

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

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BOARD OF COMMISSIONERS MEETING

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BEFORE: James J. Delaney, Jr., PRESIDENT
Ronald A. Weaner, Vice-President
David W. Schreffler, Secretary
Gregory J. Isabella, Commissioner
Thomas E. Boop, Commissioner
David J. Putnam, Commissioner
Robert W. Schlemmer, Commissioner
Ralph A. Martone, Commissioner

HEARING: Tuesday, April 20, 2010
8:30 a.m.

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

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DISCUSSION AMONG PARTIES

4 - 111

P R O C E E D I N G S

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PRESIDENT DELANEY:

Good morning. Welcome to the quarterly meeting of the Pennsylvania Game Commission Board of Commissioners meeting. If you'd be kind enough to stand and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT DELANEY:

A few things before we proceed. We had a very good day yesterday hearing public testimony and some really good staff reports. As we move through today, I ask everyone to stay --- to be very professional and courteous to each other no matter how the votes and the business proceeds today. And I ask you to consider to putting your telephones or your cell phones on vibrate to be respectful to the rest of the group here. Mr. Secretary, if I can have you call for the roll call of officers?

SECRETARY SCHREFFLER:

Yes, Mr. President. Commissioners, please indicate your presence as I call your name. Ralph Martone?

COMMISSIONER MARTONE:

Here.

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SECRETARY SCHREFFLER:

Robert Schlemmer?

COMMISSIONER SCHLEMMER:

Present.

SECRETARY SCHREFFLER:

David Putnam?

COMMISSIONER PUTNAM:

Here.

SECRETARY SCHREFFLER:

Thomas Boop?

COMMISSIONER BOOP:

Present.

SECRETARY SCHREFFLER:

Gregory Isabella?

COMMISSIONER ISABELLA:

Present.

SECRETARY SCHREFFLER:

David Schreffler, present. Ron Weaner?

VICE-PRESIDENT WEANER:

Here.

SECRETARY SCHREFFLER:

James Delaney?

PRESIDENT DELANEY:

Present.

SECRETARY SCHREFFLER:

1 Mr. President, all Commissioners are
2 present and accounted for.

3 PRESIDENT DELANEY:

4 Thank you, Mr. Secretary. First order of
5 business I'd like is an approval of the minutes of the
6 previous meeting held January 26th, 2010.

7 COMMISSIONER BOOP:

8 So moved.

9 VICE-PRESIDENT WEANER:

10 Second.

11 PRESIDENT DELANEY:

12 Commissioner Boop, Commissioner Weaner.

13 All those in favor signify by saying aye.

14 CHORUS OF AYES

15 PRESIDENT DELANEY:

16 Mr. Secretary?

17 SECRETARY SCHREFFLER:

18 Mr. President, the vote is unanimous to
19 approve the minutes.

20 PRESIDENT DELANEY:

21 Thank you, Mr. Secretary. At this time
22 I'll call on our Legal Counsel, Brad Bechtel, to begin
23 with the proposed rulemaking.

24 ATTORNEY BECHTEL:

25 The first item to come before the

1 Commission today is an amendment of 58 Pa. Code by
2 adding Section 131.9. It is the duty of the
3 Pennsylvania Game Commission to propagate, manage and
4 preserve the game or wildlife of the Commonwealth. To
5 effectively manage the wildlife resources of this
6 Commonwealth, the Commission participates in various
7 reviews for development projects across the
8 Commonwealth. The two most common types of records
9 and reviews are those collected pursuant to the
10 Voluntary Wind Power Cooperative Agreements and those
11 collected through the screening process with the
12 Pennsylvania Natural Heritage Program.

13 While some records may overlap, these are
14 two distinct bodies of records. Many times the
15 information gathered and shared is with regard to
16 threatened and endangered species, and even more
17 often, the information is with regard to species of
18 special concern and greatest conservation need. In
19 many cases it is developed by developers themselves
20 and is proprietary with regard to the site, the
21 protocol and the findings. In all cases, information
22 gathered and shared during these reviews are necessary
23 to formulate policy and recommendations regarding
24 policy and actions, including regulations and
25 decisions about legal actions with regard to various

1 types of developments.

2 In addition, the Commission keeps records
3 regarding hunting and furtaking licenses in order to
4 effectively manage the wildlife resources of this
5 Commonwealth. Finally, many records contain personal
6 identifying information, which is necessary to
7 predeliberative action, proprietary or the disclosure
8 of which carries substantial and demonstrable risk of
9 physical harm.

10 The Commonwealth established a new
11 Right-to-Know Law effective January 1st, 2009.
12 Pursuant to that law, the definition of public record
13 has changed and the list of exemptions to disclosure
14 has grown. Whereas under prior law documents relating
15 to reviews would not have been of the kind or
16 character to be of public record, under current law
17 they would be classified as such. In addition,
18 hunting and furtaking license records were
19 specifically exempt from disclosure by 34 Pa.C.S.
20 Section 325. However, with passage of the new law,
21 questions have again arisen with regard to these
22 classes of sensitive information.

23 In order to clarify for the Commission
24 staff and public how the Right-to-Law will be
25 implemented with regard to the classes of records

1 indicated as those collected for review and those
2 related to hunting and furtaking licenses, the Staff
3 is proposing the amendment of 58 Pa. Code by adding a
4 new section, 131.9, the text of which appears on page
5 three of your agenda. The Executive Director and
6 Staff recommend the Commission approve this addition.

7 PRESIDENT DELANEY:

8 Thank you, Brad. Do I hear a motion on
9 this proposed rulemaking?

10 COMMISSIONER ISABELLA:

11 Motion.

12 VICE-PRESIDENT WEANER:

13 Second.

14 PRESIDENT DELANEY:

15 Who was the motion? Commissioner
16 Isabella, second Commissioner Weaner. All those in
17 favor of the vote signify by saying aye.

18 CHORUS OF AYES

19 PRESIDENT DELANEY:

20 Opposed?

21 SECRETARY SCHREFFLER:

22 Mr. President, the vote is unanimous to
23 carry the motion.

24 PRESIDENT DELANEY:

25 Thank you, Mr. Schreffler.

1 ATTORNEY BECHTEL:

2 The next item comes from the Bureau of
3 Wildlife Management in terms of adopted rulemaking,
4 the adoption of proposed amendments to Section 139.4.
5 To effectively manage the wildlife resources of this
6 Commonwealth, the Game Commission, at its January
7 26th, 2010 meeting, proposed the following changes:
8 to amend Section 139.4 relating to seasons and bag
9 limits for the license year, to provide updated
10 seasons and bag limits for the 2010-2011 hunting
11 license year. The effects of those changes appear on
12 pages 5 through 12 of your agenda. The Executive
13 Director and Staff continue to provide information to
14 the Board.

15 PRESIDENT DELANEY:

16 Commissioners, you've heard the
17 commentary. Do I have a motion?

18 COMMISSIONER SCHLEMMER:

19 I make a motion.

20 PRESIDENT DELANEY:

21 Motion Commissioner Schlemmer.

22 VICE-PRESIDENT WEANER:

23 I'll second the motion.

24 PRESIDENT DELANEY:

25 Second Commissioner Weaner. Any

1 discussion, Commissioners? All those in favor of the
2 motion, say aye.

3 CHORUS OF AYES

4 PRESIDENT DELANEY:

5 Opposed?

6 SECRETARY SCHREFFLER:

7 The vote is unanimous to carry the
8 motion.

9 PRESIDENT DELANEY:

10 Thank you, Mr. Secretary.

11 VICE-PRESIDENT WEANER:

12 Mr. President?

13 PRESIDENT DELANEY:

14 Yes?

15 VICE-PRESIDENT WEANER:

16 With regard to this item, you announced
17 that this did pass; correct?

18 PRESIDENT DELANEY:

19 Yes. What we're going to do as far as
20 the seasons and bag limits, we're going to take it one
21 page at a time.

22 VICE-PRESIDENT WEANER:

23 Oh. I think if that's the way that
24 you're going to do this, you're going to have to do
25 some parliamentary change here. And you have a motion

1 that passed, and so if you're going to go back and go
2 through this and accept amendments, we're going to
3 have to rescind that motion or something similar to
4 that, which our Counsel may suggest.

5 PRESIDENT DELANEY:

6 Well, I'm for that because it's my
7 understanding that there will be some adjustments with
8 seasons and bag limits. So, Commissioners, if any one
9 of you want to move forward in that direction, feel
10 free to put a motion on the floor.

11 COMMISSIONER SCHLEMMER:

12 I'll make a motion that we vacate the
13 vote on the last motion for this for the season and
14 bag limits.

15 PRESIDENT DELANEY:

16 Second?

17 COMMISSIONER BOOP:

18 Second.

19 PRESIDENT DELANEY:

20 We have a motion. We have a second.

21 Discussion?

22 VICE-PRESIDENT WEANER:

23 Point of order. I think we ought to get
24 a reading from our Solicitor on this. I'm not sure
25 that this is the proper way to handle it. It might

1 be, but I think we ought to get a reading from him.

2 PRESIDENT DELANEY:

3 Okay, Mr. Vice-president. We'll do that.

4 ATTORNEY BECHTEL:

5 I believe there are probably several
6 choices, but what I hear is that you would like to
7 reconsider the approval and you'll offer amendments.
8 If I'm correct --- and I know some folks have other
9 experience, but if I'm correct, it would be easier to
10 vote to reconsider and basically reopen the discussion
11 to take amendments and take a second vote.

12 SECRETARY SCHREFFLER:

13 Should I restate the amendment?

14 PRESIDENT DELANEY:

15 Well, we had a motion, we had a second,
16 we had discussion, and I'll follow the advice of our
17 legal Counsel from this point.

18 SECRETARY SCHREFFLER:

19 Do you want me to restate the motion?

20 ATTORNEY BECHTEL:

21 That would be appropriate.

22 PRESIDENT DELANEY:

23 Yes. Our legal Counsel thinks that
24 that's appropriate, so go ahead.

25 SECRETARY SCHREFFLER:

1 Okay. My motion is that we reconsider
2 the previous motion on the seasons and bag limits.

3 VICE-PRESIDENT WEANER:

4 Second.

5 PRESIDENT DELANEY:

6 Commissioner Schreffler, Commissioner
7 Weaner second. Again, any discussion? All those in
8 favor signify by saying aye.

9 CHORUS OF AYES

10 PRESIDENT DELANEY:

11 Opposed?

12 SECRETARY SCHREFFLER:

13 The vote is unanimous to reconsider.

14 PRESIDENT DELANEY:

15 Thank you, all Commissioners. So now
16 we'll go to Exhibit A, page five of seasons and bag
17 limits. And I will ask Commissioners if there are any
18 concerns or amendments to be added to page five?
19 Commissioners, page six?

20 SECRETARY SCHREFFLER:

21 There were no changes for page five.

22 Page six, I have an amendment for Bobwhite quail,
23 which is about three-quarters of the way down, page
24 six, to read, Bobwhite quail, the hunting and taking
25 of Bobwhite quail is permitted in all WMUs except in

1 WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is
2 closed. The portion that said about the first and
3 last day in open season and so on is to be eliminated.

4 PRESIDENT DELANEY:

5 Do we have a motion ---?

6 SECRETARY SCHREFFLER:

7 And the dates --- the first day will be
8 October 23rd to --- the last day is November 27th.
9 The daily limit of four, and field possession limit
10 after the first day is eight.

11 PRESIDENT DELANEY:

12 We have a motion on the floor. Do we
13 have a second?

14 COMMISSIONER MARTONE:

15 There's more on the page.

16 PRESIDENT DELANEY:

17 While we're on page six, Commissioner,
18 there should be a second page there that should
19 address hares, rabbits and woodchucks.

20 SECRETARY SCHREFFLER:

21 There's woodchuck and groundhogs also ---
22 the amendment on that page should read, there is no
23 closed season except during regular firearm hare
24 season and during legal hunting hours of the spring
25 gobbler turkey season. This would eliminate the

1 phrase, until noon. And the bag limit is unlimited.

2 COMMISSIONER WEANER:

3 I second the motion to amend.

4 PRESIDENT DELANEY:

5 Motion made. Motion seconded. Any
6 discussion, Commissioners? All those in favor signify
7 by saying aye.

8 CHORUS OF AYES

9 PRESIDENT DELANEY:

10 Opposed?

11 SECRETARY SCHREFFLER:

12 Mr. President, the ayes were unanimous
13 and the motion is passed.

14 PRESIDENT DELANEY:

15 Okay. With regard to the seasons and bag
16 limits, I would ask all to turn now to page ten and
17 we'll go directly to the black bear season. I'll give
18 you a chance to get to that page. And you can see
19 black bear any age and what the season is as listed
20 there on page ten. It's just a point to start page
21 ten. Is there any other concerns on page ten with
22 regard to seasons and bag limits other than black
23 bear?

24 SECRETARY SCHREFFLER:

25 Mr. President, I would like to make an

1 amendment to black bear.

2 PRESIDENT DELANEY:

3 Certainly. That's your motion. Do we
4 have a second?

5 COMMISSIONER WEANER:

6 Let's hear the motion.

7 PRESIDENT DELANEY:

8 Go ahead.

9 SECRETARY SCHREFFLER:

10 I'd like to make a motion to change the
11 statewide bear, black bear season to November 22nd to
12 November 24th with the following extensions: black
13 bear any age in WMU 3C and that portion of WMU 3B east
14 of Route 14 from Troy to Canton, east of Route 154
15 from Canton to Route 220 at LaPorte and east of Route
16 42 from LaPorte to Route 118 and that portion of 4E
17 east of Route 42. Portions of WMU 2G in Lycoming and
18 Clinton Counties, and 3B in Lycoming County that lie
19 north of the west branch of the Susquehanna River,
20 from Route 405 Bridge west to Route 15 at
21 Williamsport, Route 15 to Route 220 and north of Route
22 220 to the Mill Hall Exit, north of State Route 2015
23 to Route 150, east of Route 150 to Lusk Run Road, and
24 south of Lusk Run Road to Route 120, Route 120 to
25 Veterans Street Bridge to State Route 1001, east of

1 State Route 1001 to Croak Hollow Road, south of Croak
2 Hollow Road to Route 664 at Swissdale, south of Route
3 664 at Little Plum Road, the intersection of State
4 Route 1003, south of State Route 1003 to State Route
5 1006, south of State Route 1006 to Sulphur Run Road,
6 south of Sulphur Run Road to Route 44, east of Route
7 44 to Route 973, south of Route 973 to Route 87, west
8 of Route 87 to Route 864, south of Route 864 to Route
9 220, and west of Route 220 to Route 405, and west of
10 Route 405 to the west branch of the Susquehanna River.
11 Also, taking bear at any age in Wildlife Management
12 Units 3A, 3D, 4C, 4D, 4E, 5B and 5C from December 1st
13 to December 4th. That is my motion.

14 PRESIDENT DELANEY:

15 Commissioners, is there a second?

16 COMMISSIONER ISABELLA:

17 Second.

18 PRESIDENT DELANEY:

19 Discussion?

20 SECRETARY SCHREFFLER:

21 Yes, I'd like to discuss that. The
22 changes to a Saturday opener, at first appearance,
23 looked slightly uneven, a non-work day, a non-school
24 day and so on. As I thought things through, I'd like
25 to express some concerns that I had.

1 First of all, our policy is to stabilize
2 the bear population, and in doing this, we will need
3 to remove approximately 20 percent of that population
4 each year. We have an exemplary bear management
5 program. We know how to effectively control bear
6 population and increase and decrease it and take care
7 of a lot of our problem. We have one of the largest
8 populations of black bears and harvest some of the
9 largest trophies in the United States. In my view, we
10 are not fixing a problem. We don't have any idea what
11 will result from these changes. It's been indicated
12 that the number of licenses for gaming on Saturday
13 opener would be a wash with those purchasing a bear
14 license in the extended season during deer season.

15 My next concern is expenditures, staff
16 overtime for the weekend duty as new arrangements must
17 be made for bear check stations. The low harvest ---
18 if we have a low harvest, of course, whether to
19 implement an extended season would be a problem. Of
20 course, there will be no infrastructure to do bear
21 checks and it would cause an additional burden on the
22 conservation officers in the regional office and
23 officers who have other duties. With no extended
24 season in the problems areas, this will result in
25 added expenses for trap and transfer and additional

1 complaints for bear damage.

2 Then there is the other important issue,
3 and that's the other big game animal, the turkey.
4 Saturday, November 20th is the biggest day of all
5 season, and then there is the Hen Turkey Survival
6 Study, which is already done. The turkey plan is
7 being implemented according to the plan. The funds
8 for the Hen Survival Study are in the works. The
9 study design is done. The birds have been trapped and
10 tagged, some with reward tags. And the study seems to
11 be critical to improving management decisions for more
12 hunter opportunity. The last day of that fall turkey
13 season, November 20th, which is scheduled to be the
14 opening of the bear season, or is desired to be the
15 opening of the bear season, is the biggest harvest
16 day, 45 percent of that week's take. And when groups
17 go to camp for bear, they often do the turkey hunting.

18 If we dramatically redesign this turkey
19 plan, the study must get the approval from the federal
20 provider of funds, Pittman-Robertson funds. Not only
21 that, hunter success for turkey is about ten percent,
22 whereas hunter success for bear is about three
23 percent. And the argument for recruiting more youth
24 is going to be much harder with the bear than it would
25 be with the turkey.

1 Lastly there's a social issue. Six to
2 one hunters have expressed a desire for the
3 traditional season, and so therefore, I encourage my
4 fellow Board members not to vote for a Saturday
5 opening day, and to accept this amendment, and send
6 any proposal for a Saturday opening day for further
7 study and a more measured approach to the Staff for
8 further study.

9 PRESIDENT DELANEY:

10 Commissioners, discussion?

11 COMMISSIONER ISABELLA:

12 Mr. President?

13 PRESIDENT DELANEY:

14 Commissioners Isabella?

15 COMMISSIONER ISABELLA:

16 Thank you. I understand the intent of
17 the proposal that is up for final adoption, but I
18 believe that was conceived too quickly, and here are
19 my reasons. Number one, I have much concern that we
20 may not reach our 20 percent harvest targeted by our
21 bear team in the three-day season. Two, the target
22 harvest can be hindered by inclement weather. And any
23 type of species management cannot be held hostage by
24 inclement weather.

25 Three, the Turkey Hen Study is in

1 jeopardy due to a loss of that Saturday, which would
2 be the proposed opening day of bear season. Four, the
3 hen study has already cost the Game Commission
4 \$250,000 in purchases of collars, tracking of birds.
5 Money doesn't grow on trees, at least where I come
6 from.

7 Five, the PGC comments were six to one
8 against the proposal. And at the sport show when I
9 was there, it was running like four to one against.
10 And hunters do not know what is being voted for
11 because they don't know what's going on in our working
12 groups. Six, this can also have a reverse effect
13 financially in license sales for people who purchase
14 their bear stamps because there's no extended season.
15 Lastly, the bear team and staff were against that
16 proposal. So in my opinion, these are serious
17 concerns and I intend to support this amendment.
18 Thank you, Mr. President.

19 PRESIDENT DELANEY:

20 Commissioners, other discussion?

21 Commissioner Boop?

22 COMMISSIONER BOOP:

23 With respect to this proposal, we are
24 trying something and there are some risks. I would
25 have been more comfortable if we had gone Saturday,

1 Monday, Tuesday, Wednesday, but there were some
2 concerns about the length of time for the check
3 stations on a Wednesday, so the proposal was scaled
4 back. I'm also concerned about not having the
5 extended seasons in some of the WMUs, but the thought
6 was we would take a conservative approach. I fully
7 expect that next year we'll be looking at extending
8 the bear season either to Wednesday or to some days
9 during the rifle deer season. But to avoid the
10 possibility of over-harvest with the Saturday, which
11 we really are not quite sure what the participation
12 will be, I think this is a measured and conservative
13 approach for this coming year.

14 As far as the people that are opposed to
15 it, we have over 120,000 bear hunters in the state.
16 I'm not terribly concerned when we had 47 write in
17 opposed to it. We've all had as commissioners
18 anecdotal experience. This has generated a tremendous
19 amount of excitement across the north central.
20 There's a lot of people, because of work and vacation
21 plans, that never had a chance to really participate
22 in this season. I think we're going to see this
23 become a very popular opening Saturday. I think
24 participation will be increased before long. We'll be
25 back here next year and we'll change it, but I don't

1 think that it's that much of a gamble. I have a lot
2 of faith in the bear team and their estimates. And I
3 think this will work well. And I encourage my fellow
4 Commissioners to defeat the amendment.

5 PRESIDENT DELANEY:

6 One point I'll offer as President to
7 Commissioner Schreffler, if you can provide the
8 stenographer with your amendment, I think that would
9 be helpful. There was a lot that was discussed there.
10 Secondly, as an individual commissioner from
11 northeastern Pennsylvania, someone who has bears
12 regularly in their downtown areas, I'm thankful that
13 our biologists and staff here recognize --- we're
14 going to be doing a bear study in the Wyoming Valley.
15 We have bears that are trapped in downtowns. We have
16 WCOs that are getting hurt transferring bears from one
17 location to another. At Hickory Run State Park we had
18 bears breaking into tents that there were Boy Scouts
19 in.

20 So I'm deeply concerned that we're at the
21 top end of our social carrying capacity for bears of
22 Pennsylvania. It's my opinion. And there's been too
23 many conflicts that I've been seeing. And I support
24 the proposal, not the amendment, to be able to move
25 forward in a direction where we provide some safety,

1 not just for the sportsmen, but for the 12.8 million
2 people who live in Pennsylvania. On that note, any
3 other discussion, Commissioners? All those in favor
4 of the Commissioner Schreffler's amendment, that are
5 in support of that amendment, signify by saying aye.

6 CHORUS OF AYES

7 PRESIDENT DELANEY:

8 Opposed?

9 CHORUS OF NAYS

10 SECRETARY SCHREFFLER:

11 I believe I have an accurate vote, Mr.
12 President. It was two ayes from Mr. Schreffler and
13 Mr. Isabella, and the remainder was nays in opposition
14 to the vote, so it would have been six to two.

15 PRESIDENT DELANEY:

16 Thank you, Secretary Schreffler. The
17 amendment fails. Moving on to page ten, are there any
18 other concerns on page ten, Commissioners? Okay. If
19 we can revert back now to page seven. And we'll start
20 at the top of the page with turkey, male or female.

21 COMMISSIONER MARTONE:

22 Mr. President, I'd like to propose an
23 amendment for this page.

24 PRESIDENT DELANEY:

25 Go ahead, Commissioner.

1 COMMISSIONER MARTONE:

2 Starting with the first line, WMU 1A, 1B
3 and 2A, I would like to change the first date, October
4 30th, change to November 13th, the last day November
5 27th, and the footnote closed 11/20 through 11/24. On
6 the second line, WMU 2B, first day November 6th, last
7 day November 27th, and again footnote closed 11/20 to
8 11/24. Third line WMU 2C, 2D, 2B, 4A, 4B, 4D, first
9 day November 13th, last day November 27th, closed
10 11/20 to 11/24. Fourth line WMU 2F, 2G, 3A, 3B, 3C,
11 3D, 4C, 4E, first day November 6th, last day November
12 27th, closed 11/20 to 11/24. Fifth line WMU 5A, first
13 day November 16, last day November 18. And the last
14 line, WMU 5B, 5C, 5D, closed to fall turkey hunting.

15 Below that under turkey spring gobbler
16 statewide, I'd like to propose first day April 30th,
17 last day May 14th, 2011 with the shooting hours half
18 hour before sunrise until noon. The second part,
19 dates May 16, 2011 to May 31st, 2011 with the shooting
20 hours one half hour before sunrise to one half hour
21 after sunset. That is all, Mr. President.

22 VICE-PRESIDENT WEANER:

23 I second the motion.

24 PRESIDENT DELANEY:

25 Motion by Commissioner Martone, second by

1 Commissioner Weaner. Do we have a discussion on the
2 amendment? If not, all of those in favor of the
3 amendment, signify by saying aye.

4 CHORUS OF AYES

5 PRESIDENT DELANEY:

6 Opposed?

7 CHORUS OF NAYS

8 SECRETARY SCHREFFLER:

9 Mr. President, the vote was six in favor,
10 two opposed.

11 PRESIDENT DELANEY:

12 Okay. The motion to the amendment passes
13 by a vote of six to two to amend the turkey season.

14 SECRETARY SCHREFFLER:

15 Mr. President?

16 PRESIDENT DELANEY:

17 Yes, Mr. Secretary?

18 SECRETARY SCHREFFLER:

19 May I have the floor for an additional
20 amendment?

21 PRESIDENT DELANEY:

22 Certainly.

23 SECRETARY SCHREFFLER:

24 I would like to make an amendment to
25 change previous --- some of the items in the previous

1 amendment to the following. I would move that the
2 fall turkey season actually begin one week earlier,
3 beginning on October 23rd, which means that WMU 2C,
4 2D, 2E, 4A, 4B, 4D would be from October 23rd to
5 November 6th, and WMU 2F, 2G, 3A, 3B, 3C, 3D, 4C and
6 4E be from October 23rd to November 13th.

7 PRESIDENT DELANEY:

8 Okay. Do we have a second on
9 Commissioner Schreffler's amendment?

10 COMMISSIONER ISABELLA:

11 Second.

12 PRESIDENT DELANEY:

13 Discussion on the amendment?

14 SECRETARY SCHREFFLER:

15 Yes. I'd like to give my reasoning ---.

16 PRESIDENT DELANEY:

17 One second before we go any further. The
18 court stenographer is really trying hard to keep up
19 with all of these changes. I think we have to give
20 her some supporting documentation so that we have
21 really good clarification on all these changes that we
22 have. So if we could make sure she gets that too.
23 I'm sorry. Go on.

24 SECRETARY SCHREFFLER:

25 The reason for this is, one, this follows

1 a Staff-recommended option to the end of season
2 proposal. Secondly, it maintains the integrity of the
3 Hen Survival Study. Third, it allows consecutive days
4 and three to four Saturdays to be utilized for a more
5 accurate and effective analysis.

6 Four, it allows a closer compliance with
7 the Turkey Management Plan adopted in 2006. In that
8 plan on page 36, there's an implementation schedule,
9 which is being followed and which it mentions under
10 Objective 1.9 of the Hen Survival Study to begin in
11 2010. On page 29 it also notes the fall harvest rate
12 information represents the most important area of
13 research deficiency. On page 23 it states the need to
14 determine if the fall hen harvest exceeds ten percent,
15 which will impact the population maintenance of
16 turkey. On page 23, to evaluate the additive effect
17 of the spring and fall harvest, we need this study
18 because it will have a long-term effect two or three
19 years down the road.

20 The fifth reason is that this will better
21 comply with requirements of the funding agents, the PR
22 and USF, WS Funding. Six, it better utilizes the
23 tracking devices that have already placed on the
24 turkeys in the study area. Seven, it completes the
25 second half of the recently completed tri-state

1 gobbler study. Eight, as we gather more accurate
2 data, it will improve decision-making in harvest
3 management for maximum hunter opportunity. I'm
4 finished.

5 PRESIDENT DELANEY:

6 Okay, Commissioners. Commissioner
7 Schreffler, let me make sure I have this correct
8 before we vote on this. Your vote then deals with a
9 previous amendment to change Commissioner Martone's
10 amendment, and that's what we'll be voting on;
11 correct?

12 SECRETARY SCHREFFLER:

13 That's correct.

14 PRESIDENT DELANEY:

15 Okay. All those in favor ---.

16 COMMISSIONER ISABELLA:

17 Mr. President, I have some discussion.

18 PRESIDENT DELANEY:

19 Commissioner Isabella has the floor.

20 COMMISSIONER ISABELLA:

21 Thank you. The National Wild Turkey
22 Federation is the largest conservation group in
23 Pennsylvania, with over 35,000 members statewide.
24 They put their money where their mouth is. They have
25 been involved with hundreds of habitat projects since

1 I have been a Commissioner. I find it inconceivable
2 that we should anger our largest conservation partner
3 with today's vote.

4 Here are my reasons why. One, we need to
5 protect the integrity of the hen harvest rate study
6 and the crossover design in which much money has been
7 spent. Two, here is a recent history of fall turkey
8 seasons from 1960 to present day. From 1960 to 1976,
9 we had --- Pennsylvania had overlapping bear seasons
10 plus Thanksgiving Day and weekend turkey hunting
11 dates. Overlapping seasons ended in 1977 because the
12 biologists determined turkey management principles did
13 not support this late hunting season, and removed that
14 weekend before Turkey Management Units were formed in
15 1982. The proposed overlapping turkey seasons were
16 rejected by our biologists in 1977.

17 Three, the National Wild Turkey
18 Federation, through their surveys, have concluded that
19 fall turkey hunting has the greatest potential to
20 recruit and maintain young hunters. And approximately
21 180,000-plus hunters take advantage of the opportunity
22 to hunt fall turkey that last day of the season.
23 Four, up to 14 percent of the fall harvest occurs on
24 that last Saturday in the three-week Wildlife
25 Management Unit. Elimination of that last Saturday

1 could change the fall harvest substantially. Five,
2 sample sizes for the study were designed to examine
3 harvest rates in traditional seasons that were
4 structured since 1981.

5 Lastly, I support this amendment because
6 I believe it is acceptable to fall turkey hunters who
7 value maintaining the current season structure with 15
8 week days and four Saturdays, also to protect the
9 integrity of all ongoing turkey studies. Thank you,
10 Mr. President.

11 PRESIDENT DELANEY:

12 Thank you, Commissioner Isabella. Any
13 other discussion on the amendment by Commissioner
14 Schreffler? Commissioner Putnam?

15 COMMISSIONER PUTNAM:

16 I would just like to offer one comment.
17 And Commissioner Isabella pointed out how popular the
18 last day of turkey season is, especially with our
19 younger hunters. One concern that I have is we've
20 lost more turkey --- more fall turkey hunters than
21 probably any other group in the last 20 years. In the
22 1980s we had almost 450,000 fall turkey hunters. Now
23 we're down to, as Commissioner Isabella said, 186,000.

24 There is quite a bit of excitement about
25 the addition of those days later in the season after

1 the archery season is closed. It will create some
2 unknowns as far as how popular it is, but I think that
3 we should look at the potential popularity of that
4 season not as a concern that we're going to hurt the
5 turkey population, but that we're going to serve our
6 customers and give them some of the most exciting fall
7 turkey hunting they've seen in a long time.

8 PRESIDENT DELANEY:

9 Commissioners, additional discussion?
10 Commissioner Martone?

11 COMMISSIONER MARTONE:

12 When they ran the fall turkey season back
13 in the late '60s, early '70s, those seasons were often
14 four weeks long and were immediately after trap and
15 transfer that occurred to move turkeys around. Right
16 now we have excellent turkey populations. It's the
17 second most popular game animal in Pennsylvania, and
18 yet we are losing fall turkey hunters every year.
19 That tells me there's something wrong, something
20 broken when you have a popular game animal, and less
21 and less people are participating. This looks to
22 address that. And I think with the excellent turkey
23 populations, it's a good time to make this move.
24 Thank you.

25 PRESIDENT DELANEY:

1 Commissioner Weaner?

2 VICE-PRESIDENT WEANER:

3 After listening to the discussion on both
4 sides of the argument here, I think both sides do make
5 very valid points. One point that I would like to
6 address is the talk that we've had about the surveys.
7 And we all think that the surveys are very important.
8 We all want the surveys to continue. We've heard that
9 from both sides of the argument. I'm confident that
10 our staff here in the Game Commission can make the
11 survey --- or make the research happen with whatever
12 framework we have for the season. It might have to be
13 tweaked a little bit, but I feel confident they can do
14 that. And because I think they can do that, and
15 that's the reason I supported Mr. Martone's initial
16 amendment, and therefore, I urge us to vote no on this
17 amendment.

18 PRESIDENT DELANEY:

19 Any other additional commentary? Okay.
20 We will be voting on Commissioner Schreffler's
21 amendment to change Commissioner Martone's amendment.
22 All those in favor signify by saying aye.

23 CHORUS OF AYES

24 PRESIDENT DELANEY:

25 Opposed?

1 CHORUS OF NAYS

2 PRESIDENT DELANEY:

3 Commissioner ---?

4 SECRETARY SCHREFFLER:

5 Show of hands. Commissioners, would you
6 please show of hands?

7 PRESIDENT DELANEY:

8 Okay. This will be in support of the
9 amendment.

10 COMMISSIONERS RAISE HANDS

11 PRESIDENT DELANEY:

12 Those opposed to the amendment?

13 COMMISSIONERS RAISE HANDS

14 SECRETARY SCHREFFLER:

15 Mr. President, the vote was two in favor
16 of the amendment and six opposed to the amendment.

17 PRESIDENT DELANEY:

18 Thank you, Secretary. The amendment
19 fails. Commissioners, any other discussion on page
20 seven? If no discussions on page seven, we will go to
21 page eight.

22 SECRETARY SCHREFFLER:

23 Mr. President, I have some amendments for
24 that page.

25 PRESIDENT DELANEY:

1 We'll have amendments then for page
2 eight.

3 SECRETARY SCHREFFLER:

4 Mr. President, my amendment concerns the
5 starlings, English sparrows, and the Bobwhite quails
6 section on page eight. Under starlings and English
7 sparrows, it should read, no closed season except
8 during the regular firearm deer season and during
9 legal hunting hours of the spring gobbler turkey
10 season. And the limit is unlimited.

11 Under Bobwhite quail, the amendment is to
12 eliminate the statements beginning with no open
13 season, except captive raised birds or propagated
14 Bobwhite quail taken on regulated hunting grounds and
15 public and private land by permit. My amendment is to
16 eliminate that statement. The first day of the season
17 will be September 1st to March 31st, 2011, the daily
18 limit four and the field possession limit after the
19 first day eight.

20 VICE-PRESIDENT WEANER:

21 I second the motion.

22 PRESIDENT DELANEY:

23 Motion by Commissioner Schreffler, second
24 by Commissioner Weaner. On the amendment, do we have
25 any discussion from the Commissioners? If no

1 discussion, all those in favor signify by saying aye
2 to support the amendment.

3 CHORUS OF AYES

4 PRESIDENT DELANEY:

5 Opposed?

6 SECRETARY SCHREFFLER:

7 Mr. President, the vote was unanimous in
8 favor of the motion.

9 PRESIDENT DELANEY:

10 Thank you, Mr. Secretary. Moving along
11 to page nine, any concerns on page nine?

12 SECRETARY SCHREFFLER:

13 Mr. President, I would like to offer a
14 motion. The motion is to amend --- under deer,
15 regular firearms, I would like to change the WMUs.
16 Currently it says 1A, 1B, 2A, 2B, 2F, 3A, 3B, 3D, 4A,
17 4C, 4A --- 5A, excuse me, 5B, 5C and 5D. I would like
18 to add to that regular firearms, antlered and
19 antlerless, WMU 2C, 2E, 4B and 4E, and continue with
20 the same days, November 29 to December 11. Under the
21 deer, regular firearms, antlered only, I would like to
22 remove WMU 2C, 2E, 4D and 4E, leaving WMU 2D, 2G, 3C,
23 4B. And under the deer, regular firearms, antlered
24 and antlerless, I would like to remove 2C, 2E, 4D and
25 4E and let remain WMU 2D, 2G, 3C, 4B, continuing with

1 the same first day of December 4th, last day December
2 11th.

3 PRESIDENT DELANEY:

4 Thank you, Commissioner Schreffler. Is
5 there a second on the proposed amendment?

6 COMMISSIONER ISABELLA:

7 Second.

8 PRESIDENT DELANEY:

9 Second, Commissioner Isabella.
10 Discussion on the issue?

11 SECRETARY SCHREFFLER:

12 Mr. President, I make this amendment for
13 the following reasons. First of all, the population
14 trends in the Wildlife Management Units 2C, 2E, 4D and
15 4E are stable as reported by our staff. Secondly,
16 it's our policy to stabilize the deer herd. Thirdly,
17 the study in 2D, 2G, 3C, 4B is not finished and
18 analyzed in a manner that would justify adding any
19 more WMUs to this category of unlimited first five
20 days.

21 The next thing is that changing the
22 season length for doe could have a detrimental effect
23 on deer management. Preliminary results of first
24 years of our study areas in 2D, 2G, 3C and 4B have
25 shown that there was approximately a 20-percent

1 increase in antlerless hunter success. And the
2 hunters surveyed in that study area indicate that
3 hunters are still not satisfied. In fact, I surmise
4 that many hunters are not returning for the second
5 week doe harvest.

6 Fourthly, we should retain the concurrent
7 12-day season to continue our policy of herd
8 stabilization for quality deer in a self-sustaining
9 habitat. The two-week concurrent season has proven to
10 be a very successful deer management tool that has
11 reduced the impact of weather on doe harvest. And the
12 fifth reason is that we should be cognizant of other
13 stakeholders, especially private landowners who own
14 approximately 80 percent of the Pennsylvania land and
15 who also share hunting opportunities on their land
16 when asked.

17 Six, the addition of four more WMUs to
18 the bucks-only first five days category takes
19 opportunity away from our rifle hunters, especially
20 those youth who are off school on the first day.
21 Rifle hunters have told me that they believe they
22 provide considerable revenue to the Game Commission
23 and perceive that the opportunity for them is
24 declining. And they perceive this as the best
25 opportunity to shoot deer during the deer season.

1 That's my comment.

2 PRESIDENT DELANEY:

3 Thank you, Commissioner. Any other
4 discussion?

5 COMMISSIONER ISABELLA:

6 Mr. President?

7 PRESIDENT DELANEY:

8 Commissioner Isabella?

9 COMMISSIONER ISABELLA:

10 Well, I agree with most of my --- what my
11 colleague from the southwest has just mentioned. Let
12 me add just a few more reasons. This is definitely
13 going to be loss of opportunity for hunters. In the
14 five-county metropolitan area of Philadelphia,
15 everyone is busy trying to make a living, so when you
16 have spare time, if a person wants to go out that
17 first week and harvest a buck or doe, that is his
18 choice, and most of the time these hunters do it.

19 The second reason is the integrity of our
20 ongoing study, which has been going on for two years
21 in WMUs 2D, 2G, 3C and 4B will be compromised. I
22 believe the problem was a social argument for this
23 change. I can tell you I was at our deer open house
24 in Schuylkill County, and I can tell you that a good
25 portion of hunters have no clue as to what we're doing

1 as far as deer management. The hunters that did get
2 into that, you just spot a trend. They were single
3 hunters coming in, talking to our people in the
4 booths. And I realized that, you know, they had a
5 good or a fairly good understanding to what we were
6 doing. Some of the old hunters do not.

7 And I listened to comment from hunters in
8 4C. We would not have had the change in habitat from
9 poor to fair, and most likely the next couple years,
10 that habitat may be changed to good. Also, we had
11 fences up in game lands in 5C and 4C. Those fences
12 are down. So I mean, there is a social side to this.
13 And I know we addressed it four years ago when we
14 reduced antlerless allocations in 2G from close to
15 60,000 to 19,000, and then for two years we had to
16 raise our antlerless allocations from 19,000 to, I
17 think in the 20,000s now because they are starting to
18 get more deer there. So I will support Commissioner
19 Schreffler's amendment. Thank you, Mr. President.

20 PRESIDENT DELANEY:

21 Thank you. Commissioners, any other
22 discussion? Okay. All of those in favor of
23 Commissioner Schreffler's amendment signify by saying
24 aye.

25 CHORUS OF AYES

1 PRESIDENT DELANEY:

2 Opposed?

3 CHORUS OF NAYS

4 SECRETARY SCHREFFLER:

5 May I see a show of hands?

6 PRESIDENT DELANEY:

7 Please do the aye votes first.

8 COMMISSIONERS RAISE HANDS

9 PRESIDENT DELANEY:

10 No votes?

11 COMMISSIONERS RAISE HANDS

12 SECRETARY SCHREFFLER:

13 Mr. President, those in favor two, those
14 opposed six.

15 PRESIDENT DELANEY:

16 Thank you, Mr. Secretary. The amendment
17 fails. Any other discussion on page nine? Back to
18 page ten. I know we talked about black bear. Just so
19 we're comfortable here, any other concerns on page
20 ten? Page 11?

21 VICE-PRESIDENT WEANER:

22 Mr. President?

23 PRESIDENT DELANEY:

24 Commissioner Weaner, go ahead.

25 VICE-PRESIDENT WEANER:

1 I have an amendment to offer here. In
2 light of the previous amendment that extended turkey
3 season into a full day the second half of the season,
4 we need to drop down here to opossum, skunks and
5 weasels. And I offer an amendment here. The new
6 language in the middle will read, no closed season.
7 These species may not be hunted during legal hunting
8 hours of the spring gobbler season.

9 PRESIDENT DELANEY:

10 Thank you, Commissioner Weaner. Do we
11 have a second?

12 COMMISSIONER SCHLEMMER:

13 Second.

14 PRESIDENT DELANEY:

15 Second, Commissioner Schlemmer.

16 Discussion on the issue? No discussion. All of those
17 vote in favor of aye, raise your hands, please.

18 COMMISSIONERS RAISE HANDS

19 PRESIDENT DELANEY:

20 Opposed?

21 SECRETARY SCHREFFLER:

22 Mr. President, the vote is unanimous.

23 PRESIDENT DELANEY:

24 Thank you, Mr. Secretary. No other
25 concerns on page 11? Page 12, I think we will get

1 into the elk allocations first, followed by the
2 antlerless deer allocations. Yesterday we were
3 briefed by Dr. Rosenberry on the elk allocations. Do
4 you all have copies of the recommendations in front of
5 you? Does any Commissioner want to make a motion in
6 support of the elk recommendations?

7 COMMISSIONER ISABELLA:

8 Motion.

9 PRESIDENT DELANEY:

10 Motion by Commissioner Isabella.

11 COMMISSIONER MARTONE:

12 Second.

13 PRESIDENT DELANEY:

14 Second by Commissioner Martone. Any
15 discussion on the recommended allocations? All those
16 in favor signify by saying aye.

17 CHORUS OF AYES

18 PRESIDENT DELANEY:

19 Opposed?

20 SECRETARY SCHREFFLER:

21 Mr. President, the vote was unanimous in
22 favor of the allocation.

23 PRESIDENT DELANEY:

24 Thank you, Commissioner Schreffler.

25 Okay. We will move on to the antlerless deer

1 allocations. And what I would like to do is ask for
2 --- we were briefed yesterday by Dr. Rosenberry on the
3 antlerless allocations, so we know what the
4 recommendations are. What I would like to do is have
5 a motion on that recommendation, and under discussion
6 we'll talk about individual WMU allocations if we can
7 do that, Commissioners. So I will look for a vote
8 from --- yes, Commissioner Weaner?

9 VICE-PRESIDENT WEANER:

10 So moved.

11 PRESIDENT DELANEY:

12 Second?

13 SECRETARY SCHREFFLER:

14 I'll second.

15 PRESIDENT DELANEY:

16 Motion by Commissioner Weaner, second by
17 Commissioner Schreffler. Discussion? I'm going to
18 start with WMU 1A. Any discussion on WMU 1A?
19 Discussion with WMU 1B?

20 COMMISSIONER MARTONE:

21 Mr. President?

22 PRESIDENT DELANEY:

23 Commissioner Martone?

24 COMMISSIONER MARTONE:

25 On WMU 1B I would like to see a five-

1 percent decrease, which amounts to 1,500 licenses.
2 That would give an allocation of 28,500 as the new
3 number.

4 PRESIDENT DELANEY:

5 Do we have a second?

6 VICE-PRESIDENT WEANER:

7 Second.

8 PRESIDENT DELANEY:

9 Second, Commissioner Weaner. Discussion?

10 All those in favor signify by saying aye in support of
11 the amendment.

12 CHORUS OF AYES

13 PRESIDENT DELANEY:

14 Opposed?

15 CHORUS OF NAYS

16 SECRETARY SCHREFFLER:

17 Mr. President, the vote was six in favor,
18 two opposed.

19 PRESIDENT DELANEY:

20 Thank you, Mr. Secretary. We will move
21 on to WMU 2A. Any concerns? WMU 2B? WMU 2C?

22 COMMISSIONER SCHLEMMER:

23 Mr. President, I'd like to make some
24 comments on 2C. I'm the new boy on the block here,
25 but I've been working for the past ten months

1 listening and working with our customers in area 2C.
2 I've been there and I've been on the ground. I see
3 the recommendations and I respect the recommendations
4 made by our deer committee. And I also see that the
5 CAC comments were to increase the deer situation
6 although the management recommendation has showed a
7 stable habitat.

8 I think we're touching on a social issue
9 here on this particular WMU. And I respect
10 Commissioner Schreffler's comments he made on the
11 eastern edge, and I do understand that you have
12 several arms out there with a lot of deer. And I'm
13 recommending possibly giving them some DMAP coupons in
14 that particular area. With that in mind, I would seek
15 a ten-percent reduction in the allocations down to
16 4,900 in reduction in allocations in that particular
17 WMU. Thank you.

18 PRESIDENT DELANEY:

19 Is there a second to Commissioner
20 Schlemmer's motion?

21 VICE-PRESIDENT WEANER:

22 Second.

23 PRESIDENT DELANEY:

24 Second, Commissioner Weaner. Discussion?
25 All those in favor of the amendment signify by saying

1 aye.

2 CHORUS OF AYES

3 PRESIDENT DELANEY:

4 Opposed?

5 CHORUS OF NAYS

6 SECRETARY SCHREFFLER:

7 Mr. President, the vote was six in favor.

8 Mr. Schreffler and Mr. Isabella opposed.

9 PRESIDENT DELANEY:

10 Thank you, Commissioner. We'll move on
11 to WMU 2D.

12 COMMISSIONER MARTONE:

13 Mr. President?

14 PRESIDENT DELANEY:

15 Commissioner Martone?

16 COMMISSIONER MARTONE:

17 After discussing this with Commissioner
18 Schlemmer since we share 2D, the consensus was we
19 would like to reduce the allocation in 2D by ten
20 percent, which would make a new allocation of 50,400
21 as the proposed allocation for 2D. Thank you.

22 PRESIDENT DELANEY:

23 Thank you, Commissioner. Do we have a
24 second?

25 VICE-PRESIDENT WEANER:

1 Second.

2 PRESIDENT DELANEY:

3 Second Commissioner Weaner. Discussion?

4 All of those in favor of the amendment signify by
5 saying aye.

6 CHORUS OF AYES

7 PRESIDENT DELANEY:

8 Opposed?

9 CHORUS OF AYES

10 SECRETARY SCHREFFLER:

11 Mr. President, the vote was in six favor.

12 Mr. Schreffler and Mr. Isabella opposed.

13 PRESIDENT DELANEY:

14 Thank you, Commissioner. Moving on to

15 WMU 2E. 2F?

16 COMMISSIONER MARTONE:

17 Mr. President?

18 PRESIDENT DELANEY:

19 Commissioner Martone?

20 COMMISSIONER MARTONE:

21 I would like to propose again a ten-
22 percent decrease for 2F. Ten percent would leave an
23 allocation of 25,200 in wildlife management unit 2F.
24 Thank you.

25 PRESIDENT DELANEY:

1 Do we have a second?

2 VICE-PRESIDENT WEANER:

3 Second.

4 PRESIDENT DELANEY:

5 Second, Commissioner Weaner. Discussion?

6 All those in favor of the amendment signify by saying
7 aye.

8 CHORUS OF AYES

9 PRESIDENT DELANEY:

10 Opposed?

11 CHORUS OF NAYS

12 SECRETARY SCHREFFLER:

13 Mr. President, the vote was six in favor,
14 two opposed, Commissioner Isabella and Commissioner
15 Schreffler.

16 PRESIDENT DELANEY:

17 Thank you, Commissioner. Move on to WMU
18 2G. Next, WMU 3A? Next, WMU 3B? Next, WMU 3C?
19 Next, WMU 3D? I'll make an amendment for WMU 3D. And
20 my amendment is to decrease the allocations by ten
21 percent. That would be my amendment. And I'll offer
22 commentary under discussion.

23 COMMISSIONER BOOP:

24 Second.

25 PRESIDENT DELANEY:

1 Motion by Commissioner Delaney, second by
2 Commissioner Boop. Discussion? I'd like to offer my
3 commentary for 3D and give an explanation why. WMU 3D
4 had an 11.3-percent decrease in the harvest this past
5 year. The deer team gives us trend models, and I try
6 to follow the lead with that to see what the trend
7 was. And the six-year trend --- we started in 2004
8 with an antlered harvest of 4,496 --- 4,496. Last
9 year we harvested 3,096. Our antlerless harvest in
10 2004 was 9,844. This past year in 2009, it was 6,265.
11 The antlered harvest estimate and antlerless, there
12 are other things I looked at, like the antlered hunter
13 success rate went from .20 to .17. The SKA model
14 index values went from .34 to .19. So in my eyes,
15 we're not --- we didn't do anything to stabilize the
16 herd. The FIA data, I'm not sure I'm very comfortable
17 with that and I hope that we are going to finish that
18 in the future.

19 One of the things that did concern me was
20 the deer health. The deer health measure. And if I
21 look at the trend for the last six years, it was below
22 target, it was at target, it was below target. I am
23 very comfortable talking to our WCOs and our land
24 managers and Pennsylvania Game Commission field people
25 to try to help make these decisions. So that is my

1 commentary on why I want to lower the allocations by
2 ten percent in WMU 3D. Other discussion,
3 Commissioners? All of those in favor of the amendment
4 signify by saying aye.

5 CHORUS OF AYES

6 PRESIDENT DELANEY:

7 Opposed?

8 CHORUS OF NAYS

9 SECRETARY SCHREFFLER:

10 Mr. President, the vote is six in favor,
11 two opposed, Mr. Schreffler and Mr. Isabella.

12 PRESIDENT DELANEY:

13 Thank you, Commissioner. Moving on to
14 WMU 4A. 4B? 4C? 4D?

15 COMMISSIONER BOOP:

16 Mr. President, I'd like to offer an
17 amendment with respect to 4D. I'd like to move that
18 the allocations in 4D be reduced by 20 percent, which
19 would be an 8,000 reduction, which would bring the new
20 number to 32,000. I'd like to speak to the amendment
21 under discussion.

22 VICE-PRESIDENT WEANER:

23 Second.

24 PRESIDENT DELANEY:

25 Motion by Commissioner Boop, second by

1 Commissioner Weaner. Discussion?

2 COMMISSIONER BOOP:

3 Yes, Mr. President. With respect to 4D,
4 I would make several observations. We have an ongoing
5 dissatisfaction particularly with respect to the
6 eastern half of 4D. It's my personal belief that that
7 management unit is too large, and until we address
8 that problem, I think we have to address the situation
9 incrementally.

10 I also think we have a problem with the
11 private tag/public tag issue there, but I spent a
12 great deal of time in the eastern half of 4D both on
13 private land when I owned property, and hunting on the
14 public land for the eastern half. I've never seen
15 conditions like they are in the eastern half of 4D in
16 my 50-year hunting career. There are virtually no
17 deer on the public land in the eastern half of 4D. I
18 think that the allocation reduction should be
19 significantly higher than 20 percent, but I am
20 cognizant of the fact that much of the rest of 4D does
21 not have the same situation that's being experienced
22 in the eastern half. So for that reason, I would like
23 to ask for support for this motion. I also note that
24 the CAC also requested an increase in the deer herd in
25 that management unit.

1 PRESIDENT DELANEY:

2 Commissioners, any other discussion on
3 4D? Commissioner Weaner?

4 VICE-PRESIDENT WEANER:

5 Yes. I also concur with Mr. Boop. 4D is
6 part of the territory that I represent. And I agree
7 with virtually everything that he said. And
8 therefore, I urge us to vote yes on this amendment.

9 PRESIDENT DELANEY:

10 Commissioners, any other discussion on
11 WMU 4D?

12 COMMISSIONER PUTNAM:

13 Since I also share part of 4D, I guess I
14 should say that I've heard from people out in my part
15 of 4D that they extremely agree with these guys that
16 the deer herd is down. And I have another batch of
17 constituents that would extremely disagree with them.
18 So in 4D we have some very disparate habitats. Our
19 farmland habitats seem to still have plenty of deer.
20 And our forested habitats are the ones that are
21 generating the complaints.

22 PRESIDENT DELANEY:

23 Thank you, Commissioner Putnam. Any
24 other discussion? If not, we will vote on
25 Commissioner Boop's amendment. All of those in favor

1 signify by saying aye.

2 CHORUS OF AYES

3 PRESIDENT DELANEY:

4 Opposed?

5 CHORUS OF NAYS

6 SECRETARY SCHREFFLER:

7 Mr. President, the vote was six in favor,
8 two opposed.

9 PRESIDENT DELANEY:

10 Thank you, Commissioner Schreffler.

11 We'll move on to WMU 4E.

12 COMMISSIONER BOOP:

13 Mr. President, with respect to 4E, the
14 unit management that you and I share a portion of,
15 this is immediately to the east of 4D. It's also an
16 area where I live and spent a lot of time, and spent a
17 lot of time speaking to hunters. Habitat is indicated
18 as being fair, although that's --- I had a great deal
19 of concern about the emergent (phonetic) level that
20 leads us to that conclusion. The CAC suggested an
21 increase in that without the limiting factor
22 concerning the habitat. And I would just like to move
23 for a ten-percent reduction there, which would take it
24 from 30,000 to 27,000 in that WMU.

25 PRESIDENT DELANEY:

1 Thank you, Commissioner Boop. Your
2 motion is on WMU 4E and I will second that motion.
3 Any discussion? All of those in favor of Commissioner
4 Boop's amendment signify by saying aye.

5 CHORUS OF AYES

6 PRESIDENT DELANEY:

7 Opposed?

8 CHORUS OF NAYS

9 SECRETARY SCHREFFLER:

10 Mr. President, the vote was six in favor
11 and two opposed, Commissioner Schreffler and
12 Commissioner Isabella.

13 PRESIDENT DELANEY:

14 Thank you, Mr. Secretary. We'll move on
15 to WMU 5A. WMU 5B? WMU 5C? WMU 5D? From this point
16 I think we need to vote on the proposed total package
17 as amended.

18 VICE-PRESIDENT WEANER:

19 So moved.

20 PRESIDENT DELANEY:

21 Commissioner Weaner. Do we have a
22 second?

23 COMMISSIONER BOOP:

24 Second.

25 PRESIDENT DELANEY:

1 Commissioner Boop. Discussion?

2 COMMISSIONER ISABELLA:

3 Mr. President?

4 PRESIDENT DELANEY:

5 Commissioner Isabella?

6 COMMISSIONER ISABELLA:

7 Mr. President, I'm going to support the
8 entire package. I just wanted to go on record on
9 those seven or eight WMUs, I was just in opposition
10 today. Thank you.

11 PRESIDENT DELANEY:

12 Thank you, Commissioner Isabella.

13 VICE-PRESIDENT WEANER:

14 Mr. President?

15 PRESIDENT DELANEY:

16 Commissioner Weaner?

17 VICE-PRESIDENT WEANER:

18 Yes. I'm rising to a point of order
19 here. I just realized I screwed up and I had a
20 motion. There was an initial motion and then we made
21 amendments, so I didn't need to make another motion,
22 so therefore, I withdraw my motion.

23 PRESIDENT DELANEY:

24 Okay. We're going to follow ---.

25 SECRETARY SCHREFFLER:

1 Can I add some additional?

2 PRESIDENT DELANEY:

3 Okay. Let's follow through with
4 Commissioner Schreffler's discussion before we go
5 further.

6 SECRETARY SCHREFFLER:

7 I want to also comment that as such, I
8 will probably vote for entire package here, but I also
9 am in opposition to most all of these reductions in
10 the allocations. I think it's important to work with
11 our deer team and so on, and I think they're doing a
12 wonderful job. But I'm especially in opposition to
13 those that exceed ten percent on a reduction, although
14 I realize the reasons why those recommendations were
15 made.

16 PRESIDENT DELANEY:

17 Thank you, Commissioner. Any other
18 discussion? Commissioner Boop?

19 COMMISSIONER BOOP:

20 Just briefly, and I realize people in the
21 audience probably don't necessarily have the totals,
22 but I just would like to note that the recommendation
23 from the deer team was for a total of 871,000
24 allocations in the 22 units with the reduction, which
25 they approved, which reduces that total by 29,500,

1 which is a reduction of less than four percent. So I
2 don't think that the reductions are significant. And
3 I think they target some areas where we have some
4 particular concerns. And none of them exceed 20
5 percent. Thank you.

6 PRESIDENT DELANEY:

7 Thank you, Commissioner Boop. Any other
8 discussion? Okay. We're going to vote on the
9 original motion as amended. All of those in favor
10 signify by saying aye.

11 CHORUS OF AYES

12 PRESIDENT DELANEY:

13 Opposed?

14 COMMISSIONER SCHLEMMER:

15 Opposed. Withdraw that.

16 PRESIDENT DELANEY:

17 Okay. So the final tally is?

18 SECRETARY SCHREFFLER:

19 The final tally is unanimous, eight to
20 zero.

21 PRESIDENT DELANEY:

22 Thank you, Commissioner Schreffler.

23 Thank you, Commissioners.

24 ATTORNEY BECHTEL:

25 The next item to come before the

1 Commission concerns the adoption of proposed
2 amendments to Section 141.1. To effectively manage
3 the wildlife resources of this Commonwealth, the Game
4 Commission, at its January 26th, 2010 meeting,
5 proposed the following changes: to amend Section 141.1
6 relating to special regulations areas to authorize the
7 continued use of bait to hunt deer in the southeast
8 special regulations areas by deleting the sunset
9 provision. The Executive Director and Staff do not
10 recommend the final adoption of this amendment to 58
11 Pa. Code, as shown on Exhibit B on page 14.

12 VICE-PRESIDENT WEANER:

13 So moved.

14 PRESIDENT DELANEY:

15 Motion by Commissioner Weaner.

16 COMMISSIONER BOOP:

17 Second.

18 PRESIDENT DELANEY:

19 Second by Commissioner Boop. Discussion?

20 VICE-PRESIDENT WEANER:

21 Mr. President?

22 PRESIDENT DELANEY:

23 Commissioner Weaner?

24 VICE-PRESIDENT WEANER:

25 This may sound somewhat confusing, but we

1 had a recommendation yesterday that we discontinue
2 baiting. The technicalities of discontinuing baiting
3 means that we have to vote no on this motion. Even
4 though I made the motion to bring it onto the floor, I
5 urge us all to vote no, and a no vote will discontinue
6 baiting.

7 PRESIDENT DELANEY:

8 Thank you, Commissioner Weaner.
9 Commissioner Isabella?

10 COMMISSIONER ISABELLA:

11 Thank you, Mr. President. I remember
12 three, four years ago when we sat down in a room
13 downstairs whether we would be using a machine or not.
14 You know, I was hoping that the baiting would make
15 some type of an effect in the southeast. I probably
16 talked to some of the same groups that --- I know I
17 talked to the urban deer team, and the comments I got
18 from these guys was whitetail deer are very elusive
19 and they adapt very quickly. I was hoping that would
20 make an effect, but you know, according to the data,
21 it was just a minor effect, so it's unfortunate that
22 this experiment did not work out. Thank you, Mr.
23 President.

24 PRESIDENT DELANEY:

25 Thank you, Commissioner Isabella. So all

1 of those in favor of this amendment signify by saying
2 aye. Opposed?

3 CHORUS OF NAYS

4 SECRETARY SCHREFFLER:

5 Mr. President, the vote was no one in
6 favor. It was unanimous opposed.

7 PRESIDENT DELANEY:

8 Thank you, Mr. Secretary.

9 ATTORNEY BECHTEL:

10 The next item concerns the adoption of
11 proposed amendments to Sections 141.48 and 143.206.
12 To effectively manage the wildlife resources of this
13 Commonwealth, the Game Commission, at its January
14 26th, 2010 meeting, proposed the following changes.
15 Amend Section 141.48 relating to elk management area
16 and elk hunt zones and 143.206 relating to validity of
17 license to define important geographical terms and
18 authorized use of unfilled elk licenses to be used to
19 harvest elk anywhere within the Commonwealth outside
20 of the elk management area during any extended off-
21 season following the regular elk season. The
22 Executive Director and staff recommend final adoption
23 of these amendments to 58 Pa. Code as shown on Exhibit
24 C on page 16 of your agenda.

25 COMMISSIONER SCHLEMMER:

1 So moved.

2 VICE-PRESIDENT WEANER:

3 Second.

4 PRESIDENT DELANEY:

5 Commissioner Schlemmer had the motion,
6 seconded by Commissioner Weaner. Discussion? All of
7 those in favor signify by saying aye.

8 CHORUS OF AYES

9 PRESIDENT DELANEY:

10 Opposed?

11 SECRETARY SCHREFFLER:

12 Mr. President, the vote was unanimous in
13 favor.

14 PRESIDENT DELANEY:

15 Thank you.

16 ATTORNEY BECHTEL:

17 The next item concerns adoption of
18 proposed amendment Section 141.62. To effectively
19 manage the wildlife resources of this Commonwealth,
20 the Game Commission, at its January 26th, 2010
21 meeting, proposed the following change; to amend
22 Section 141.62 relating to beaver trapping to remove
23 the applicability of the two body gripping traps per
24 trapper limitation to WMU 1B. The Executive Director
25 and staff recommend final adoption of this amendment

1 to 58 Pa. Code, as shown on Exhibit D on page 18 of
2 your agenda.

3 PRESIDENT DELANEY:

4 Commissioners, do we have a motion from
5 the floor?

6 COMMISSIONER ISABELLA:

7 Motion.

8 PRESIDENT DELANEY:

9 Commissioner Isabella. Second?

10 COMMISSIONER SCHLEMMER:

11 Second.

12 PRESIDENT DELANEY:

13 Second Commissioner Schlemmer.

14 Discussion? All of those in favor signify by saying
15 aye.

16 CHORUS OF AYES

17 PRESIDENT DELANEY:

18 Opposed?

19 SECRETARY SCHREFFLER:

20 Mr. President, the vote is unanimous in
21 favor of the amendment.

22 PRESIDENT DELANEY:

23 Thank you, Mr. Secretary.

24 ATTORNEY BECHTEL:

25 The next item is the adoption of the

1 proposed amendment of Section 141.66. To effectively
2 manage the wildlife resources of this Commonwealth,
3 the Game Commission, at its January 26th, 2010
4 meeting, proposed to amend Section 141.66 relating to
5 cable restraints to establish December 26th as the
6 opening day for the use of cable restraints. The
7 Executive Director and staff recommend final adoption
8 of this amendment to 58 Pa. Code as shown on Exhibit E
9 on page 20 of your agenda. Commissioners, motion from
10 the floor?

11 SECRETARY SCHREFFLER:

12 So moved.

13 PRESIDENT DELANEY:

14 Commissioner Schreffler. Second?

15 COMMISSIONER MARTONE:

16 Second.

17 PRESIDENT DELANEY:

18 Commissioner Martone. Discussion? With
19 no discussion, all those in favor signify by saying
20 aye.

21 CHORUS OF AYES

22 PRESIDENT DELANEY:

23 Opposed?

24 SECRETARY SCHREFFLER:

25 Mr. President, the vote is unanimous in

1 favor of the amendment.

2 PRESIDENT DELANEY:

3 Thank you.

4 ATTORNEY BECHTEL:

5 The next item is the adoption of the
6 proposed amendment to Section 147.701. To effectively
7 manage the wildlife resources of this Commonwealth,
8 the Game Commission, at its January 26th, 2010
9 meeting, proposed to amend Section 147.701, relating
10 to general, to update and implement the restructured
11 permitting process for bobcats and fishers. The
12 Executive Director and staff recommend final adoption
13 of this amendment 58 Pa. Code shown on Exhibit F on
14 page 22 of your agenda.

15 PRESIDENT DELANEY:

16 Commissioners, you heard the commentary.
17 Is there a motion from the floor?

18 COMMISSIONER ISABELLA:

19 Motion.

20 PRESIDENT DELANEY:

21 Commissioner Isabella.

22 VICE-PRESIDENT WEANER:

23 Second.

24 PRESIDENT DELANEY:

25 Commissioner Weaner. Discussion?

1 COMMISSIONER MARTONE:

2 Mr. President?

3 PRESIDENT DELANEY:

4 Commissioner Martone?

5 COMMISSIONER MARTONE:

6 I know when we changed the bobcat season
7 we had a lot of comments from the people using dogs to
8 run bobcats and that this season wasn't their first
9 choice. I just want, you know, to go on record in
10 saying that this is a conservative first step. I
11 think it's a very good first step and it's very
12 conservative and hopefully in the future we can offer
13 more options for those hunters, but we have to start
14 somewhere. Thank you.

15 PRESIDENT DELANEY:

16 Thank you, Commissioner Martone. Any
17 other discussion? All those in favor of the motion
18 signify by saying aye.

19 CHORUS OF AYES

20 PRESIDENT DELANEY:

21 Opposed?

22 COMMISSIONER SCHREFFLER:

23 Mr. President, the vote is unanimous in
24 favor of the motion.

25 PRESIDENT DELANEY:

1 Thank you, Mr. Secretary.

2 ATTORNEY BECHTEL:

3 The next item is proposed rulemaking, to
4 amend 58 Pa. Code Section 141.28. The ring-necked
5 pheasant management plan calls for restoring
6 self-sustaining and huntable ring-neck pheasant
7 populations in suitable habitats in this Commonwealth
8 by establishing at least four Wild Pheasant Recovery
9 Areas or WPRAs by 2015. Wild trapped pheasants will
10 be released to WPRAs in an effort to establish
11 populations of at least ten hens per square mile in
12 the spring. While WPRAs remain closed to game farm
13 pheasant stocking and pheasant hunting and dog
14 training and small game hunting is restricted in
15 critical periods during the population establishment
16 phase, three WPRAs were listed in 2009 and one
17 additional area, the Hegins-Gratz Valley WPRAs is
18 proposed at this time to prepare for pheasant releases
19 in 2011. This new WPRAs, in protection of wild trapped
20 pheasants released in WPRAs, can be accomplished
21 through the regulations amendment as outlined on the
22 text on pages 23 and 24 of your agenda. The Executive
23 Director and staff recommend the Commission approve
24 this change.

25 PRESIDENT DELANEY:

1 Commissioners, you heard the commentary.
2 Is there a motion from the floor?

3 COMMISSIONER SCHLEMMER:

4 Motion.

5 PRESIDENT DELANEY:

6 Commissioner Schlemmer.

7 COMMISSIONER MARTONE:

8 Second.

9 PRESIDENT DELANEY

10 Commissioner Martone. Discussion from
11 the floor? I guess I'll ask for commentary here.
12 Everyone in the room, I think, understands the
13 financial blights of the Pennsylvania Game Commission
14 and yet we and the Executive Director and our staff
15 found a way to have a fourth wildlife recovery area in
16 Pennsylvania. There's a lot of dedication on behalf
17 of the agency, I think, to make this happen and our
18 Executive Director. There also will be a lot of
19 sacrifice on behalf of the sportsmen. When we do
20 these wildlife recovery areas, it takes six years;
21 three years to get the wild birds and three years to
22 study them. So while I'm personally excited about the
23 fourth WPRA, we all understand that some sacrifice
24 comes with that and we cannot hunt in that area for
25 six years. But I would encourage my fellow

1 Commissioners to join in the enthusiasm of the
2 pheasant hunters across the state and support this
3 issue. Additional discussion? All those in favor
4 signify by saying aye.

5 CHORUS OF AYES

6 PRESIDENT DELANEY:

7 Opposed?

8 SECRETARY SCHREFFLER:

9 Mr. President, the vote is unanimous in
10 favor of the motion.

11 PRESIDENT DELANEY:

12 Thank you, Commissioner.

13 ATTORNEY BECHTEL:

14 The next item comes from the Bureau of
15 Wildlife Protection and concerns adopted rulemaking,
16 the adoption of proposed amendments to Section 141.4.
17 To effectively manage the wildlife resources of this
18 Commonwealth, the Game Commission, in its January
19 26th, 2010 meeting, proposed to amend Section 141.4
20 relating to hunting hours to update the tables of
21 hunting hours for the 2010/2011 hunting year to
22 reflect the annual change in days and subsequent
23 hunting hours. The Executive Director and staff
24 recommend final adoption of this amendment to 58 Pa.
25 Code as shown on Exhibit A on pages 26 through 28 of

1 your agenda.

2 VICE-PRESIDENT WEANER:

3 So moved.

4 PRESIDENT DELANEY:

5 Commissioner Weaner had the motion. Do
6 we hear a second?

7 COMMISSIONER SCHLEMMER:

8 Second.

9 PRESIDENT DELANEY:

10 Second, Commissioner Schlemmer.

11 Discussion?

12 VICE-PRESIDENT WEANER:

13 Mr. President, I would like to offer a
14 couple of amendments to this. The first one, which
15 I'll pass out here, deals with page 26. And again,
16 this is clean-up stuff for the all-day hunting and
17 turkey season; that's what this affects. But on page
18 26 below what's written there, item number two will
19 read raccoon, fox, skunk, opossum, coyote, bobcat and
20 beaver may be hunted any hour, day or night, except
21 during the restricted periods in paragraph one. And
22 woodchuck, opossum, skunk, and weasel may not be
23 hunted during the legal hours of spring gobbler
24 season.

25 And number three would read turkey may be

1 hunted one half hour before sunrise to 12 noon from
2 the opening day of the spring gobbler season through
3 the third Saturday or the remainder of the season from
4 one half hour before sunrise to one half hour after
5 the sunset. That would be Exhibit A and then over on
6 page 27, rolling this all into one amendment, 27 and
7 eight, apparently there was an error in plotting when
8 daylight savings time changes and ends. And so in the
9 left column, the asterisk would change the ---
10 daylight savings time ends on November 7th. In the
11 second column it begins on March 13th. On page 28,
12 under migratory game bird hunting hours, those same
13 two changes would be affected.

14 PRESIDENT DELANEY:

15 Thank you, Commissioner Weaner. Do we
16 have a second?

17 COMMISSIONER ISABELLA:

18 Second.

19 PRESIDENT DELANEY:

20 Was that Commissioner Isabella?

21 COMMISSIONER ISABELLA:

22 Yes.

23 PRESIDENT DELANEY:

24 Second Commissioner Isabella.

25 Discussion? All those in favor of the proposed

1 amendment signify by saying aye.

2 CHORUS OF AYES

3 PRESIDENT DELANEY:

4 Opposed?

5 SECRETARY SCHREFFLER:

6 Mr. President, the vote is unanimous in
7 favor of the motion.

8 PRESIDENT DELANEY:

9 Okay, now the next --- I believe we need
10 to vote on a proposal as amended. Do we have a motion
11 from the floor on the proposal to the amendment?
12 Okay. All those in favor signify by saying aye.

13 CHORUS OF AYES

14 PRESIDENT DELANEY:

15 Opposed?

16 SECRETARY SCHREFFLER:

17 Mr. President, the vote is unanimous in
18 favor of the amendment.

19 PRESIDENT DELANEY:

20 Thank you, Commissioner Schreffler.

21 ATTORNEY BECHTEL:

22 The next item is proposed rulemaking,
23 which appears on page 29 of your agenda; to amend 58
24 Pa. Code Section 141.20. At its April 18th, 2007
25 Commission meeting, the Commission adopted amendments

1 to Section 141.20 that permitted the posting of
2 protective material within 15 feet of a blind, meeting
3 the requirements of Section 2308 A3 of the Act in lieu
4 of wearing the required protective material on their
5 person while hunting during any firearms season for
6 deer, elk or bear.

7 These amendments were made in response to
8 concerns raised by hunters regarding the then-current
9 requirement that protective material be worn only on
10 the person inside a manufactured blind where its
11 visual effectiveness is severely diminished did not
12 afford adequate safety for hunters. Upon further
13 reflection of this issue, the Commission had
14 determined that the mandatory posting of protective
15 material outside a manufactured blind for all hunters
16 who choose to utilize them while hunting during any
17 firearm season for deer, elk or bear will better
18 protect their safety rather than the current voluntary
19 alternative.

20 To this end, the Commission is proposing
21 to amend Section 141.20 to eliminate the voluntary
22 posting of protective material outside of manufactured
23 blinds and, in the alternative, require that all
24 hunters hunting during any firearm season for deer,
25 elk or bear post a minimum of 100 square inches of

1 daylight fluorescent, orange-colored material within
2 15 feet of a blind to meet the requirements of 2308 A3
3 of the Act in a manner that is visible within a 360
4 degree arc, in addition to the requirement of the
5 wearing of protective material on their persons. The
6 text of this change appears below on pages 29 and 30.
7 The Executive Director and staff recommend that the
8 Commission approve this amendment.

9 PRESIDENT DELANEY:

10 Commissioners, you've heard the
11 commentary. Is there a motion?

12 COMMISSIONER MARTONE:

13 Motion.

14 VICE-PRESIDENT WEANER:

15 Second.

16 PRESIDENT DELANEY:

17 Commissioner Martone on the motion,
18 second Commissioner Weaner. Discussion? Commissioner
19 Martone?

20 COMMISSIONER MARTONE:

21 I know the legal language may be
22 confusing, but basically what this does is we have the
23 ability for a hunter wearing fluorescent orange to get
24 inside a blind and that was all the orange they had to
25 display, which effectively was none to hunters outside

1 the blind. And so all we did was add the requirement
2 to display orange outside the blind during deer, bear
3 and elk season. Thank you.

4 PRESIDENT DELANEY:

5 Other discussion?

6 SECRETARY SCHREFFLER:

7 Yes.

8 PRESIDENT DELANEY:

9 Commissioner Schreffler?

10 SECRETARY SCHREFFLER:

11 Yes, I am in concurrence with Mr. Martone
12 and I also had the same take as you, where blinds were
13 permitted and no orange was visible outside, but I
14 also notice that in tree stands now that they're fully
15 closed also and of you may be wearing orange there and
16 you don't see it because they're enclosed with
17 camouflage. I wanted to make a point that this is any
18 fully enclosed blind that it's required so other
19 hunters know that you are there.

20 PRESIDENT DELANEY:

21 Thank you, Commissioner. Additional
22 discussion? With that, all those in favor signify by
23 saying aye.

24 CHORUS OF AYES

25 PRESIDENT DELANEY:

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Opposed?

SECRETARY SCHREFFLER:

Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:

Thank you, Commissioner.

ATTORNEY BECHTEL:

The next item concerns adopted rulemaking, the adoption of Section 143.45. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed to amend Section 143.45 relating to completing and submitting applications to authorize county treasurers to begin selling antlerless licenses over-the-counter on the first Monday in October. The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit A on page 32 of your agenda.

VICE-PRESIDENT WEANER:

So moved.

PRESIDENT DELANEY:

Commissioner Weaner. Second?

COMMISSIONER SCHLEMMER:

Second.

PRESIDENT DELANEY:

1 Commissioner Schlemmer. Any discussion?
2 If not, all those in favor signify by saying aye.

3 CHORUS OF AYES

4 PRESIDENT DELANEY:

5 Opposed?

6 SECRETARY SCHREFFLER:

7 Mr. President, the vote is unanimous in
8 favor of the motion.

9 PRESIDENT DELANEY:

10 Thank you.

11 ATTORNEY BECHTEL:

12 The next item comes from the Bureau of
13 Wildlife Habitat and concerns the adoption of proposed
14 amendment to Section 135.1 and by adding subchapter M
15 to chapter 135. To effectively manage the wildlife
16 resources of this Commonwealth, the Game Commission,
17 at its January 26th, 2010 meeting, proposed to change
18 or to amend Section 135.1 relating to scope and add
19 subchapter M relating to purchase of properties at
20 auction and tax sales to Chapter 135 to authorize the
21 Executive Director to bid on real estate, oil, gas or
22 mineral rights at auction or tax sales. The Executive
23 Director and staff recommend final adoption of these
24 amendments to 58 Pa. Code as shown on Exhibit A on
25 page 34 of your agenda.

1 PRESIDENT DELANEY:

2 Commissioners, is there a motion from the
3 floor?

4 COMMISSIONER ISABELLA:

5 Motion.

6 PRESIDENT DELANEY:

7 Commissioner Isabella. Second by
8 Commissioner Weaner. Any discussion? Commissioner
9 Boop?

10 COMMISSIONER BOOP:

11 This is a motion that I'm very much in
12 favor of, and I would encourage my fellow
13 Commissioners to support this. I know there's been
14 some comment about it and it's been before us for a
15 while, but this is an area that I deal with quite a
16 bit in my professional life and I think when these
17 opportunities become available we have to have the
18 ability to move on the opportunity in a timely manner,
19 and certainly I think the threshold amount that we've
20 set is appropriate. It's very common to await proper
21 notice in other quasi-public entities who authorize
22 Executive Director or the comparative individual to
23 have this authority. I think it's much needed and I
24 totally support it.

25 PRESIDENT DELANEY:

1 Thank you, Commissioner Boop. Any
2 additional discussion? If not, all those in favor
3 signify by saying aye.

4 CHORUS OF AYES

5 PRESIDENT DELANEY:

6 Opposed?

7 SECRETARY SCHREFFLER:

8 Mr. President, the vote is unanimous in
9 favor of the motion.

10 PRESIDENT DELANEY:

11 Thank you, Mr. Secretary.

12 ATTORNEY BECHTEL:

13 The next item concerns two acquisitions.
14 The first is Contract Number 3565, State Game Land
15 Number 331, Clearfield County. The Conservation Fund
16 is offering a tract of land totaling 359 plus or minus
17 acres in Huston Township, Clearfield County adjoining
18 State Game Land Number 331 as shown on Exhibit Red One
19 on page 36 of your agenda. The option price is
20 \$323,100 lump-sum payment, with \$137,200 being paid to
21 the Game Fund and the balance shall be paid from the
22 Blanche Pollum Estate whose bequest to the Game
23 Commission stipulated the land be purchased within 15
24 air miles of Dubois and by third party commitments for
25 compensation of habitat and recreational losses from

1 previously-approved Commission actions.

2 The option excepts and reserves and all
3 timber and timber rights for 15 years from the date
4 the deed is transferred to the Commission. Specific
5 timber harvesting provisions have been agreed to which
6 follow best management practices for Pennsylvania
7 forests and allow the timber to be harvested in close
8 coordination with the Commission. No conifers shall
9 be cut unless mutually agreed to by both parties.
10 This tract is an indenture into the northwest boundary
11 of State Game Land Number 331 and is predominantly
12 forested with mixed northern hardwoods. Wetlands are
13 located along the low-lying areas associated with the
14 upper reaches of the Bennett Branch of Sinnemahoning
15 Creek.

16 The second contract is Contract Number
17 3566 Howard Nursery, Centre County. The Estate of
18 Louise P. Leathers is offering a tract of land
19 totaling 85 plus or minus acres in Howard Township,
20 Centre County adjacent to the Game Commission's Howard
21 Nursery as shown on Exhibit Red Two on page 37 of your
22 agenda. The option price is a \$386,000 lump sum to be
23 paid by third party commitments for compensation of
24 habitat and recreational losses from
25 previously-approved Commission actions. There is a

1 reservation of one inch waterline from an existing
2 springhouse to the property of one of the heirs of the
3 Louis P. Leathers Estate. This property also adjoins
4 U.S.A. Army Corps of Engineers property at the Corps'
5 Foster Joseph Sayers Dam flood control project. The
6 property has approximately 45 acres in tillage
7 agricultural fields with the remaining 40 acres in
8 mixed northern hardwoods. The property is easily
9 accessible by way of State Route 150 along the
10 northern border of the property and Dowdy Hole Road, a
11 township road which bisects the property to the south.
12 The Executive Director and staff recommend the options
13 listed above be accepted and the Commission authorizes
14 the Bureau of Wildlife Habitat Management to proceed
15 with the acquisition of these tracts.

16 PRESIDENT DELANEY:

17 Commissioners, you heard the commentary.
18 Is there a motion from the floor?

19 COMMISSIONER MARTONE:

20 So moved.

21 PRESIDENT DELANEY:

22 Commissioner Martone.

23 COMMISSIONER SCHLEMMER:

24 Second.

25 PRESIDENT DELANEY:

1 Commissioner Schlemmer. Is there any
2 discussion? If not, all those in favor signify by
3 saying aye.

4 CHORUS OF AYES

5 PRESIDENT DELANEY:

6 Opposed?

7 SECRETARY SCHREFFLER:

8 Mr. President, the vote was unanimous in
9 favor of the motion.

10 PRESIDENT DELANEY:

11 Thank you.

12 ATTORNEY BECHTEL:

13 The next item concerns a land exchange,
14 contract number 3567, State Game Land Number 169 in
15 Cumberland County. The Pennsylvania Turnpike
16 Commission desires to expand and upgrade an area along
17 Interstate 76 that bisects the northern portion of
18 State Game Land Number 169 situated in Upper Mifflin
19 Township, Cumberland County. This turnpike expansion
20 project will include the taking of approximately 2.2
21 acres of State Game Land Number 169 as shown on
22 Exhibit Red Three on page 39.

23 The property is under restrictions by the
24 Commonwealth of Pennsylvania due to being acquired
25 with funding under the Project 70 Act, such that a

1 conveyance to the Turnpike Commission shall require
2 approval of the General Assembly. The Turnpike
3 Commission shall be the lead agency in seeking
4 approval from the General Assembly for conversion of
5 the land.

6 In exchange, the Turnpike Commission has
7 offered the Game Commission approximately 2.2 acres of
8 land adjacent to State Game Land Number 169 situated
9 in Upper Mifflin Township, Cumberland County. There
10 is a restriction on this property regarding objections
11 or challenges to the adjoining landfill and its
12 operations. The Turnpike Commission has agreed to
13 obtain a release from the restrictions. If this
14 release is not obtained, the Game Commission shall be
15 under no obligation to acquire title to the property.
16 The tract is an indenture into State Game Lands Number
17 169 and has the Conodoquinet Creek as its southern
18 boundary. The tract is forested with common bottom
19 land species found along riparian corridors.

20 The Executive Director and staff have
21 reviewed this request for a land exchange and has
22 determined it to be of equal or greater value for the
23 benefit of wildlife and requests that the Commission
24 authorize the Bureau of Wildlife Habitat Management to
25 proceed with the exchange.

1 PRESIDENT DELANEY:

2 Commissioners, you've heard the
3 commentary for land exchange. Is there a motion from
4 the floor?

5 COMMISSIONER ISABELLA:

6 Motion.

7 PRESIDENT DELANEY:

8 Commissioner Isabella.

9 COMMISSIONER MARTONE:

10 Second.

11 PRESIDENT DELANEY:

12 Second Commissioner Martone. Is there
13 any discussion? All those in favor signify by saying
14 aye.

15 CHORUS OF AYES

16 PRESIDENT DELANEY:

17 Opposed?

18 SECRETARY SCHREFFLER:

19 Mr. President, the vote is unanimous in
20 favor of the motion.

21 PRESIDENT DELANEY:

22 Thank you, Mr. Schreffler.

23 ATTORNEY BECHTEL:

24 The next item is on Contract Number 3568,
25 State Game Land Number 93, Somerset County. Waste

1 Management, Inc., through the Wildlife for Everyone
2 Endowment Foundation, is offering to donate 46 plus or
3 minus acres of land in Shade Township, Somerset County
4 located near State Game Land Number 93 as shown on
5 Exhibit Red Four on page 41. Waste Management,
6 Incorporated will reserve the oil and gas; however,
7 they have agreed to not utilize any surface for any
8 oil/gas-related activities including the exploration,
9 access, development and transportation of oil or
10 natural gas. Gas extraction will require horizontal
11 drilling from neighboring properties. A mining permit
12 exists with a Stage Three bond being held by the
13 Department of Environmental Protection. The deed to
14 the Commission will contain language acceptable to the
15 Executive Director such that the Commission will not
16 be accepting any liability connected to the acid mine
17 drainage, AMD discharge that is being actively treated
18 and occurs on the property from past surface mining
19 activities.

20 Approximately 18 acres are wetlands
21 including open water, emergent and riparian habitat
22 associated with Miller Run that runs through the
23 tract. A conifer plantation and mixed northern
24 hardwoods cover 14 acres. The remaining 14 acres are
25 equally split between grassland and agricultural

1 fields. Access to the property is provided by Burinda
2 Road, which is a township road. The Executive
3 Director and staff recommends that the donation listed
4 above be accepted and the Commission authorizes the
5 Bureau of Wildlife Habitat Management to proceed with
6 the acquisition of this tract once the liability
7 issues have been removed.

8 PRESIDENT DELANEY:
9 Commissioners, is there a motion from the
10 floor?

11 VICE-PRESIDENT WEANER:
12 So moved.

13 PRESIDENT DELANEY:
14 Commissioner Weaner.

15 COMMISSIONER MARTONE:
16 Second.

17 PRESIDENT DELANEY:
18 Commissioner Martone on the second. Is
19 there any discussion? All those in favor signify by
20 saying aye.

21 CHORUS OF AYES

22 PRESIDENT DELANEY:
23 Opposed?

24 SECRETARY SCHREFFLER:
25 Mr. President, the vote is unanimous in

1 favor of the motion.

2 PRESIDENT DELANEY:

3 Thank you, Commissioner.

4 ATTORNEY BECHTEL:

5 The next item is coal refuse removal and
6 reclamation lease, State Game Land Number 260, Luzerne
7 County. Susquehanna Haul and Drilling, LLC of Exeter,
8 Pennsylvania has requested a lease to mine and remove
9 an abandoned anthracite coal refuse pile disposed on a
10 portion of a 12-acre tract of land being part of State
11 Game Land Number 260 as shown on Exhibit OGM 1 on page
12 43 of your agenda. The proposed refuse pile removal
13 project will entail approximately 4.5 acres of
14 abandoned and unreclaimed refuse pile containing
15 approximately 1.8 million tons of refuse and waste
16 rock material. The remaining lease acreage will be
17 utilized for access to the coal refuse removal site
18 construction of erosion and sedimentation controls and
19 operational support.

20 The accumulated royalty value of this
21 proposed project has been calculated at approximately
22 \$200,000. Removal and reclamation of the refuse pile
23 will eliminate an abandoned mine hazard and restore
24 the area to its natural condition. Reclamation will
25 be regulated by the Commonwealth's Surface Coal Mining

1 regulations and the Commission's coal refuse removal
2 and reclamation lease agreement. The seven-year lease
3 will include a \$15,000 performance bond and
4 environmental protection standards. Further,
5 Susquehanna Haul and Drilling will be obligated to
6 carry out a site-specific wildlife habitat and
7 reclamation plan as per the direction of the Local
8 Land Management Group Supervisor. No merchantable
9 timber is to be affected by this reclamation
10 operation.

11 In exchange for the coal refuse removal
12 and reclamation lease, Susquehanna Haul and Drilling
13 will pay the Commission a minimum advanced royalty
14 payment of \$10,000 per year for the first two years.
15 Susquehanna Haul and Drilling will also compensate the
16 Commission at a royalty rate of 10 percent FOB pit
17 price or a minimum of \$1.00 per ton, whichever the
18 greater, for each and every ton of coal refuse mined
19 and removed from the site. The lease will also
20 provide a wheelage provision in which Susquehanna Haul
21 and Drilling will pay the Commission 25 cents per ton
22 or one percent FOB pit price, whichever the greater,
23 for coal refuse removed from adjacent property and
24 hauled through the Game Lands. All revenues generated
25 from this project shall be deposited into the Game

1 Fund.

2 The Executive Director and staff
3 recommend the proposed lease be approved and the
4 Commission authorizes the Bureau of Wildlife Habitat
5 Management to proceed with the leasing arrangement
6 listed above.

7 VICE-PRESIDENT WEANER:

8 So moved.

9 PRESIDENT DELANEY:

10 Commissioner Weaner. Second?

11 COMMISSIONER MARTONE:

12 Second.

13 PRESIDENT DELANEY:

14 Commissioner Martone. Discussion? All
15 those in favor signify by saying aye.

16 CHORUS OF AYES

17 PRESIDENT DELANEY:

18 Opposed?

19 SECRETARY SCHREFFLER:

20 Mr. President, the vote is unanimous in
21 favor of the motion.

22 PRESIDENT DELANEY:

23 Thank you, Commissioner. We will now
24 move on to the new business part of our meeting, and I
25 would ask any Commissioners if there any new business

1 items?

2 SECRETARY SCHREFFLER:

3 Mr. President?

4 PRESIDENT DELANEY:

5 Commissioner Schreffler?

6 SECRETARY SCHREFFLER:

7 I have a resolution I would like to offer
8 concerning Marcellus Shale. The resolution is as
9 follows; this is a resolution regarding the
10 development of Marcellus Shale gas resources on
11 Pennsylvania Gaming Commission. Whereas there has
12 been previous activity in the exploration of gas in
13 the Marcellus Shale area of the Commonwealth and
14 whereas a portion of the Marcellus Shale area falls
15 under the State Game Lands under the control of the
16 Pennsylvania Game Commission. And whereas the
17 Pennsylvania Game Commission does not own all the oil,
18 gas and mineral rights on some State Game Lands and
19 whereas there is increased pressure for the
20 development of the gas rights on public lands
21 generating increased revenues. And whereas the
22 Pennsylvania Game Commission as an independent agency
23 that receives no appropriated funds from the State
24 General Fund and whereas the Pennsylvania Game
25 Commission's funding is primarily based on licensees,

1 federal grants and revenue generated from natural
2 resources on the State Game Lands. And whereas the
3 long-term affordability of the Pennsylvania Game
4 Commission/Wildlife Commission is predicated on
5 long-term, sustainable funding and now, therefore, if
6 involved --- that's the development of Marcellus Shale
7 gas resources on the State Game Lands system will be
8 accomplished with great prudence, minimum disruption
9 to State Game Lands and replacement of disturbed land
10 and long-term sustainability of revenue for the
11 Wildlife Commission.

12 PRESIDENT DELANEY:

13 Thank you, Commissioner. I take it that
14 you're putting that in the form of a motion?

15 SECRETARY SCHREFFLER:

16 Motion or resolution, yes.

17 PRESIDENT DELANEY:

18 As a resolution. Do we have a second?

19 COMMISSIONER ISABELLA:

20 Second.

21 PRESIDENT DELANEY:

22 Commissioner Isabella. Discussion? I
23 would like to comment on that, coming from
24 Northeastern Pennsylvania where we have an awful lot
25 of Marcellus Shale drilling going on. Particularly in

1 Susquehanna County we had a gas company just get
2 banned from drilling for at least the next calendar
3 year. So when Commissioner Schreffler brought this to
4 the Board, I was just so much in support of sending a
5 message to the public what our concerns are with the
6 Marcellus Shale. I think we have some of the best
7 people in the business here in the Pennsylvania Game
8 Commission that are looking out for our interests with
9 drilling on our State Game Lands for the leases that
10 we have in place. So, Commissioner, thank you for
11 that. Commissioner Putnam?

12 COMMISSIONER PUTNAM:

13 I'd like to add a little additional
14 commentary. The Game Commission has a very, very good
15 record of their land dealings and I think we heard
16 yesterday there are some reclamation projects that are
17 going on in the north central where we're getting
18 large amounts of very high-quality habitat at very low
19 costs or no costs to the Commission. Our oil and gas
20 leases, the track records are unmatched by any other
21 agency. Some of that came out in the audit that was
22 done for the State Legislative Budget Finance
23 Committee.

24 The Game Commission doesn't do the oil
25 and gas dealings the same way as the other state

1 agencies do it. I think the important part of this is
2 that we are in this for the long haul. We have some
3 very, very significant resources out there, but we
4 want to develop those over the next hundred years, 200
5 years, 500 years, not before the end of the current
6 administration in Harrisburg. I think it's an
7 important statement for us to make. We're often ---
8 you know, we'll point to the Commission and say you've
9 got a lot of resources up there, why don't you cut all
10 your trees? If you'd cut all your trees, you'd have
11 enough money; you wouldn't need to worry. Well, we're
12 in it for the long haul, we're in it for the fish and
13 wildlife resources that are out there on the land and
14 I think it's an important statement that we need to
15 differentiate the Game Commission from other agencies.

16 PRESIDENT DELANEY:

17 Thank you, Commissioner. Other
18 discussion?

19 COMMISSIONER BOOP:

20 Mr. President?

21 PRESIDENT DELANEY:

22 Commissioner Boop?

23 COMMISSIONER BOOP:

24 Yes, under new business I would like to
25 address several issues related to the recent WMI

1 report.

2 PRESIDENT DELANEY:

3 Commissioner Boop, one second. If we
4 could, we were on discussion of Marcellus. If we
5 could just back up a moment?

6 COMMISSIONER BOOP:

7 I'm sorry. I withdraw that. I'll be
8 happy to ---.

9 PRESIDENT DELANEY:

10 So is there any additional discussion on
11 Commissioner Schreffler's discussion on the Marcellus
12 Shale and the resolution? If not, all those in favor
13 signify by saying aye.

14 CHORUS OF AYES

15 PRESIDENT DELANEY:

16 Opposed?

17 SECRETARY SCHREFFLER:

18 Mr. President, the vote was unanimous in
19 favor of the resolution.

20 PRESIDENT DELANEY:

21 Thank you, Commissioner Schreffler.

22 Commissioner Boop, you now have the floor.

23 COMMISSIONER BOOP:

24 Thank you, and I apologize. I would like
25 to address several issues related to the WMI report.

1 We had Mr. Williamson present yesterday and many of
2 the people in the room were here for that. I'd like
3 to ask the Executive Director and staff to investigate
4 and report back to the Board with some recommendations
5 for the 2011/2012 season as to how we have, within our
6 available means, the ability to improve our reporting
7 rate, particularly with respect to the criticism in
8 that report related to the low reporting rate.

9 And I know we have fiscal restraints, but
10 I'd like to see what our options are. I'd like to see
11 what the costs are so that we can make some informed
12 decisions as a Board as to whether --- how we can move
13 forward in implementing that recommendation that we
14 improve our reporting rate. So that's the first part
15 that I would like to ask for.

16 And at the January meeting I had made a
17 motion, and I think it's timely relative to the WMI
18 report. I'd just like to pass out a proposed motion
19 that I have at this point. The WMI report addresses
20 the issue with respect to our allocations for our
21 antlerless tags for our management units and we've
22 been under some criticism because they're not included
23 in our allocation numbers, so I have a proposed motion
24 under new business which will read as follows, which
25 would address this concern that the antlerless

1 allocations that's approved for each WMU for the
2 2010/2011 seasons shall automatically be reduced by
3 the number of DMAP permits issued in that WMU for the
4 2009/2010 seasons. And that the DMAP permits issued
5 for the 2010/2011 seasons shall not exceed the
6 2009/2010 totals in each WMU without further action by
7 this Board. This would have the effect of whatever
8 the DMAP allocations were for last year, those would
9 be set aside for DMAP for this year coming forward and
10 with the provision that they not exceed last year as
11 well. And I'd offer that as a motion under new
12 business.

13 ATTORNEY WEANER:

14 Second.

15 PRESIDENT DELANEY:

16 Thank you, Commissioner Boop for the
17 motion and Commissioner Weaner for the second. Will
18 there be discussion on the motion? Commissioners?
19 Commissioner Schreffler?

20 SECRETARY SCHREFFLER:

21 I think this is not an appropriate move
22 here because it removes flexibility and the ability to
23 adapt to the large population of the deer in certain
24 areas. There are certain hot spots. And a lot of
25 private land owners are doing an excellent job, a lot

1 of the section coordinators are doing an excellent job
2 here and this removes that flexibility to get
3 additional permits as needed as they monitor their
4 deer population.

5 The regulation has application criteria
6 in it as to the number of permits being limited, and I
7 think we should follow that rather than change it.
8 It's a really valuable, viable way of managing the
9 deer where we do have hot spots in certain wildlife
10 management units. It provides flexibility and we
11 often are talking about making --- well, reducing the
12 size of wildlife management units. Oftentimes that
13 yard size requires credible data to monitor our deer
14 management. But we can manage certain smaller areas
15 within that wildlife management unit by using the DMAP
16 permit. The deer really don't distinguish between
17 public land or private land and, you know, a lot of
18 the public agencies have professional staff that
19 monitor deer and habitat and deal with surveys and so
20 on, and I get complaints --- just earlier today we
21 talked about allocation. Some areas of wildlife
22 management, one does not see many deer in. Other
23 areas the farmers and the forest land owners were
24 telling me there were tens --- lots of deer on their
25 property. They have 45, 50 deer in a field sometimes

1 and they show me pictures and I think they should have
2 the ability to use that DMAP to reduce the allocation
3 in some of the units. And in those same units, there
4 are hotspots where other people will have their
5 property and be unable to use a DMAP to manage the
6 deer on their private property.

7 The ability here to strategically target
8 those hotspots is very important in limiting the
9 number of allocations, in order to limit that in some
10 fashion. So my position is that we shouldn't change
11 the DMAP program at all; it's one of the most useful
12 tools that we have. It was also mentioned in the
13 Wildlife Management report that it is a very effective
14 and very useful tool.

15 PRESIDENT DELANEY:

16 Thank you, Commissioner. Just as a point
17 of clarification, Commissioner Boop, before we go on
18 and have further discussion about the DMAP, these are
19 two separate incidents. We merely asked the Executive
20 Director --- or often it's some director --- with
21 regards to the WMI report. That was totally different
22 ---

23 COMMISSIONER BOOP:

24 Right.

25 PRESIDENT DELANEY:

1 --- from your DMAP motion?

2 COMMISSIONER BOOP:

3 Correct.

4 PRESIDENT DELANEY:

5 Okay. On to Commissioner Putnam, on your
6 discussion.

7 COMMISSIONER PUTNAM:

8 To follow-up on what Commissioner
9 Schreffler said, the DMAP program I think is critical
10 to our deer program as we go forward. My concern
11 would be, with the DMAP program, that we may not have
12 been as precise as we could be with some of the plans.
13 I think that's where some of the criticism comes from.
14 I think it's important to point out that DMAP really
15 is a very small percentage of our harvest. Most of
16 our WMUs, it makes up less than three percent. One
17 WMU we have four percent, one we have seven, and one
18 we have 27. 2G is the unit that has the most
19 significant impact of the DMAP program. DMAP is very
20 important to our large forest landowners in 2G. They
21 need that as a tool to manage their deer resources ---
22 and most importantly, timber resources. I think as we
23 go forward, we're going to have to do all that work
24 together, come up with a little better plan that's
25 acceptable to everyone. I think a lot of the concerns

1 with DMAP are misplaced, in that we have units where
2 we have a lot of complaints, like 4D with a --- the
3 total DMAP harvest size on 4D is 237 animals,
4 relatively small percentage of the harvest. That's
5 all I have.

6 PRESIDENT DELANEY:

7 Thank you, Commissioner Putnam. Any
8 other discussion? Commissioner Isabella?

9 COMMISSIONER ISABELLA:

10 Thank you, Mr. President. Regarding the
11 DMAP, as the criticism came in months ago, we had the
12 hearing from the hunters that they had information
13 that DMAP was being abused tremendously. I have still
14 yet to see a unit where it has been forced down on the
15 individual forester or private land. So you know, a
16 lot of these allegations, I have found, have been
17 unfair. Thank you.

18 PRESIDENT DELANEY:

19 Thank you, Commissioner Isabella.
20 Additional Commissioners? Director Roe, do you have a
21 comment?

22 DIRECTOR ROE:

23 Yes, this is a matter of point of order.
24 We've just approved the allocation by a regulatory
25 process. So if, in fact, we're going to do this, we

1 probably need to reopen the seasons and bag limits and
2 go back in and make those changes if, in fact, it's
3 going to be passed. If not, it comes in as a separate
4 regulatory action and we have to figure out how to do
5 that.

6 PRESIDENT DELANEY:

7 Commissioner Boop, in light of that
8 information and recommendation from legal counsel,
9 what are your thoughts on that?

10 COMMISSIONER BOOP:

11 Well, we're not changing the allocation
12 number. We're just saying that we're going to set
13 aside from DMAP a portion of the allocation. But I'm
14 not sure that that's the case, such that I would ---
15 we have legal counsel and that's why we have legal
16 counsel, and I would defer to his judgment on the
17 matter. But ultimately, all the motion says is if you
18 have --- in a particular WMU you've got 30,000
19 allocations that were already approved and if last
20 year there was a thousand DMAP in that WMU, a thousand
21 this year gets set aside for DMAP and we issue 29,000.
22 It's pretty straightforward, and that's the impending
23 motion. It's not changing the allocation number.

24 DIRECTOR ROE:

25 Well, if the motion says allocations can

1 automatically be reduced ---?

2 COMMISSIONER BOOP:

3 Which is the DMAP number for last year.

4 PRESIDENT DELANEY:

5 I would advise Counsel if we need to take
6 a recess to discuss this further, we can do that. If
7 not, your concurrence with Commissioner Boop's motion
8 has to be in place legally.

9 ATTORNEY BECHTEL:

10 The motion is perfectly fine, but I'm
11 saying that procedurally --- and I think he's right;
12 it doesn't have to reopen and re-change the
13 allocation. But if he failed to reopen or re-change
14 the allocation, the problem is the motion appears to
15 be --- to require some sort of regulatory change,
16 whether it's the DMAP program itself in the way the
17 permits are issued or for the allocation, one or the
18 other. And maybe that's what you wanted, but if you
19 don't go back and reopen it, then it just becomes a
20 proposal as opposed to a final adoption. And I
21 understand it wasn't meant to be that. I think it was
22 meant to be exactly what he said. The easiest way to
23 do that is finally adopt it now with the package as
24 everything else was proposed.

25 PRESIDENT DELANEY:

1 Well, we're under new business and,
2 Commissioner ---.

3 ATTORNEY BECHTEL:

4 Well, let me reconsider that any time
5 left on the winning side could ---.

6 PRESIDENT DELANEY:

7 Commissioner Boop, do you need a recess
8 to consider this or are you prepared to offer some
9 additional language or would you rather reopen seasons
10 and bag limits?

11 COMMISSIONER BOOP:

12 I think this is where we were in January.
13 The intent is, it's recommended by WMI that DMAP not
14 be added to our allocation numbers. Now, it seems to
15 me that the motion as I've stated accomplishes that
16 result. Now, if someone can suggest some other
17 language they feel clears up Mr. Bechtel's problem,
18 I'm certainly willing to consider that.

19 PRESIDENT DELANEY:

20 I'd rather keep it between Commissioner
21 Boop and legal counsel for right now.

22 DIRECTOR ROE:

23 I'm not so concerned about the language
24 as how to enter it into the regulatory process.

25 PRESIDENT DELANEY:

1 Commissioner Boop, if you cannot come to
2 some terms with that in the next two or three minutes,
3 I think we're going to --- we'll either take recess
4 and discuss it or we'll allow further new business to
5 happen.

6 COMMISSIONER WEANER:

7 Mr. President?

8 PRESIDENT DELANEY:

9 Yes, sir?

10 COMMISSIONER WEANER:

11 I vote we take a five-minute recess.

12 PRESIDENT DELANEY:

13 Five-minute recess.

14 SHORT BREAK TAKEN

15 PRESIDENT DELANEY:

16 The issue under new business is very
17 complicated and we had to consult with our legal
18 counselors to get the right direction to move forward.
19 And I believe we have that, so we will reconvene this
20 business being under new business and we will move
21 forward from there.

22 COMMISSIONER WEANER:

23 Mr. President, I move to reconsider the
24 motion which establishes seasons, bag limits and
25 allocations.

1 PRESIDENT DELANEY:

2 Okay. On that note, do we have a second
3 from the floor?

4 COMMISSIONER MARTONE:

5 I'll second that.

6 PRESIDENT DELANEY:

7 Commissioner Martone on the second. Do
8 we have discussion on that? Okay. We will then take
9 a vote, and all those in favor of Commissioner's
10 Weaner motion signify by saying Aye.

11 AYES RESPOND

12 PRESIDENT DELANEY:

13 Opposed?

14 NAYS RESPOND

15 PRESIDENT DELANEY:

16 Okay. Commissioner?

17 SECRETARY SCHREFFLER:

18 The vote is seven in favor and ---.

19 PRESIDENT DELANEY:

20 There's a discrepancy. Show of hands and
21 let's put the names down for the stenographer. All of
22 those in favor of the motion signify by saying aye and
23 raise your right hand.

24 AYES RESPOND

25 PRESIDENT DELANEY:

1 Opposed?

2 NAY RESPONDS

3 COMMISSIONER SCHLEMMER:

4 I'd like to abstain.

5 SECRETARY SCHREFFLER:

6 So, Mr. President, the vote is six votes
7 in favor, one vote opposed, Commissioner Isabella, and
8 one abstention, Commissioner Schlemmer.

9 PRESIDENT DELANEY:

10 Okay. With that said, I believe we can
11 move forward then and put Commissioner Boop back on
12 the floor with his amendment.

13 COMMISSIONER BOOP:

14 Yes, I amend this in the form of the
15 motion that I passed out and this would be to include
16 the antlerless allocations, the DMAPs and the manner
17 as it's stated I would suggest for the upcoming
18 2010/2011 season.

19 PRESIDENT DELANEY:

20 Thank you, Commissioner Boop. Is there a
21 second on the motion? I apologize, Commissioner
22 Weaner on the second. Is there any discussion? All
23 of those in support of Commissioner Boop ---. You
24 want to discuss something? Go ahead.

25 COMMISSIONER SCHREFFLER:

1 Yes, I just wanted to point out that my
2 take on this --- I'm in favor of including allocation,
3 but my take is that this will actually cap the number
4 of DMAPs that we have this year and some might argue
5 that where there are DMAPS, there is a need for more,
6 and there won't be any more available under this.

7 PRESIDENT DELANEY:

8 Thank you, Commissioner. Any other
9 discussion? Commissioner Weaner?

10 VICE-PRESIDENT WEANER:

11 With respect to that concern, I think the
12 very last statement says that we not exceed these
13 totals unless the Board takes further action, so I
14 would suggest that if it becomes a problem and issues
15 were brought to us that we could take action to extend
16 that if it becomes necessary, so I think that
17 contingency is taken care of with this motion.
18 Therefore, I vote yes.

19 PRESIDENT DELANEY:

20 Thank you, Commissioner Weaner.
21 Additional discussion? With that said, all of those
22 in favor of Commissioner Boop's motion signify by
23 saying aye.

24 AYES RESPOND

25 PRESIDENT DELANEY:

1 Opposed?

2 OPPOSED RESPOND

3 SECRETARY SCHREFFLER:

4 Mr. President, the vote is six in favor
5 and two opposed, Mr. Isabella and Mr. Schreffler.

6 PRESIDENT DELANEY:

7 Thank you, Commissioner. Okay, we're
8 back into seasons and bag limits. We have an amended
9 motion on the floor. Do we have any discussion on
10 that? If not, we will vote again. All those in favor
11 signify by saying aye.

12 AYES RESPOND

13 PRESIDENT DELANEY:

14 Opposed?

15 OPPOSED RESPOND

16 SECRETARY SCHREFFLER:

17 Mr. President, the vote is six in favor,
18 two opposed. Mr. Schreffler and Mr. Isabella were
19 opposed.

20 PRESIDENT DELANEY:

21 Thank you. I believe we concluded that.
22 Is our legal counsel comfortable with that?

23 ATTORNEY BECHTEL:

24 Yes.

25 PRESIDENT DELANEY:

1 understanding then that you're asking the staff to
2 research that and report back to us?

3 COMMISSIONER MARTONE:

4 Yes.

5 PRESIDENT DELANEY:

6 Thank you. Any other new business? On
7 that note, I'd just like to check with the addition of
8 meeting dates with the Board to make sure we're
9 comfortable with them. As written, the following
10 Commission meeting dates were approved for 2010 and
11 January of 2011. Does the Commission wish to proceed
12 with these dates and locations, January 28th and 29th,
13 2010 in Harrisburg, October 4th and 5, 2010 in
14 Wilkes-Barre, in January 23, 24 and 25 in Harrisburg?
15 Are we all okay with those dates and locations? If
16 not, I'd like a motion to adjourn the meeting.

17 VICE-PRESIDENT WEANER:

18 So moved.

19 COMMISSIONER PUTNAM:

20 Second.

21 PRESIDENT DELANEY:

22 Commissioner Weaner, followed by
23 Commissioner Putnam. Thank you.

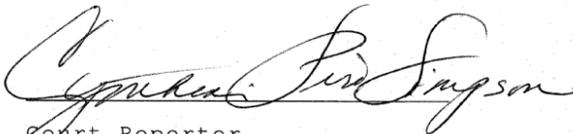
24 * * * * *

25 MEETING CONCLUDED AT 11:30 A.M.

CERTIFICATE

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I hereby certify that the foregoing proceedings, meeting held before President Delaney, was reported by me on 04/20/2010 and that I Cynthia Piro Simpson read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.


Court Reporter