the PGC relevant!"*

In a February 3, 2011 Pennsylvania Outdoor News article, recently-retired DCNR Policy Director, Rick Carlson, stated, *"I don't think the Game Commission has enough data to make decisions about deer management. DCNR has dropped the ball, too."*

In an April 13, 2011 Pittsburgh Tribune-Review newspaper article, PGC Commissioner and attorney Tom Boop was quoted from the previous day's commissioners meeting as stating, *"I'm just really tired of catering to the timber industry on wildlife. Whether people like it or not, we are about providing recreational opportunities for hunters, Boop said."*

Nearing the end of his 8-year term as Commissioner, Tom Boop stated in his farewell remarks on June 27, 2011: *"Quite candidly, ladies and gentlemen, there is no "sound science" with this program. We now have an almost completely subjective program that is not based on science and I will forever cringe when I hear the term "sound science" as applied to the current deer management program of this agency. I, for one, do not believe that the ability to sell timber from certified forests or having some trillium on the ground comes even remotely close to compensating for what we have lost. I am concerned that all of our other accomplishments may eventually be for naught if we do not change our current deer management program. What we have, in my opinion as an outgoing Commissioner, is a failed program that needs to be "scrapped" and we need to start over with the best and brightest professionals that we can hire."*

Sportsmen's groups and firearms owners from around the state have become intolerant of the deer-reduction program and are uniting in a common desire for transparency and accountability. This large and growing "Coalition of Concerned Sportsmen" asks that elected officials now intervene toward resolving Pennsylvania's deer-management dilemma, and toward preserving the tradition of deer hunting.

VII. CONCLUSION

DCNR's Green Certification program remains in operation and PGC continues to comply with the program through high antlerless allocations, DMAP, the concurrent buck/doe season, and antler restrictions. In addition to DCNR, the timber industry now uses Green Certification as its principal marketing tool to enhance the sale of lumber and wood products in the United States, Europe, and China. This year antlerless allocations will increase by 12% over last year – from 815,453 to 913,000 this year. The number of DMAP permits has been increased to a virtually limitless number.

The PGC, DCNR, and Audubon have discarded the long-held traditional natural resource management philosophy of "maximum sustained yield", and have replaced it with a qualitative, value-laden, "ecosystem management" approach. These three organizations have evolved into a like-minded single-functioning unit with a common goal – achieved through the permanent reduction of the deer herd.

Audubon, DCNR, and lobbyists representing the 5-billion-dollar timber industry continue to influence the decision-making process of the BOC. Intense lobbying of the BOC and the insubordinate and unyielding determination of the PGC executive staff to continue herd reduction at any cost have created an extremely contentious atmosphere within the BOC and between the BOC and PGC staff, and has rendered the BOC as virtually impotent toward devising an unbiased solution to the dilemma. While some on the BOC struggle to serve the best interest of sportsmen and the resource, others seem to have forgotten their pledge and their mission.

After reviewing state law, it is evident that the PGC's deer-reduction program was designed and continues to operate in violation of Title 34 – The Game and Wildlife Code. (Specifics regarding this violation are available upon request.) Members of the PGC staff who concocted the scheme and continue to perpetrate the herd-reduction program in the best interest of a few special interests should be held to the highest level of accountability for the severe and lasting impacts that the program has wrought on the Commonwealth. It is high time that the Game Commission realizes that its mission and first responsibility is to conserve the wildlife resource while serving the best interest of those who use and enjoy the resource. It is not to serve forest and biodiversity issues or the best interests of the timber industry and Audubon.

That a game agency would intentionally decimate the dominant herbivore from a statewide ecosystem is unprecedented – possibly considered as a 100-year event in the national wildlife management community. That it was orchestrated by special interests without scientific or social justification is a travesty. That the event has not been swiftly and decisively resolved after over a decade of severe and increasing negative impacts is unconscionable. According to a former commissioner, before leaving the PGC Gary Alt stated, *"When two or three generations of deer hunters die, no one will remember the good old days."* Considering the rapid rate of decline in general license sales and youth hunters because of the lack of deer, this goal of Gary's and a handful of ideologues is likely to be achieved sooner than later.

In "The Conservancy Corner" (August 24, 2011 Penn-Franklin News), the article described a walk on a woods trail, stating, *"The first thing I noticed was the numerous Indian cucumber roots that were fully intact. Usually the tops of these two-tiered (wildflowers) are loped off by deer. Likewise there were scattered patches of black cohosh and American bugbane with intact flowers unbrowsed by deer."* Therefore, after more than a decade of radical deer reduction, there are more sightings of a few wildflowers with fully-intact flowers. These are the benefits derived from decimating the Commonwealth's deer herd. Do these few benefits even come close to compensating for what we have lost? What have we permitted to happen? Why do we allow it to continue?

