

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

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IN RE: PENNSYLVANIA GAME COMMISSION MEETING

* * * * *

BEFORE: Robert W. Schlemmer, President
David J. Putnam, Vice President
Brian H. Hoover, Secretary
David W. Schreffler, Commissioner
James J. Delaney, Jr., Commissioner
Ronald A. Weaner, Commissioner
Ralph A. Martone, Commissioner
Charles E. Fox, Commissioner
Carl G. Roe, Executive Director
R. Matthew Hough, Deputy Executive Director

Reporter: Jennifer T. Alves

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HEARING: Tuesday, June 25, 2013

8:30 a.m.

LOCATION: Pennsylvania Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110-9797

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Pennsylvania Game Commission

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PRESIDENT SCHLEMMER:

I would like to call the meeting to order. Please rise for the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT SCHLEMMER:

Mr. Secretary, call the roll.

MR. HOOVER:

Commissioner Fox.

MR. FOX:

Yes.

MR. HOOVER:

Commissioner Martone.

MR. MARTONE:

Present.

MR. HOOVER:

Commissioner Weaner?

MR. WEANER:

Here.

MR. HOOVER:

Commissioner Delaney?

MR. DELANEY:

Present.

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MR. HOOVER:

Commissioner Schreffler?

MR. SCHREFFLER:

Present.

MR. HOOVER:

Commissioner Putnam?

MR. PUTNAM:

Present.

MR. HOOVER:

Commissioner Schlemmer?

PRESIDENT SCHLEMMER:

Present.

MR. HOOVER:

And Commissioner Hoover is here.

PRESIDENT SCHLEMMER:

Thank you, Mr. Secretary. I'd like to hear a motion for approval of the meeting minutes of April 15th, 2013.

MR. DELANEY:

So moved.

MR. WEANER:

Second.

PRESIDENT SCHLEMMER:

Properly moved and seconded. Any discussion? No discussion. All in favor say aye?

1 AYES RESPOND

2 PRESIDENT SCHLEMMER:

3 Mr. Secretary?

4 MR. HOOVER:

5 Motion passes unanimously.

6 PRESIDENT SCHLEMMER:

7 Thank you. Before we get started, I'd
8 like to thank Mr. Reese for coming. He was a day
9 late. He made a mistake. We will accept your written
10 testimony, sir. And we will be in touch, and I
11 appreciate you coming and attending the meeting today.

12 MR. REESE:

13 Thank you.

14 PRESIDENT SCHLEMMER:

15 Thank you very much. Brad?

16 ATTORNEY BECHTEL:

17 Thank you, Mr. President. The first
18 item to come before the Commission today is from the
19 Bureau of Wildlife Protection, which concerns adopted
20 rulemaking, the adoption of proposed amendments to
21 Section 137.35.

22 The Game Commission proposed at its
23 January 29th, 2013 meeting to amend Section 137.35
24 relating to feral swine and wild boar eradication to
25 remove protection for feral swine and wild boar

1 statewide, wherever found, and also to prohibit the
2 importation, possession and release into the wild of
3 feral swine and wild boar.

4 PRESIDENT SCHLEMMER:

5 Do I hear a motion?

6 MR. WEANER:

7 I move to table this motion.

8 MR. DELANEY:

9 Second.

10 PRESIDENT SCHLEMMER:

11 We have a move to table and a second to
12 that. Any discussion? Hearing no discussion, all in
13 favor say aye.

14 AYES RESPOND

15 PRESIDENT SCHLEMMER:

16 Opposed? Hearing no nays, motion is
17 passed. Thank you.

18 ATTORNEY BECHTEL:

19 Mr. President, the second item before
20 the Commission comes from the Bureau of
21 Administration. This concerns proposed rulemaking to
22 amend 58 Pa. Code, Chapter 143, Subchapter B.

23 The Commission has determined that the
24 late fee of \$100 that is assessed when an individual
25 applies after the application period to become an

1 issuing agent is no longer necessary.

2 In the past, ample time was needed to
3 create agent accounts and expedite shipment of hunting
4 licenses before the start of the new license year.
5 Since the Commission now has an automated license
6 system in place, it no longer ships licenses to agents
7 and it is not necessary to burden applicants with the
8 additional \$100 late fee.

9 PRESIDENT SCHLEMMER:

10 Do I hear a motion?

11 MR. SCHREFFLER:

12 So moved. So moved by Commissioner
13 Schreffler.

14 PRESIDENT SCHLEMMER:

15 Commissioner Schreffler. Do I hear a
16 second? Commissioner Martone. Discussion? Hearing
17 no discussion, all those in favor signify by saying
18 aye.

19 AYES RESPOND

20 PRESIDENT SCHLEMMER:

21 Nays? No nays. Motion is passed.

22 ATTORNEY BECHTEL:

23 The next items to come before the
24 Commission are from the Bureau of Wildlife Habitat
25 Management. The first four are concerning the

1 acquisition of real estate.

2 Contract Number 3635, State Game Lands
3 Number 314 in Erie County. James Whipple offers for
4 sale 14 acres of land adjacent to State Game Lands
5 Number 314 in Springfield Township, Erie County, as
6 shown on Exhibit RED 1, on page ten of your Agenda.

7 The offering price is \$138,000, which up
8 to \$100,000 is available from a Coastal Zone
9 Management Grant from the National Oceanic and
10 Atmospheric Administration. There is a 50/50 match,
11 50 percent from the State and 50 percent from the
12 National Oceanic and Atmospheric Administration.

13 The Whipple property is mainly forested
14 with northern hardwoods, including forested wetlands
15 and two small impoundments. An unnamed tributary to
16 Raccoon Creek flows through the tract. Infrastructure
17 currently on the property will serve as an auxiliary
18 Food and Cover Corps Headquarters for Northwest Region
19 Land Management Group 5, which allows for temporary
20 storage of equipment and reduces travel time from the
21 nearest headquarters located 36 miles away at State
22 Game Lands Number 218. Access to the property is from
23 Ellis Road.

24 Contract Number 3636, State Game Lands
25 Number 148, in Lawrence County, is 209, more or less,

1 acres of land offered by Pennsylvania Coal Company,
2 LLC. The land is located in Wayne Township, Lawrence
3 County, approximately 1.5 air miles east of State Game
4 Lands Number 148, as shown on Exhibit RED 2 on page
5 11.

6 The property is being offered through
7 the U.S. Fish and Wildlife Service as mitigation for
8 impacts to Indiana Bats from mining activities. There
9 will be no cost to the Game Commission for bat
10 hibernacula. It includes Indiana Bat and Eastern
11 Small-footed Myotis on the property.

12 Approximately 100 acres are forested
13 with mixed hardwoods in the seedling/sampling age
14 class and there are nine acres of forest openings.
15 The remaining property is reverting old fields with
16 some shrub component. An unnamed tributary flows
17 through the property to Beaver River. Access to the
18 property is from State Route 288, Wampum Road.
19 Management of the property is to be in accordance with
20 an Indiana Bat management plan or land management plan
21 developed cooperatively by the Pennsylvania Game
22 Commission and the U.S. Fish and Wildlife Service.

23 The next two items, and these are on
24 page 12 of your agenda, Contract Number 3637, is an
25 acquisition on State Game Lands Number 284 in Lawrence

1 County. The Pennsylvania Turnpike Commission is
2 offering 191, more or less, acres of land, adjacent to
3 State Game Lands Number 284 in Washington Township,
4 Lawrence County, as shown on Exhibit RED 3 on page 13
5 of your agenda.

6 The property is known as the Booher
7 Tract and is being offered at no cost to the Game
8 Commission for terrestrial mitigation to compensate
9 for impacts to grassland habitat, especially impacts
10 to Short-eared Owl habitat, which is a PA endangered
11 species, resulting from the Pennsylvania 60 to U.S. 22
12 and U.S. 22 to I-79 highway construction projects.

13 The property is mainly reclaimed surface
14 mine land documented to provide habitat suitable for
15 grassland bird species, including the Short-eared Owl.
16 There is also a one-acre wetland on the property.
17 Access is from Nelson Road, T-496, and Coopertown
18 Road, T-627.

19 The last acquisition, Contract Number
20 3638, is on State Game Lands Number 247, Armstrong
21 County. Hanson Aggregates BMC, Inc., is offering at
22 no cost to the Game Commission an island complex of
23 41, more or less, acres in Manor Township, Armstrong
24 County, approximately two air miles east of State Game
25 Land Number 247, as shown on Exhibit RED 4 on page 14

1 of your agenda.

2 The property is being offered in
3 coordination with the Pennsylvania Fish and Boat
4 Commission as mitigation for impacts of two
5 state-listed threatened fish species, the Bluebreast
6 darter and Tippecanoe darter, from authorized
7 commercial sand and gravel dredging locations in the
8 Ohio River. The property is located in Pool 6,
9 Allegheny River, west of Manorville and Ford City.
10 The island is forested with sycamore, silver maple,
11 willow and cottonwood, with a thick understory.
12 Portions of the island are seasonally inundated.

13 PRESIDENT SCHLEMMER:

14 Thank you. Do I hear a motion to accept
15 the proposal?

16 MR. WEANER:

17 So moved, Commissioner Weaner.

18 PRESIDENT SCHLEMMER:

19 Do I hear a second?

20 MR. MARTONE:

21 Second.

22 PRESIDENT SCHLEMMER:

23 Commissioner Martone. Discussion?

24 Hearing no further comment and discussion, proceed to
25 vote. All in favor signify by saying aye.

1 AYES RESPOND

2 PRESIDENT SCHLEMMER:

3 Opposed? Motion passed. Next?

4 ATTORNEY BECHTEL:

5 The next items are also from the Bureau
6 of Wildlife Habitat Management and they concern two
7 land exchanges.

8 Contract Number 3639, State Game Lands
9 Number 184 and 108, Cambria County. E.P. Bender Coal
10 Company, Inc. is causing to convey 68.5, more or less,
11 acres of land in Dean Township, Cambria County,
12 adjacent to State Game Land Number 184, as shown on
13 Exhibit RED 5 on page 16 of your agenda, in exchange
14 for several outstanding projects with the Game
15 Commission, as denoted below.

16 First, E.P. Bender entered into an
17 agreement dated March 15th, 2005 for surface mining of
18 bituminous coal on State Game Land Number 108, Reade
19 Township, Cambria County. In exchange, E.P. Bender
20 was to provide \$42,000 cash value --- I should say a
21 certain cash value in land, habitat and cash value.
22 And the Commission agreed to take the remaining cash
23 value of \$42,000 still owed in land equaling 42 acres.

24 E.P. Bender has requested a permanent
25 right-of-way to upgrade an existing electric line

1 across State Game Land Number 108 to supply
2 electricity to a new acid mine discharge treatment
3 plant in Dean Township, Cambria County, as show on
4 Exhibit RED 6 on page 17 of your agenda. In exchange
5 for the right-of-way, E.P. Bender has agreed to convey
6 19 acres.

7 Third, the Glendale Valley Municipal
8 Authority requested two permanent right-of-ways
9 through State Game Lands Number 108 for a new
10 eight-inch water main pipeline measuring 20 feet by
11 1,300 feet, as shown on Exhibit RED 7 on page 18 of
12 your agenda, and a new eight-inch gravity main and
13 four-inch force main sewer pipelines within the same
14 right-of-way measuring 20 feet by 100 feet, as shown
15 on Exhibit RED 8 on page 19 of your agenda. In
16 exchange for these rights-of-way, Glendale Valley
17 Municipal Authority, working through E.P. Bender, has
18 agreed to convey five acres of land.

19 And fourth, McClellan Trucking desires
20 to settle a boundary line dispute on State Game Land
21 Number 108. By working through E.P. Bender, McClellan
22 will convey 2.5 acres in exchange for .48 acres of
23 State Game Land Number 108, as shown on Exhibit RED 9
24 on page 20 of your agenda.

25 The 68.5, more or less, acres the Game

1 Commission is acquiring is forested with mixed
2 northern hardwoods with mountain laurel, dogwood and
3 witch hazel in the understory. Multiple springs and
4 seeps, associated with Little Laurel Run, are found on
5 the property. Hemlock and white pine are along the
6 stream bottom.

7 The second exchange is Contract Number
8 3640, it's the Southeast Region Office in Berks
9 County. Walter T. Greth has offered for exchange a
10 commercial building on 2.226, more or less, acres of
11 land in Maiden creek Township, Berks County, located at
12 253 Snyder Road, Reading, as shown on Exhibit RED 10
13 on page 22 of your agenda.

14 In exchange, the Commission shall convey
15 the current Southeast Regional Office Building, also
16 shown on Exhibit RED 10, and pay \$1,350,000, which
17 shall be paid with funds from third-party commitments
18 for compensation of habitat and recreational losses
19 which occurred on State Game Lands from
20 previously-approved projects.

21 The Greth building is a two-story
22 detached office building with warehouse space totaling
23 24,168 square feet and will become the regional office
24 for the Southeast Region. The current Southeast
25 Region Office Building is a one-story detached office

1 building totaling 7,796 square feet, with two garages,
2 one being 4,062 square feet and the other being 2,100
3 square feet, located on ten acres in Ontelaunee
4 Township, Berks County.

5 Settlement shall be held on or before
6 August 15, 2013. The exchange will provide the
7 Commission with much needed office space and storage
8 space and improve the administration operation
9 capabilities for the entire Southeast Region.

10 PRESIDENT SCHLEMMER:

11 Thank you, Brad. Having heard the
12 commentary, do I hear a motion to accept?

13 MR. MARTONE:

14 Motion.

15 PRESIDENT SCHLEMMER:

16 Commissioner Martone.

17 MR. WEANER:

18 Second.

19 PRESIDENT SCHLEMMER:

20 Commissioner Weaner. Discussion?

21 Hearing none, we proceed to the vote. All in favor
22 say aye.

23 AYES RESPOND

24 PRESIDENT SCHLEMMER:

25 Opposed? None opposed. Unanimous.

1 Motion is passed.

2 ATTORNEY BECHTEL:

3 The next items before the Commission
4 concern the purchase of two properties at auction.

5 The first is Contract Number 3641, State
6 Game Land Number 322, in Huntingdon County. At the
7 April 15, 2013 Commission meeting, the Board gave the
8 Executive Director specific authority to bid on real
9 estate at public auction above the limitations as
10 established in Section 135.241 of 58 Pa. Code.

11 As a result of this approval, the
12 Commission was a successful bidder at a public auction
13 held on May 4th, 2013 for two properties located in
14 Oneida Township, Huntingdon County, adjacent to State
15 Game Land Number 322.

16 The two tracts, totaling 285.48 acres,
17 more or less, as shown on Exhibit RED 11, were
18 purchased for \$3,550 per acre, which will be paid with
19 escrowed funds from a prior land exchange on State
20 Game Land Number 176, Centre County, with the
21 Pennsylvania State University and require approval
22 from the U.S. Fish and Wildlife Service.

23 Approval was received from the U.S. Fish
24 and Wildlife Service on April 18th, 2013 to acquire
25 these tracts and to use this funding source if the

1 Commission was successful at the auction.

2 Parcel One is 150.14, more or less,
3 acres and is mostly forested with mixed oaks, hickory
4 and white pine. There are some reverting old
5 agricultural fields on the property. The successful
6 bid for Parcel One was \$532,997.

7 Parcel Two is 135.34, more or less,
8 acres and is forested with mixed hard oak hardwoods.
9 The property includes a portion of Standing Stone
10 Creek, a trout stocked fishery, as well as a large
11 diverse wetland complex. There is a historically
12 significant warm spring on the property that maintains
13 temperature of approximately 63 degrees. The
14 successful bid for Parcel Two was \$480,457. The
15 properties provide critical public access into State
16 Game Land Number 322 from Cold Spring Road, SR 1009.

17 The second auction was Contract Number
18 3642, State Game Lands Number 310, in Wayne County.
19 On May 1st, 2013, the Game Commission was the
20 successful bidder at a Sheriff's Sale for 63, more or
21 less, acres adjacent to State Game Lands Number 310,
22 Lake Township, Wayne County, as shown on Exhibit RED
23 12 of your agenda, which is on page 26.

24 The purchase price was \$130,000 to be
25 paid with funds from third-party commitments for

1 compensation of habitat and recreational losses which
2 occurred on State Game Lands from previously-approved
3 projects.

4 The property is part of Silkman's Swamp.
5 Jones Creek, a high-quality stream, flows through the
6 center of 44 acres of wetlands. The remaining 19
7 acres is regenerating maple and ash forest. Access is
8 provided along State Route 3019. These are
9 information items. No action is required.

10 And next item before the Commission is a
11 Restricted Surface Use Oil and Gas Cooperative
12 Agreement on Tract 117A-13, State Game Lands Number
13 117, Washington County. Range Resources Appalachia,
14 LLC, Range, requested the Commission offer its oil and
15 gas ownership under a 62.6-acre portion of State Game
16 Land Number 117 for oil and gas development. The
17 proposed tract is located in Smith Township,
18 Washington County, as shown on Exhibit OGM 1, on page
19 28 of your agenda.

20 Range has a strong privately-owned
21 oil/gas leasehold position in and around the majority
22 of State Game Land Number 117. Range has also
23 initiated unconventional well drilling and development
24 programs in the vicinity of the proposed tract and has
25 the ability to unitize the Commission's oil and gas

1 reserve by horizontal drilling with no surface
2 disturbance to the proposed state game land tract.

3 The staff has negotiated the terms of
4 the proposed agreement with Range in an effort to
5 safeguard the prudent development of the Commission's
6 oil/gas reserve and simultaneously protect the
7 wildlife resources and recreational use of State Game
8 Land Number 117.

9 The terms of the agreement are a
10 five-year paid-up non-surface use oil and gas
11 agreement, a \$2,500 per-acre bonus payment, and
12 19-percent royalty for all oil/gas and other liquids
13 or condensates produced and sold from the proposed
14 tract which are owned by the Commission. The bonus
15 payment of \$156,000 may be deposited into the Game
16 Fund or into an interest-bearing escrow account for
17 the future purchase of wildlife habitats, lands or
18 other uses incidental to hunting, furtaking and
19 wildlife resource management. Future rentals and
20 royalties owed the Commission shall be directly
21 deposited into the Game Fund.

22 Oil and gas development will be
23 regulated by the Commonwealth's oil and gas
24 regulations and the Commission's standard restricted
25 surface use oil and gas cooperative agreement.

1 PRESIDENT SCHLEMMER:

2 Thank you, Brad. Having heard the
3 commentary, do I hear a motion to accept?

4 MR. SCHREFFLER:

5 So moved, Commissioner Schreffler.

6 PRESIDENT SCHLEMMER:

7 Commissioner Schreffler. Second?

8 MR. MARTONE:

9 Second.

10 PRESIDENT SCHLEMMER:

11 Commissioner Martone. Discussion?

12 Hearing no discussion, proceed to vote. All in favor
13 say aye.

14 AYES RESPOND

15 PRESIDENT SCHLEMMER:

16 Nays? Motion passed unanimously. Go
17 ahead, Bradley.

18 ATTORNEY BECHTEL:

19 The next item is also a Restricted
20 Surface Use Oil and Gas Cooperative Agreement, Tract
21 175A-13, on State Game Lands Number 175, Susquehanna
22 County. Southwestern Energy Production Company, SWN,
23 of Houston, Texas, requested the Commission offer its
24 oil and gas ownership under State Game Land Number 175
25 for oil and gas development. The proposed tract,

1 containing approximately 736.2 acres, is located in
2 New Milford Township, Susquehanna County, as shown on
3 Exhibit OGM 2 on page 30 of your agenda.

4 SWN has a strong privately-owned oil and
5 gas leasehold position surrounding State Game Land
6 Number 175 and has initiated a well drilling and
7 development program on adjacent private lands. SWN
8 has the ability to unitize the Commission's oil and
9 gas reserve by horizontal drilling with no disturbance
10 to the Game Lands surface. The staff has negotiated
11 the proposed terms of the agreement with SWN in an
12 effort to safeguard the prudent development of the
13 Commission's oil and gas reserve and simultaneously
14 protect the wildlife resources and recreational use of
15 State Game Land Number 175.

16 The terms of the agreement are a
17 three-year paid-up non-surface use oil and gas
18 agreement, a \$3,000 per-acre bonus payment and
19 20-percent royalty for all oil/gas and other liquids
20 or condensates produced and sold from the proposed
21 tract which are owned by the Commission. The bonus
22 payment of \$2,208,600 may be deposited into the Game
23 Fund or an interest-bearing escrow account for the
24 future purchase of wildlife habitats, lands or other
25 uses incidental to hunting, furtaking and wildlife

1 resource management. Future rentals and royalties
2 owed the Commission shall be directly deposited into
3 the Game Fund.

4 Oil and gas development will be
5 regulated by the Commonwealth's oil and gas
6 regulations and the Commission's standard restricted
7 surface use oil and gas cooperative agreement.

8 PRESIDENT SCHLEMMER:

9 Thank you, Brad. Having heard the
10 commentary, do I hear a motion to accept?

11 MR. HOOVER:

12 So moved.

13 PRESIDENT SCHLEMMER:

14 Commissioner Hoover. Do I hear a
15 second?

16 MR. SCHREFFLER:

17 Second.

18 PRESIDENT SCHLEMMER:

19 Commissioner Schreffler. Discussion?
20 Hearing no discussion, proceed to vote by saying aye
21 in favor of?

22 AYES RESPOND

23 PRESIDENT SCHLEMMER:

24 Nays? Motion is passed unanimously.

25 Thank you.

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ATTORNEY BECHTEL:

The next item is another Restricted Surface Use Oil and Gas Cooperative Agreement. This is on Tract 035A-13, State Game Land Number 35, Susquehanna County. Southwestern Energy Production Company, SWN, of Houston, Texas requested the Commission offer its oil and gas ownership under a portion of State Game Land Number 35. The proposed tract, containing approximately 774 acres, is located in Great Bend and New Milford Townships, Susquehanna County, as shown on Exhibit OGM 3 on page 32 of your agenda.

SWN has a strong privately-owned oil/gas leasehold position on the perimeter of this portion of State Game Land Number 35 and has initiated well drilling and development programs on adjacent private lands. SWN also has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no surface disturbance to the Game Lands. The staff has negotiated the proposed lease terms with SWN in an effort to safeguard the prudent development of the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land Number 35.

The terms of the agreement are a

1 paid-up, three year, non-surface use oil and gas
2 agreement, a \$3,000 per-acre bonus payment and a
3 20-percent royalty for all oil/gas and other liquids
4 or condensates produced and sold from the proposed
5 tract. The bonus payment of \$2,322,000 may be
6 deposited into the Game Fund or an interest-bearing
7 escrow account for the future purchase of wildlife
8 habitats, lands or other uses incidental to hunting,
9 furtaking and wildlife resource management. Future
10 rentals and royalties owed the Commission shall be
11 directly deposited into the Game Fund.

12 Oil and gas development will be
13 regulated by the Commonwealth's Oil and Gas
14 Regulations and the Commission's Standard Restricted
15 Surface Use Oil and Gas Cooperative Agreement.

16 PRESIDENT SCHLEMMER:

17 Thank you, Brad. Having heard the
18 commentary, do I have a motion to accept?

19 MR. HOOVER:

20 So moved.

21 PRESIDENT SCHLEMMER:

22 So moved, Commissioner Hoover. Is there
23 a second?

24 MR. MARTONE:

25 Second.

1 PRESIDENT SCHLEMMER:

2 Commissioner ---

3 MR. MARTONE:

4 Martone.

5 PRESIDENT SCHLEMMER:

6 --- Martone. Commissioner Fox put his
7 hand up at the same time. All in favor, aye?

8 AYES RESPOND

9 MR. WEANER:

10 Can I offer some discussion?

11 PRESIDENT SCHLEMMER:

12 Yes, go ahead.

13 MR. WEANER:

14 One thing I'd like to point out, and
15 we've done this repeatedly in the past, but here we
16 have three leases that have absolutely no surface
17 impact to the game lands. And I think it's a very
18 responsible way to develop our gas reserve there. And
19 it's a technique that our staff has been using. I
20 applaud you for it, but --- and we're making
21 significant money now and down the road with no impact
22 on the surface of the game lands. It's a pretty neat
23 deal. So I would urge you to vote yes to this.

24 PRESIDENT SCHLEMMER:

25 Thank you, Commissioner Weaner. Any

1 more discussion here? Anyone? All in favor, signify
2 by saying aye.

3 AYES RESPOND

4 PRESIDENT SCHLEMMER:

5 Nay? Unanimous motion is passed. Brad?

6 ATTORNEY BECHTEL:

7 The next item concerns the Surface Coal
8 Mining and Reclamation Agreement and Land Exchange.
9 This involves several tracts, Tracts 79A-13 and
10 79B-13, State Game Lands Number 79, Jackson Township
11 and Vintondale Borough, Cambria County, and also
12 Tracts 276A-13, 276B-13 and 276C-13, State Game Land
13 Number 276, Burrell, Brush Valley, Center and West
14 Wheatfield Townships in Indiana County.

15 Laurel Sand & Stone, Inc. of Ligonier,
16 Pennsylvania, has requested five surface coal mining
17 agreements on five project areas on portions of State
18 Game Lands Numbers 79 and 276. The Commission owns
19 the surface mining support rights but not the coal for
20 all five proposed mining areas.

21 Laurel Sand & Stone proposes to conduct
22 surface mining and reclamation operations on
23 approximately 248.8 acres of State Game Lands Number
24 79 on two mining areas designated as Goat Hill North
25 and Cochenour Ridge, as shown on Exhibit OGM 4 on page

1 35 of your agenda. The Goat Hill North operation
2 entails approximately 114.3 acres and the removal of
3 approximately 236,000 tons of coal. The Cochenour
4 Ridge operation entails approximately 134.5 acres and
5 the removal of approximately 109,000 tons of coal.
6 Additionally, 13-and-a-half acres of abandoned mine
7 lands will be reclaimed and revegetated and 1,700
8 linear feet of abandoned highwall will be reclaimed.

9 Laurel Sand & Stone also proposes to
10 conduct surface mining and reclamation operations on
11 approximately 476 acres of State Game Land Number 276
12 on three surface mining project areas designated as
13 Palmerton, Mt. Tabor and Heshbon, as shown on Exhibit
14 OGM 5 on page 36 of your agenda. The Palmerton
15 operation entails approximately 190 acres and includes
16 the removal of approximately 241,000 tons of coal.
17 The Mt. Tabor operation entails approximately 162
18 acres and the removal of approximately 145,000 tons of
19 coal. The Heshbon operation is approximately 124
20 acres and includes the removal of approximately
21 182,000 tons of coal. Additionally, 10.4 acres of
22 abandoned mine land will be reclaimed and revegetated
23 with up to 75 acres of coal refuse that may be removed
24 and reclaimed.

25 The initial terms of each agreement will

1 be five years. Laurel Sand & Stone will pay the
2 Commission for surface support rights at a rate of six
3 percent F.O.B. for all coal mined and sold from the
4 premises with a btu of 11,500 and greater, five
5 percent F.O.B. for all coal with a btu value from
6 8,500 to 11,499, and four percent for all coal with a
7 btu value of less than 8,500. All timber to be
8 impacted as a result of the proposed projects will be
9 assessed by the Game Commission forestry staff at a
10 double stumpage rate. The second stumpage rate may be
11 offset by mine reclamation or other habitat
12 improvement projects approved by the Commission.

13 In exchange for those surface mining
14 agreements, Laurel Sand & Stone will convey three
15 tracts of land to the Commission totaling
16 approximately 2,413 acres. The 346-acre Tiche Tract
17 is located in Venango Township, Butler County, and
18 adjoins State Game Land Number 95, as shown on Exhibit
19 OGM 6 on page 37 of your agenda. The Tiche Tract
20 consists of a reclaimed surface mine area with open
21 fields and wildlife food plots, as well as varied
22 early successional habitat improvement projects. The
23 36-acre Wagner Road Tract, located in Jackson
24 Township, Cambria County, adjoins State Game Lands
25 Number 79, as shown on Exhibit OGM 7 on page 38 of

1 your agenda. The Wagner Road Tract is forested and
2 has public road frontage which will provide additional
3 public access to this portion of the game land. The
4 2,031 acre Driscoll Hollow Tract is located in
5 Susquehanna and Elder Townships, Cambria County, and
6 will be designated as a new State Game Land Number
7 334. It is shown on Exhibit OGM 8 on page 39 of your
8 agenda. The tract is mostly forested with both
9 reclaimed and active surface mine operations,
10 interspersed with winter thermal cover, early
11 successional habitats and small wetland complexes.

12 The Driscoll Hollow Tract has been
13 valued at \$2 million. The Commission will credit the
14 first \$2 million of accumulated coal royalty value
15 from the leases towards the Driscoll Hollow Tract.
16 The agreement will include an option for the
17 Commission to purchase the Driscoll Hollow Tract, for
18 the remaining balance, after two years from the start
19 of surface mining from any of the aforementioned
20 agreements. The Driscoll Hollow acreage will be
21 transferred incrementally on an annual basis as mining
22 progresses and coal royalty accumulates. However, the
23 entire tract will be entered into the Commission's
24 Hunter Access program immediately upon execution of
25 the lease agreements. Once Laurel Sand & Stone

1 accrues the royalty value to offset the land value,
2 Laurel Sand & Stone will make monthly royalty payments
3 to the Game Commission which shall be directly
4 deposited into the Game Fund.

5 The Tiche and Wagner Tracts will be
6 transferred to the Commission immediately upon signing
7 the agreements.

8 Mining will be regulated by the
9 Commonwealth's Mining Regulations and the Commission's
10 standard surface coal mining agreement. In addition,
11 the agreements will include a wildlife habitat
12 reclamation and revegetation plan developed by the
13 local Land Management Group Supervisor.

14 PRESIDENT SCHLEMMER:

15 Good. Having heard commentary, do I
16 hear a motion to accept?

17 MR. WEANER:

18 So moved.

19 PRESIDENT SCHLEMMER:

20 Commissioner Weaner. A second?

21 MR. SCHREFFLER:

22 Second.

23 PRESIDENT SCHLEMMER:

24 Commissioner Schreffler. Discussion?

25 Hearing none, we move on the motion. All in favor,

1 say aye.

2 AYES RESPOND

3 PRESIDENT SCHLEMMER:

4 Nay? No nays. Motion passed

5 unaniously. Back to you.

6 ATTORNEY BECHTEL:

7 The next item before the Commission is a
8 Bituminous Surface Coal Mining Agreement, the Burgess
9 Estate Coal Tract A-13 in Beccaria Township,
10 Clearfield County.

11 Robindale Energy Service, Inc. of
12 Armagh, Pennsylvania, has requested a lease to mine
13 and remove approximately 64 acres of Upper and Lower
14 Freeport coal rights owned by the Game Commission
15 underlying private property. RES has already
16 commenced a 217-acre surface coal mining operation on
17 the privately-owned surface property. The operation
18 will not impact any Game Commission surface lands.
19 The proposed lease tract is located in Beccaria
20 Township, Clearfield County, as shown on Exhibit OGM 9
21 on page 41 of your agenda.

22 The terms are a five-year agreement, a
23 royalty rate of six percent of the F.O.B. pit price
24 for all coal mined and sold from the premises with a
25 btu value of 10,000 or greater, or \$2.50 per ton,

1 whichever is greater. The royalty rate shall be set
2 at six percent F.O.B. pit price for all coal mined and
3 sold from the premises with a btu value of less than
4 10,000.

5 All coal royalty payments will be
6 deposited in the Game Fund. Mining will be regulated
7 by the Commonwealth's mining regulations and the
8 Commission's standard surface coal mining agreement.

9 PRESIDENT SCHLEMMER:

10 Having heard the commentary, do I hear a
11 motion to accept?

12 MR. HOOVER:

13 So moved.

14 PRESIDENT SCHLEMMER:

15 Commissioner Hoover. Do I hear a
16 second?

17 MR. WEANER:

18 Second.

19 PRESIDENT SCHLEMMER:

20 Commissioner Weaner. Discussion?
21 Commissioner Weaner?

22 MR. WEANER:

23 Just out of curiosity, I'd be interested
24 in knowing how the Game Commission came to own coal
25 under private property.

1 Bill Capouillez:

2 This particular coal reserve was a
3 parcel of Game Lands 120 when we first purchased the
4 estate, where we had actually done a land lease
5 exchange with another coal company out there and
6 purchased their service. We also purchased what
7 reserves they had. This reserve then underlined the
8 private land, and that's why we're getting solicited
9 now.

10 The actual mining company that's in
11 there, when they were doing title reviews, looked back
12 and found out that we were the actual owners of the
13 coal and they approached us for the lease.

14 So we do have assets across Pennsylvania
15 that are just subsurface assets, oil, gas and the coal
16 reserves just being one of them.

17 MR. WEANER:

18 Thank you.

19 PRESIDENT SCHLEMMER:

20 Any further discussion? Hearing no
21 further discussion, we can vote on the motion. All in
22 favor, say aye.

23 AYES RESPOND

24 PRESIDENT SCHLEMMER:

25 Opposed? Hearing none, passed

1 unanimously.

2 ATTORNEY BECHTEL:

3 Mr. President, that concludes the formal
4 written portion of the agenda.

5 PRESIDENT SCHLEMMER:

6 Thank you. The next item of new
7 business I would like to take up, I would like to hear
8 a motion on the acceptance of the Peregrine Falcon
9 Plan that was presented yesterday.

10 MR. SCHREFFLER:

11 So moved.

12 PRESIDENT SCHLEMMER:

13 Commissioner Schreffler.

14 MR. SCHREFFLER:

15 I also make a motion that the Board
16 accepts the management of Peregrine Falcons in
17 Pennsylvania, ten-year plan, for 2013 to 2022, as
18 previously presented to us.

19 PRESIDENT SCHLEMMER:

20 Thank you, Commissioner Schreffler. Do
21 I hear a second?

22 MR. WEANER:

23 Second.

24 PRESIDENT SCHLEMMER:

25 Commissioner Weaner. Discussion? I'd

1 like to make one note here. It was an excellent
2 presentation yesterday. It was a long afternoon, but
3 a lot of information and a lot of planning went into
4 that. And I thank Dan Braning and everybody who
5 participated in the program. Having had the
6 motion --- I'm sorry?

7 MR. PUTNAM:

8 I'd like to offer a little bit of
9 commentary.

10 PRESIDENT SCHLEMMER:

11 Commissioner Putnam.

12 MR. PUTNAM:

13 One additional thing on the Peregrine
14 Plan is that was discussed at our previous working
15 group meeting, as well as our meeting yesterday, and
16 those are both available on the website as broadcast.

17 PRESIDENT SCHLEMMER:

18 Further discussion? Having heard the
19 commentary, and it's been moved and seconded, all in
20 favor, say aye.

21 AYES RESPOND

22 PRESIDENT SCHLEMMER:

23 Nay? No nays. Passed unanimously.
24 Thank you.

25 Next item of business, under new

1 business here, Executive Director Roe.

2 MR. ROE:

3 As many of you know, this is
4 Commissioner's Schreffler's almost last meeting. We
5 won't know for sure until his replacement is finally
6 approved by the Senate. But his term does end on June
7 13th. He's on a six-month extension right now. And
8 Dave's been around for eight years, and I'll tell you
9 that's a long time to serve on this Board. It is a
10 tough job. Many times it's a thankless job. But
11 Dave, we appreciate all the hard work you've done.

12 One thing about Dave, he jumped right in
13 early on and learned a lot about the organization.
14 There were times when I thought he learned too much
15 about the organization because he started getting into
16 operations every now and then, but that was okay. We
17 had a discussion, and then when we got reoriented
18 again on our areas. But he is probably at least one of
19 the most knowledgeable Commissioners of the
20 Pennsylvania Game Commission that I have --- of the 23
21 or 24 Commissioners I've known. He really knows the
22 agency and the people inside of the agency.

23 So Dave, if you'll come down. On behalf
24 of the Pennsylvania Game Commission, I'd like to
25 present you with this Ned Smith print. Thank you for

1 everything you've done for us.

2 APPLAUSE

3 MR. SCHREFFLER:

4 That print has special meaning to me.
5 It's a Ned Smith print, and it was --- Ned Smith lived
6 in the valley, up in Millersburg where my family ---
7 some are buried, the farm's there. And he used to
8 come to a very good friend of the family's restaurant
9 there in Millersburg every Sunday. For many years he
10 was a mentor of a fellow student when I was in college
11 and I never got a Ned Smith print, although I always
12 admired him and started doing some sketching and
13 painting probably because of him. So it has special
14 meaning to me.

15 I have a few things to say to the
16 sportsmen out there. And I know this is being
17 broadcast, so I hope everyone is still listening. But
18 I always like to start off with a little something and
19 I --- my neighbors have always been very helpful in
20 taking care of my farm and doing other family business
21 for me while I'm at the Game Commission meetings. And
22 one of the neighbors, Terry, who was not married, and
23 he tied the knot not too long ago, went on a honeymoon
24 and all, and just came home. And he was getting his
25 things ready for the spring gobbler hunt, you know,

1 getting his guns out and his loads and everything and
2 just preparing for the --- assembling things for the
3 upcoming hunt. And his new wife was standing there at
4 the bench, watching him, you know, what he's doing and
5 everything. And finally she breaks her silence and
6 says, honey, I've been thinking that, since we're
7 married, it's about time that you quit hunting,
8 shooting, fishing, all that kind of stuff, and spend
9 that time with me. I need more time with you. And
10 maybe you ought to sell your guns and your boat and
11 all of your clothes and all that kind of stuff. And
12 Terry got this like horrified look on his face. I can
13 imagine, I've seen him. And his wife says, darling,
14 what's wrong with you? And he says, whoa, for a
15 minute there you were sounding like my ex-wife. And
16 she screams, ex-wife, you didn't tell me you were
17 married before. And his reply was, I wasn't.

18 So this sort of demonstrates the passion
19 that we all have for hunting and the outdoors. And I
20 have a little prepared statement here that I wanted to
21 tell the sportsmen of the State.

22 There's two things I'd like you to keep
23 in mind as I say this --- as I go over this. When I
24 talk about sportsmen I include sportswomen, although
25 I'll say sportsmen. So Janet, my good friend Janet, I

1 am including you. And when I say the word our, I'm
2 referring to all of the sportsmen in Pennsylvania,
3 because this is our agency. We are the ones. In
4 fact, in 1895 Pennsylvania sportsmen established our
5 Pennsylvania Game Commission to protect and restore
6 the dwindling populations of wildlife for future
7 generations.

8 There are a lot of difficult challenges.
9 And if you read Mr. Kosack's book about the first 100
10 years, you will see a lot of those enumerated there,
11 and you will see a lot of them reoccurring today. It
12 doesn't seem like they have.

13 In spite of all of these challenges,
14 Ross Leffler wrote in 1929 something that still holds
15 true today. He said, quote, Pennsylvania is the
16 greatest game state in North America. In fact, we're
17 a model for all other states. Many are looking to us
18 for leadership, unquote. And I think that may have
19 been in the first issue of Game News, but he wrote
20 that at that time.

21 Pennsylvania sportsmen of the 21st
22 Century realize the web of nature where no species
23 survives alone and have become the stewards of 480
24 species of wildlife. Meanwhile, our Game Commission's
25 legacy of independence and paying our own way

1 continues.

2 This has given me great pride to have
3 been associated with such an organization. When I was
4 being considered for the position of Commissioner, I
5 told the sportsmen I met that I hope they would be
6 proud of the decisions I would make on their behalf.
7 I want to sort of recant part of that statement
8 somewhat to say that it has been my honor, my
9 privilege and source of pride to have been given the
10 opportunity to be a small part of our Game Commission.

11 This truly is, I found out in my term of
12 service, an agency run for, by and of sportsmen. Our
13 agency is unique in all of North America and the
14 world, an agency that involves so many volunteer
15 sportsmen working beside our very professional staff
16 for its success. The unpaid sportsmen Board of
17 Commissioners is such a group of volunteers that I
18 have been very proud to have served alongside. They
19 dedicate so much time and effort to make the tough
20 decisions while providing a clear direct link to
21 hunters, trappers, their clubs and associations.

22 The clubs volunteer so much money and
23 time and labor in so many ways. The Hunter, Trapper
24 Ed classes, the youth hunts, the youth field days, the
25 seed and habitat work, aid to 30 WCOs, our wildlife

1 conservation officers and so much more.

2 I have come to realize the contributions
3 of the clubs and their associated organizations, their
4 national organizations as well as state ones, are far
5 greater than I had imagined.

6 It's given me great pride to have been
7 befriended by you all. Ours is an agency of 700
8 employees who produce beyond what their numbers would
9 seem to indicate. Much of our professional field
10 staff also benefit from the help of volunteer and
11 unpaid interns that gather data, help with wildlife
12 trapping and many other mundane chores and services
13 that are invaluable to our employee professional
14 staff. In fact, some of these volunteers are degreed
15 professionals themselves.

16 Yesterday was the Peregrine Falcon
17 presentation. There was Dr. McMorris, a biologist
18 aide. Dr. McMorris. He's out there putting in his
19 time. I want to tell you that they and their
20 contributions that they make to wildlife and our
21 agency make me very proud.

22 And then there is our force of deputies,
23 a dedicated group who volunteer as invaluable aides to
24 our highly-respected 136 WCOs. All of those WCOs are
25 graduates of the first and only Conservation Law

1 Enforcement Academy in the United States.

2 Deputies provide a close link to the
3 community, purchase their own gear, participate in
4 training that's more extensive than most
5 municipalities. They volunteer all hours of the day
6 and night. They provide backup for lone conservation
7 officers in dangerous situations and help with
8 educational and other activities. Thank you for your
9 service. As our most visible representatives, you
10 give this agency's sportsmen and me great pride.

11 There are many others I have not
12 mentioned. Many outside our quote/unquote family
13 don't understand why these volunteers do this to make
14 the Game Commission one of the most successful
15 agencies in the State, or why so many of our staff put
16 forth so much time and effort beyond that is required.

17 It is the same principles, values and ethics such as
18 fair chase and the love of wildlife resources and the
19 rich traditions that hunters and trappers and all of
20 us have always had still evident into the second
21 century of our Game Commission's existence, and this
22 makes me very proud.

23 I am going to miss the capable,
24 efficient, friendly staff, many who are nationally
25 recognized for their accomplishments, the biologists,

1 the foresters, the lawyers, the veterinarians, the
2 resource managers, the land managers, the financial
3 experts, the engineers, the educators, the writers,
4 our technicians that have helped me so often with
5 computer glitches. I don't know what I'll do without
6 you. And not the least, our administrative staff,
7 which is second to none, that I have known through my
8 various careers. This team, which includes many
9 others, has always provided the necessary facts,
10 information and research needed as a basis for the
11 many difficult decisions a Commissioner encounters. I
12 have learned much from you all. I am so proud to have
13 worked with you and been a beneficiary of your
14 knowledge and expertise along with the Pennsylvania
15 sportsmen and wildlife of Pennsylvania. You will
16 continue to receive my respect.

17 There are many others who support
18 wildlife management and our hunting heritage, which I
19 can't begin to adequately mention. The wonderful
20 former Governor's Youth Council for hunting, fishing
21 and conservation produced some very effective leaders,
22 many who are employed in our natural resource
23 organization and others.

24 I'll remember meeting with hunting
25 access cooperative farmers in the machine shed, the

1 discussions and tours with the forest industry and
2 landowners, the help of the conservancies, especially
3 in the purchase of new habitat when they came out and
4 toured them and gave us the help we needed, especially
5 during those hard times in the early part of my
6 service, the cooperation and hospitality and the
7 contributions of the natural resource industries, the
8 oil, gas and coal industries particularly, and how
9 open and honest they were with us when they hosted us
10 at their site, and so many more of our coalitions of
11 stakeholders for Pennsylvania wildlife and hunting
12 heritage.

13 I am proud to have been a part of our
14 Game Commission to receive your valued support. Ron
15 says I shouldn't get too wordy on this, so I'm trying
16 to cut down here in my last words.

17 Here are my last words --- and this
18 first one is really near to me. The murder of
19 Conservation Officer Dave Grove will be in my soul
20 forever. I want to say to everyone, at least from my
21 experience here and things that I've encountered over
22 the years, please be positive. Look for the good and
23 improve upon it. Keep your vision focused on the big
24 picture and do what is right in the long term for the
25 future. And do all you can to retain the Pennsylvania

1 Game Commission's stature, unique independence and
2 fiscal viability.

3 Thank you all for this life-enhancing
4 experience. I have been humbled, honored and so proud
5 and thankful to have been a small part of our many
6 accomplishments these eight years that have passed so
7 quickly. Thank you.

8 APPLAUSE

9 PRESIDENT SCHLEMMER:

10 Thank you, David. Moving on under new
11 business. Any further new business? Commissioner
12 Hoover.

13 MR. HOOVER:

14 I just wanted to let everyone know that
15 I was hoping at this time to present regulations and
16 we would have them ready for this year's hunting
17 season in the special regulations area. But due to
18 the time restraints required to pass regulations
19 necessary to institute a special deer tracking permit
20 that we've been working on, the user fee, I will be
21 working to introduce these at the September meeting
22 for inclusion in the 2013/2014 hunting season, and
23 that is the special regulations area, part of the
24 urban deer management tools that are necessary to get
25 done what we're trying to get done in those areas. So

1 I just wanted to make sure that everyone understood
2 that these regulations were in the pipeline, we just
3 couldn't get them done.

4 PRESIDENT SCHLEMMER:

5 Thank you, Commissioner Hoover. Our
6 next working group meeting will be August the 12th, in
7 Harrisburg, so you're aware of that. Our September
8 Commission meeting will be held in Delmont,
9 Pennsylvania, September 23rd and 24th. And that is in
10 the Southwest Region. And the Southwest Region will
11 be posting that particular meeting, and it will be
12 held within the Holiday Inn and the Lamplighter. And
13 further information will come out as it develops.

14 Next item of business here, the January
15 meeting is scheduled tentatively for 26, 27, and 28th
16 of January. That's 26, 27 and 28 of January. Have I
17 missed anything?

18 MR. DELANEY:

19 Mr. President, I just have one new
20 business item.

21 PRESIDENT SCHLEMMER:

22 Okay. Does the Commission wish to
23 proceed with these dates?

24 MR. DELANEY:

25 I'm sorry.

1 MR. WEANER:

2 I move that we approve the meeting
3 dates.

4 PRESIDENT SCHLEMMER:

5 Do I hear a second?

6 MR. MARTONE:

7 Second.

8 PRESIDENT SCHLEMMER:

9 All in favor?

10 AYES RESPOND

11 PRESIDENT SCHLEMMER:

12 Motion passed. That about wraps up the
13 meeting for this morning.

14 MR. DELANEY:

15 Just one quick --- it's not really a new
16 business item, but just something for the Bureau of
17 Wildlife Management. If we could have for our next
18 working group meeting or our next regular business
19 meeting a quail management plan update. Since the
20 Board voted to approve that plan, can we get an update
21 where we stand? Thank you. That's all.

22 PRESIDENT SCHLEMMER:

23 Thank you, Commissioner Delaney.

24 Anything to add, gentlemen? Thank you very much.

25 There will be a photo opp with the Commissioners, with

1 Commissioner Schreffler, and he will also sign
2 autographs. Thank you, one and all. Meeting is
3 adjourned.

4 * * * * *

5 HEARING CONCLUDED AT 9:22 A.M.

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CERTIFICATE

1 I hereby certify that the foregoing proceedings,
2 meeting held before President Schlemmer was reported
3 by me on 6/25/2013 and that I Jennifer T. Alves read
4 this transcript and that I attest that this transcript
5 is a true and accurate record of the proceeding.

6
7 
8 Court Reporter

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