

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

* * * * *

BEFORE: Robert W. Schlemmer, President
David J. Putnam, Vice President
Brian H. Hoover, Secretary
James J. Delaney, Jr., Commissioner
Ralph A. Martone, Commissioner
Charles E. Fox, Commissioner
Timothy S. Layton, Commissioner
Carl G. Roe, Executive Director
R. Matthew Hough, Deputy Executive Director
Bradley C. Bechtel, Esquire, Board Counsel

HEARING: Tuesday, September 24, 2013
8:30 a.m.

LOCATION: The Lamplighter Restaurant
6566 William Penn Highway
Delmont, PA 15626

Reporter: Kimberly I. Faidley

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	2	
1	I N D E X	
2	CALL TO ORDER	4
3	PLEDGE OF ALLEGIANCE	4
4	ROLL CALL OF COMMISSIONERS	4 - 5
5	APPROVAL OF MINUTES OF JUNE 25, 2013 MEETING	5 - 6
6	BUREAU OF ADMINISTRATION	
7	ADOPTED RULEMAKING	
8	Amend 58 Pa. Code, Chapter 143, Subchapter B	6
9	BUREAU OF WILDLIFE MANAGEMENT	
10	PROPOSED RULEMAKING	
11	Amend 58 Pa. Code, Section 133.21	6 - 9
12	Amend 58 Pa. Code, Section 147.673	9 - 11
13	BUREAU OF WILDLIFE PROTECTION	
14	PROPOSED RULEMAKING	
15	Amend 58 Pa. Code, Section 135.41	11 - 13
16	BUREAU OF WILDLIFE HABITAT MANAGEMENT	
17	REAL ESTATE	
18	Acquisition	13 - 62
19	OTHER NEW BUSINESS	62 - 70
20	JANUARY COMMISSION DATE	70 - 71
21	DISCUSSION AMONG PARTIES	71 - 76
22	ADJOURNMENT	76
23		
24		
25		

E X H I B I T S

Number	Description	Offered
1		
2		
3		Page
4		
5	NONE OFFERED	
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 P R O C E E D I N G S
2 -----3 PRESIDENT SCHLEMMER:4 Morning, ladies and gentlemen. I'd like
5 to call this meeting to order this morning. And all
6 welcome. Please rise for the Pledge of Allegiance to
7 the Flag.

8 PLEDGE OF ALLEGIANCE RECITED

9 PRESIDENT SCHLEMMER:

10 Mr. Secretary, call the roll, please.

11 COMMISSIONER HOOVER:

12 President Schlemmer?

13 PRESIDENT SCHLEMMER:

14 Present.

15 COMMISSIONER HOOVER:

16 Vice President Putnam?

17 VICE PRESIDENT PUTNAM:

18 Present.

19 COMMISSIONER HOOVER:

20 Commissioner Delaney?

21 COMMISSIONER DELANEY:

22 Present.

23 COMMISSIONER HOOVER:24 Commissioner Weaner? Commissioner
25 Martone?

1 COMMISSIONER MARTONE:

2 Here.

3 COMMISSIONER HOOVER:

4 Commissioner Fox?

5 COMMISSIONER FOX:

6 Here.

7 COMMISSIONER HOOVER:

8 Commissioner Layton?

9 COMMISSIONER LAYTON:

10 Present.

11 COMMISSIONER HOOVER:

12 And Commissioner Hoover is here.

13 PRESIDENT SCHLEMMER:

14 Thank you, sir. I'd like to have a
15 motion to approve the minutes?

16 COMMISSIONER DELANEY:

17 So moved.

18 COMMISSIONER HOOVER:

19 Second.

20 PRESIDENT SCHLEMMER:

21 Moved and seconded. All in favor, say
22 aye.

23 AYES RESPOND

24 PRESIDENT SCHLEMMER:

25 That's the June 25th meeting minutes.

1 With that, moving along, you can take over now.

2 MR. ROE:

3 Mr. President, before we move to the
4 first item, I would request that we table this item
5 until January as I believe Commissioner Hoover has a
6 concern about the number of licenses that need to be
7 sold to retain the status of being an agent. We would
8 like to report back to you what the cost might be to
9 do that. We'll do that at the working group in
10 December, if that's ---.

11 PRESIDENT SCHLEMMER:

12 Commissioner Hoover?

13 COMMISSIONER HOOVER:

14 That's fine.

15 COMMISSIONER DELANEY:

16 Do we need a motion to table that?

17 PRESIDENT SCHLEMMER:

18 Yes. Is there a motion?

19 COMMISSIONER DELANEY:

20 So moved.

21 COMMISSIONER MARTONE:

22 Second.

23 PRESIDENT SCHLEMMER:

24 All in favor?

25 AYES RESPOND

1 ATTORNEY BECHTEL:

2 Thank you, President Schlemmer. The
3 next item to come before the Commission would be from
4 the Bureau of Wildlife Management. This is a proposed
5 ruling with regard to 58 Pa. Code, Section 133.21. In
6 accordance with the goals established in the
7 Pennsylvania Bald Eagle Habitat --- Bald Eagle
8 Management Plan, excuse me, 2010 through 2019, the
9 plan, the bald eagle has achieved a population level
10 and a geographical distribution that no longer meets
11 the definition of a threatened species. As of the
12 2013 nesting season, bald eagle populations have
13 reached all criteria set forth in the plan to be
14 removed from the State Endangered and Threatened
15 Species List, that is Pennsylvania sustaining a
16 minimum of 150 nesting pairs, including successful
17 pairs in at least 40 counties, with 60 percent of
18 known nests successful, and a productivity of 1.2
19 eaglets fledged per successful nest, based on a
20 five-year running period.

21 Delisting of the bald eagle can be
22 accomplished by amending 58 Pa. Code, Section 133.21,
23 as outlined below on page six of your agenda. Upon
24 delisting, bald eagles will continue to be a protected
25 species under state statutes and will continue to be

1 afforded added protection under the Federal Bald and
2 Golden Eagle Protection Act. Pennsylvania Game
3 Commission staff will continue to implement the plan
4 and monitor bald eagle nests to ensure that this
5 species does not regress towards endangerment.

6 PRESIDENT SCHLEMMER:

7 Is there a motion?

8 COMMISSIONER HOOVER:

9 I make a motion to accept the proposed
10 rulemaking.

11 PRESIDENT SCHLEMMER:

12 Second?

13 COMMISSIONER MARTONE:

14 Second.

15 PRESIDENT SCHLEMMER:

16 Properly moved and seconded through the
17 Secretary. Call for a vote?

18 COMMISSIONER MARTONE:

19 Discussion?

20 PRESIDENT SCHLEMMER:

21 All in favor of a discussion, go ahead.

22 COMMISSIONER MARTONE:

23 Thank you. I think it's important to
24 note that, even though this species is moving from
25 threatened to protected, it still has protected

1 status, not just state but federal. And I think it's
2 important for both the sportsmen and the non-hunters
3 to realize disturbing a bald eagle, killing a bald
4 eagle still carries the same weight. You know, just
5 because it's moved out of the threatened doesn't mean
6 there's any change in its protected status. Thank
7 you.

8 PRESIDENT SCHLEMMER:

9 Any further commentary? Hearing none?

10 COMMISSIONER HOOVER:

11 Motion on the floor to accept the
12 proposed rulemaking to amend the Pa. Code. All those
13 in favor, signify by saying aye.

14 AYES RESPOND

15 | COMMISSIONER HOOVER:

Opposed? Motion passed unanimously.

17 ATTORNEY BECHTEL:

1 will be able to do so at the time of their general
2 hunting license purchase. Unfortunately, due to the
3 current DMAP application deadline and accompanying
4 processing time, most DMAP permit applications are not
5 available until late June or early July. To
6 accommodate hunting license buyers and permit one-stop
7 purchases for licenses and permits in early June, the
8 Commission is proposing to move up the DMAP
9 application deadline to May 1st. With this deadline
10 date change, DMAP applications would be made available
11 to prospective applicants no later than February 15th
12 each year. This change can be accomplished by
13 amending 58 Pa. Code, Section 147.673, as outlined on
14 page seven of your agenda.

15 PRESIDENT SCHLEMMER:

16 Motion?

17 COMMISSIONER PUTNAM:

18 So moved.

19 PRESIDENT SCHLEMMER:

20 Second?

21 COMMISSIONER MARTONE:

22 Second.

23 PRESIDENT SCHLEMMER:

24 Discussion? Hearing none, move for the
25 vote. All in favor ---.

1 COMMISSIONER HOOVER:

2 All in favor?

3 AYES RESPOND

4 COMMISSIONER HOOVER:

5 All opposed? Motion passes unanimously.

6 ATTORNEY BECHTEL:

7 The next item is from the Bureau of
8 Wildlife Protection and concerns proposed rulemaking.

9 The Commission has historically permitted the use of
10 small open fires on state game lands by licensed
11 hunters, trappers or fishermen and through hikers
12 within the corridor of the Appalachian Trail, and
13 continued support for the use of small open fires by
14 these users has not diminished. However, the
15 Commission has identified an increasing number of
16 fires being set and maintained by persons using the
17 state game lands for other than their intended uses.
18 In an effort to discourage and reduce the occurrence
19 of these unintended uses, the Commission is proposing
20 to limit the availability of the fire exception
21 located in Section 135.41(a) to only licensed hunters,
22 trappers or fishermen and through hikers within the
23 corridor of the Appalachian Trail. The text of this
24 proposed rulemaking is found on page eight of your
25 agenda.

1 PRESIDENT SCHLEMMER:

2 Motion?

3 COMMISSIONER DELANEY:

4 So moved.

5 PRESIDENT SCHLEMMER:

6 Second?

7 COMMISSIONER HOOVER:

8 Second.

9 PRESIDENT SCHLEMMER:

10 Discussion?

11 COMMISSIONER DELANEY:

12 Mr. President, ---

13 PRESIDENT SCHLEMMER:

14 Yes, sir.

15 COMMISSIONER DELANEY:

16 --- I would like to just have a short
17 commentary on this. This may not mean a lot to a lot
18 of people, but I think all one has to do and look at
19 the midwest and the west and the wildfires and the
20 loss of life and firefighters out there. So I think
21 this sends a fairly clear message that supporting the
22 use of open fires by non-hunters, we're sending a
23 pretty clear message we don't want it done. And if
24 you are doing it, you'll be penalized for it.

25 PRESIDENT SCHLEMMER:

1 Further commentary? Hearing none, call
2 for a vote.

3 COMMISSIONER HOOVER:

4 Motion on the floor. All those in favor
5 signify by saying aye.

6 AYES RESPOND

7 COMMISSIONER HOOVER:

8 Any opposed? Motion passes unanimously.

9 ATTORNEY BECHTEL:

10 The next item before the Commission
11 concerns the acquisition of real estate. The Ideal
12 Foundation of Sykesville is offering for sale seven
13 tracts of land, totaling 852.51, more or less, acres
14 in Warsaw Township, Jefferson County and Brady
15 Township, Clearfield County. The Jefferson County
16 tracts adjoin State Game Land No. 54, and the
17 Clearfield County tracts are near State Game Land No.
18 87, as shown on Exhibits RED 1 and 2 on pages 10 and
19 11 of your agenda. The option price is approximately
20 \$1,258,575 lump sum. The consideration is calculated
21 based on \$1,100 per acre for the property that
22 includes the oil and gas rights. Specifically, the
23 two parcels, the 305 acres, that adjoin State Game
24 Lands 54 include oil and gas rights. The remaining
25 tracts are being offered at \$750 per acre, as it is

1 believed the oil and gas estate has already been
2 excepted and reserved. The consideration, which will
3 be based on the title work and what includes the oil
4 and gas rights, shall be paid with funds from
5 third-party commitments for compensation of habitat
6 and recreational losses which occurred on state game
7 lands from previously-approved projects. The
8 Jefferson County parcels are forested with northern
9 hardwoods, approximately 20 acres in reverting old
10 fields. Small spring seeps and tributaries are
11 located on the tracts which are part of the headwaters
12 to South Branch North Fork Creek. Large wetlands
13 associated with Beaver Meadow Run makes up the eastern
14 portion of the Jefferson County tracts. The largest
15 of the Clearfield County tracts is known as Five Ponds
16 because five small fishing ponds have been created on
17 the property. The Laurel Branch of Beech Run flows
18 through the property which is mostly forested with
19 mixed northern hardwoods. Access is provided from
20 Beech Run Road as well as Rimer Road and Keller Road
21 on the north. Approximately half of the smaller
22 Clearfield County tract is planted in grasses and
23 conifers, with the other half forested with northern
24 hardwoods, primarily chestnut, oak and maple. The
25 Ideal Foundation shall reserve all red maple until

1 September 24th of 2016.

2 The next acquisition is Contract No.
3 3647. Rorabaugh Lumber Company, RLC, is offering for
4 sale 97.17, more or less, acres of land in Greenwood
5 Township, Clearfield County, which will connect a
6 700-acre detached parcel of existing State Game Lands
7 No. 87, as shown on Exhibit RED 3 on page 13. The
8 option price is \$82,594 lump sum to be paid with funds
9 from third-party commitments for compensation of
10 habitat and recreational losses which occurred on
11 state game lands from previously-approved projects.
12 RLC reserves the right to cut and remove all trees
13 greater than 16 inches diameter at breast height until
14 November 1st, 2016, with pulp wood to be removed upon
15 mutual consent. RLC's timber reservation shall be
16 limited to one timber harvesting operation period. At
17 the completion of harvest, RLC shall provide a written
18 release stating the reservation shall terminate. The
19 property is forested and Poplar Run bisects the
20 property.

21 The next acquisition concerns Contract
22 No. 3648. The Estate of Martin L. Bearer is offering
23 for sale four tracts of land totaling 259 acres, more
24 or less, in Bell Township, Clearfield County. One of
25 the tracts is an interior to State Game Land No. 87,

1 and the remaining three tracts are indentures into
2 State Game land No. 87. These are shown on Exhibit
3 RED 4 on page 14 of your agenda. The option price is
4 \$259,000 lump sum to be paid with funds from
5 third-party commitments for compensation of habitat
6 and recreational losses which occurred on state game
7 lands from previously-approved projects. Portions of
8 the property located off Troutville-McGees Mills Road
9 are currently being reclaimed as per an Amfire mining
10 permit. Headwaters of Laurel Run traverse the
11 property with good woodcock habitat located along the
12 stream bottom. License to enter the property shall be
13 granted to comply with a governmental order, judgment,
14 decree, law, ordinance or other legal mandate
15 associated with any post-mining activity. There is
16 good access to the tracts from the township roads.

17 Further acquisition is Contract No.
18 3649. Thomas R. Lanager is offering for sale 60 acres
19 of land in Penn Township, Clearfield County. The
20 property is an interior to State Game Land No. 87, as
21 shown on Exhibit RED 5 on page 16 of your agenda. The
22 option price is \$39,000 lump sum to be paid with funds
23 from third-party commitments for compensation of
24 habitat and recreational losses. Approximately a
25 third of the property is forested with maple, birch,

fire cherry and aspen. The second third of the property is grassland and the rest of the property is a surface mine with some acres already reclaimed. The Northern Harrier, a state-listed threatened species, is seen frequently in the area. Mr. Lanager is excepting and reserving coal, coal bed methane and related solid hydrocarbons. Unless coal is being produced in payable quantities and/or an active mining permit exists, the reservation ends January 1st of 2024.

Contract No. 3650 is an acquisition.
Bell Run Properties, LLC is offering for sale six tracts of land totaling 1,124.39 acres of land in Penn and Bloom Townships, Clearfield County, as shown on Exhibit RED 6 on page 17 of your agenda. The option price is \$1 million lump sum to be paid with funds from third-party commitments for compensation of habitat and recreational losses. Bell Run and tributaries to Bell Run exist on the property, as well as associated wetlands. The wetlands are considered an Exceptional Value by Pennsylvania Fish and Boat Commission due to at wild trout population. Hemlock, with a light scattering of hardwoods, can be found along Bell Run and its tributaries. The hemlock provides excellent winter thermal cover and protection

for the streams. A good mix of other hardwood species provides a variety of mast for wildlife. There is a good wildlife travel corridor on the property. Bell Run Properties, LLC is excepting and reserving coal, coal bed methane and related solid hydrocarbons. Unless coal is being produced in payable quantities and/or an active mining permit exists, the reservation ends January 1st, 2024.

In acquisition Contract No. 3651 Mr. and Mrs. Earl Ritzman and Mr. and Mrs. James Shallenberger are offering for sale the timber rights on 193 acres of land in Union Township, Huntingdon County, as shown on Exhibit RED 7 on page nine of your agenda. The option price is \$299,999, half of which is to be paid no later than December 31st, 2013, and the other half to be paid no later than January 3rd, 2014. This timber purchase comes from a 99-year timber reservation held by the Ritzmans and Shallenbergers on property the Game Commission purchased from U.S. Silica on November 21st, 2000, known as the Dougherty Tract, Contract No. 3385. The timber being offered is high habitat value oak-hickory forest, with a uniquely high percentage of hickory and also contains vernal wetlands.

25 Another acquisition, Contract No. 3652,

1 Alexander Kldiashvili, Vartoush Marchese and Suren
2 Vartanyan are offering for sale five tracts of land,
3 totaling 48.8 acres of land in Lehigh Township, Wayne
4 County. The tracts fill in an indenture into State
5 Game Land No. 312, as shown on Exhibit RED 8 on page
6 20 of your agenda. The option price is \$150,000 lump
7 sum to be paid with funds from the Game Fund. A
8 12.73-acre parcel shall be subdivided, with the Game
9 Commission acquiring 6.3 acres, with a 50-foot
10 right-of-way across the remaining 6.43 acres being
11 retained by the Sellers. Access to the property is
12 from State Route 507, or Main Street. This property
13 connects two parcels of the existing State Game Land
14 No. 312. The property is forested with mixed beech
15 and maple forest in early succession. Portions of the
16 property include wetlands associated with Big Sampson
17 Swamp, which comprise a large wetland complex in
18 existing State Game Land No. 312. Acquisition of this
19 property will buffer the state game land from future
20 development and safety zone issues, as well as provide
21 snowshoe hare habitat.

22 Further acquisition, Contract No. 3653.
23 Patricia Anthony is offering for sale 72.4 acres of
24 land in East Brunswick Township, Schuylkill County.
25 The tract partially fills in an indenture into State

1 Game Land No. 106, as shown on Exhibit RED 9 on page
2 22 of your agenda. The option price is \$76,500 lump
3 sum to be paid with funds from third-party commitments
4 for compensation of habitat and recreational losses.
5 The property is forested with birch and mixed oaks,
6 with mountain laurel in the understory. The property
7 is located on the north slope of Blue Mountain and
8 runs to the top of the ridge. The Blue Mountain, also
9 known as the Kittatinny Ridge, is a globally
10 significant fall migration flyway and has been
11 designated by Audubon Pennsylvania as the largest of
12 the state's Important Bird Areas. The property has no
13 legal access. Access to the property will be through
14 State Game Land No. 106.

15 Another acquisition, Contract No. 3654,
16 Charles Fogarty and Larry Miller are offering for sale
17 two tracts of land totaling 9.6 acres in Lykens
18 Township, Dauphin County, adjacent to State Game Land
19 No. 264. The option price is \$50,000 lump sum. The
20 one-acre tract is owned solely by Charles Fogarty.
21 Mr. Fogarty will be compensated \$14,000 for the tract.
22 The other tract, an 8.6-acre tract, is owned by both
23 Mr. Fogarty and Mr. Miller and they shall be
24 compensated \$36,000 for this tract. The property is
25 forested with dry oak mixed hardwoods. The sellers

1 shall reserve the oil and gas for 25 years. This
2 acquisition will also make moot and cause the
3 settlement of an access dispute in the Court of Common
4 Pleas of Dauphin County.

5 PRESIDENT SCHLEMMER:

6 Thank you, sir. Do I hear a motion?

7 COMMISSIONER MARTONE:

8 So moved.

9 PRESIDENT SCHLEMMER:

10 Second?

11 COMMISSIONER LAYTON:

12 Second.

13 PRESIDENT SCHLEMMER:

14 Mr. Secretary?

15 COMMISSIONER HOOVER:

16 Motion on the floor ---.

17 COMMISSIONER MARTONE:

18 Discussion?

19 PRESIDENT SCHLEMMER:

20 Discussion. Commissioner Delaney?

21 COMMISSIONER DELANEY:

22 Yes. There is one recurring theme I
23 think that we've had at every single Game Commission
24 meeting for the last several years, and that is this
25 type of work for the Bureau of Wildlife Habitat

1 Management, under the direction of Director
2 Capouillez, I don't know how we continue to do it, but
3 what we just --- our legal counsel just talked for
4 five minutes about all these new land acquisitions,
5 and to not have something positive to say about it ---
6 I guess my point is, is it's not just this meeting,
7 it's been meeting after meeting after meeting, land
8 acquisition after land acquisition after land
9 acquisition.

10 Bill, your bureau does a phenomenal job
11 under your direction, and I think this Board says that
12 over and over and over again. So this stuff doesn't
13 just happen by chance. I look at this one
14 acquisition, along with State Game Lands 312, you have
15 like a small town bordering that game land, yet you've
16 done what needs to be done to protect all the other
17 property around there. So my compliments to you and
18 to the Bureau of Wildlife Habitat Management.

19 MR. CAPOUILLEZ:

20 Thank you, sir.

21 PRESIDENT SCHLEMMER:

22 Further discussion?

23 VICE PRESIDENT PUTNAM:

24 I guess I would like to add to that. It
25 is getting routine that you guys are doing fantastic

1 work every meeting that we come to, but there is a
2 tremendous amount of work that goes into each one of
3 these. And to see, which we have for probably the
4 last three meetings, tracts that are already
5 subdivided, they're laid out, they're ready to put 20,
6 30, 40, 50 homes in valuable wildlife habitat, right
7 adjacent to game lands, adjacent to significant
8 wetlands, and we're acquiring these things. It really
9 is --- it's a tremendous effort. And I guarantee you
10 won't find any other state agencies doing this, not in
11 the country, that are having the kind of success we're
12 having in acquiring properties like this. So thanks
13 to you, Bill, and to your staff.

14 MR. CAPOUILLEZ:

15 If I may, I'd like to, you know, thank a
16 lot of other people, too. I mean, the regions, in
17 particular, in the real estate division, have been
18 tremendous, you know, pushing forward in getting these
19 acquisitions. And they're extremely complex at this
20 point. Everybody wants to maximize the value of their
21 land, whether they're keeping timber or whether
22 they're keeping oil and gas or whether they're trying
23 to subdivide it. And the staff goes out and the
24 regions go out and they do the land exams and they
25 work through those negotiations and build those

relationships, and it's highly competitive. I mean, there's a lot of opportunities, you can well imagine, for somebody else to want to buy material on game lands and how lucrative that could be if you break it out into camps and how detrimental that can be for our habitat management if you put those camps on there and have to put those safety zones around there. And our staff is extremely good at keeping the relationships they have built and building new ones and negotiating those deals. So it's certainly a team effort, if not an agency effort, in a lot of aspects.

12 PRESIDENT SCHLEMMER:

15 COMMISSIONER MARTONE:

1 as well. So I think they deserve credit. As you
2 stated, it is a team effort to put this together, and
3 I thank you for it.

4 PRESIDENT SCHLEMMER:

5 Further discussion? Hearing none, call
6 for the vote.

7 COMMISSIONER HOOVER:

8 Motion on the floor. All those in favor
9 signify by saying aye.

10 AYES RESPOND

11 COMMISSIONER HOOVER:

12 Opposed? Motion passes unanimously.

13 ATTORNEY BECHTEL:

14 The next item before the Commission
15 concerns oil, gas and minerals and the Restricted
16 Surface Use Oil and Gas Cooperative Agreement
17 amendment. Range Resources Appalachia, LLC, or Range,
18 has requested to amend an existing Commission-approved
19 Restricted Surface Use Oil and Gas Cooperative
20 Agreement for Tract 117A-13 in Smith Township,
21 Washington County. Tract 117A-13 is located on a
22 62.6-acre portion of State Game Land No. 117. Range
23 proposes to amend the agreement by adding an
24 additional 42.898 acres, as shown on Exhibit OGM 1 on
25 page 25 of your agenda.

1 Range has leased the privately-owned oil
2 and gas rights under the majority of State Game Land
3 No. 117 and surrounding private lands and has
4 initiated unconventional well drilling and development
5 programs in the vicinity of the proposed tract and has
6 the ability to unitize the Commission's oil and gas
7 reserve by horizontal drilling with no surface
8 disturbance to the original 62.6-acre tract and the
9 additional 42.898-acre tract.

10 The terms and conditions of the
11 agreement will remain consistent with the existing
12 agreement, approved by the Commission in June of 2013.
13 The terms of the agreement are a five-year, paid-up
14 non-surface use of oil and gas agreement, a
15 \$2,500-per-acre bonus payment and 19-percent royalty
16 for all oil/gas and other liquids or condensates
17 produced and sold from the proposed tract which are
18 owned by the Commission. The bonus payment of
19 \$107,245 may be deposited into the Game Fund or into
20 any kind of security or escrow account for the future
21 purchase of wildlife habitats, lands or other uses
22 incidental to hunting, furtaking and wildlife resource
23 management. Future rentals and royalties owed the
24 Commission shall be directly deposited into the Game
25 Fund.

1 Oil and gas development will be
2 regulated by the Commonwealth's oil and gas
3 regulations and the Commission's standard Restricted
4 Surface Use Oil and Gas Cooperative Agreement.

5 PRESIDENT SCHLEMMER:

6 Is there a motion?

7 COMMISSIONER MARTONE:

8 So moved.

9 PRESIDENT SCHLEMMER:

10 Is there a second?

11 COMMISSIONER FOX:

12 Second.

13 PRESIDENT SCHLEMMER:

14 Discussion? Hearing no discussion, call
15 for the vote.

16 COMMISSIONER HOOVER:

17 Motion on the floor. All those in favor
18 signify by saying aye.

19 AYES RESPOND

20 COMMISSIONER HOOVER:

21 Opposed? The motion passes unanimously.

22 ATTORNEY BECHTEL:

23 The next item is also a Restricted
24 Surface Use Oil and Gas Cooperative Agreement, this
25 time in Susquehanna County. Talisman Energy USA,

1 Inc., or Talisman, has requested that the Commission
2 offer its oil and gas ownership under State Game Land
3 No. 140 for oil and gas development. The proposed
4 tract, containing approximately 91.44 acres, is
5 located in Apolacon Township, Susquehanna County, as
6 shown on Exhibit OGM 2 on page 27 of your agenda.

7 Talisman has a strong privately-owned
8 oil/gas leasehold position surrounding this portion of
9 State Game Land No. 140, and Talisman is the only
10 company with the ability to unitize the Commission's
11 oil and gas reserve by horizontal drilling with no
12 disturbance to the game land's surface. The staff has
13 negotiated the proposed terms of the agreement with
14 Talisman in an effort to safeguard the prudent
15 development of the Commission's oil/gas reserve and
16 simultaneously protect the wildlife resources and
17 recreational use of State Game Lane No. 140.

18 The terms of this agreement are a
19 five-year, paid-up non-surface use oil and gas
20 agreement, a \$2,500 per acre bonus payment and
21 20-percent royalty for all oil/gas and other liquids
22 or condensates produced and sold from the proposed
23 tract which are owned by the Commission. The bonus
24 payment of \$228,600 may be deposited into the Game
25 Fund or into an interest-bearing escrow account for

1 the future purchase of wildlife habitats, lands or
2 other uses incidental to hunting, furtaking and
3 wildlife resource management. Future rentals and
4 royalties owed the Commission shall be directly
5 deposited into the Game Fund.

6 Oil and gas development will be
7 regulated by the Commonwealth's oil and gas
8 regulations and the Commission's standard Restricted
9 Surface Use Oil and Gas Cooperative Agreement.

10 PRESIDENT SCHLEMMER:

11 Thank you, Brad. Do I hear a motion?

12 COMMISSIONER PUTNAM:

13 So moved.

14 PRESIDENT SCHLEMMER:

15 Do I hear second?

16 COMMISSIONER MARTONE:

17 Second.

18 PRESIDENT SCHLEMMER:

19 Having been moved and seconded, call for
20 discussion? Hearing none, call for the vote.

21 COMMISSIONER HOOVER:

22 Motion on the floor, all those in favor
23 signify by saying aye.

24 AYES RESPOND

25 COMMISSIONER HOOVER:

1 Any opposed? Motion passes unanimously.

2 ATTORNEY BECHTEL:

3 The next item concerns also a Restricted
4 Surface Use Oil and Gas Cooperative Agreement in
5 Washington County. CNX Gas Company, LLC, CNX, has
6 requested the Commission offer its oil and gas
7 ownership under a portion of State Game Land No. 245.
8 The proposed tract, containing approximately 1,692.48
9 surface acres and 1,297.99 net oil and gas acres, is
10 located in East Finley, Morris, South Franklin
11 Townships, Washington County, as shown on Exhibit OGM
12 3 on page 29 of your agenda.

13 CNX has a strong, privately-owned
14 oil/gas leasehold position on the perimeter of this
15 portion of State Game Land NO. 245 and has initiated
16 well drilling and development programs on adjacent
17 private lands. CNX also has the ability to unitize
18 the Commission's oil and gas reserve by horizontal
19 drilling with no surface disturbance to this portion
20 of State Game Land No. 245. The staff has negotiated
21 the proposed lease terms with CNX in an effort to
22 safeguard the prudent development of the Commission's
23 oil/gas reserve and simultaneously protect the
24 wildlife resources and recreational use of State Game
25 Land No. 245.

1 The terms of the agreement are a
2 paid-up, three-year, non-surface use oil and gas
3 agreement, a \$3,000 per-acre bonus payment, and a
4 20-percent royalty for all oil/gas and other liquids
5 or condensates produced and sold from the proposed
6 tract. The bonus payment of \$3,893,970 may be
7 deposited into the Game Fund or an interest-bearing
8 escrow account for the future purchase of wildlife
9 habitats, lands or other uses incidental to hunting,
10 furtaking and wildlife resource management. Future
11 rentals and royalties owed the Commission shall be
12 directly deposited into the Game Fund.

13 Oil and gas development will be
14 regulated by the Commonwealth's oil and gas
15 regulations and the Commission's standard Restricted
16 Surface Use Oil and Gas Cooperative Agreement.

17 PRESIDENT SCHLEMMER:

18 Thank you, Brad. Do I hear a motion?

19 COMMISSIONER HOOVER:

20 So moved.

21 PRESIDENT SCHLEMMER:

22 Second?

23 COMMISSIONER PUTNAM:

24 Second.

25 COMMISSIONER LAYTON:

1 Second.

2 PRESIDENT SCHLEMMER:

3 Properly moved and seconded.

4 Discussion? Hearing none, call for the vote.

5 COMMISSIONER HOOVER:

6 Motion on the floor. All those in favor
7 signify by saying aye.

8 AYES RESPOND

9 COMMISSIONER HOOVER:

10 Motion passes unanimously.

11 ATTORNEY BECHTEL:

12 The next item concerns a Surface Coal
13 Mining and Reclamation Agreement. P&N Coal Company,
14 or P&N, of Punxsutawney, Pennsylvania is pursuing a
15 Government Financed Construction Contract, GFCC,
16 through Pennsylvania Department of Environmental
17 Protection in order to facilitate the reclamation of
18 existing abandoned mine land, or AML, features such as
19 highwalls and strip pits and to recover coal resources
20 on State Game Land No. 77 west of Slab Run. P&N
21 proposed to reclaim nearly 6,250 linear feet of
22 highwall that range from about 30 feet to 80 feet in
23 height. The total surface area of mining/reclamation
24 impact is approximately 93 acres, as shown on Exhibit
25 OGM 4 on page 32 of your agenda. Recoverable coal is

1 principally from the Lower Kittanning seam and, to a
2 lesser degree, the Middle Kittanning and Lower
3 Freeport seams. P&N estimates approximately 137,400
4 tons total of recoverable coal. The Commission is
5 considered the owner of the coal and surface rights.

6 P&N is currently reclaiming and
7 recovering incidental coal under a separate GFCC and
8 Game Commission lease agreement dated June 12th, 2009
9 for an area east of Slab run, and anticipates
10 completing that project in October 2013, at which time
11 they propose to transition to the Slab Run West
12 project.

13 The term of the agreement shall be for a
14 period of five years from the date a necessary and
15 acceptable mining permit is issued. In order to
16 replace any habitat or recreational impacts during the
17 temporary use of the game lands, P&N will deposit
18 \$350,000 into the Game Fund or an interest-bearing
19 escrow account for the future purchase of wildlife
20 habitats, lands or other uses incidental to hunting,
21 furtaking and wildlife resource management. Upon
22 recouping the initial advance payment value, P&N will
23 then make monthly royalty payments to the PGC
24 according to the following rates: 12 percent of the
25 then current F.O.B. pit price per ton, or \$3.50 per

1 ton, whichever the greater, of coal with a BTU value
2 greater than 9,500, and 10 percent per net ton, or
3 \$2.50 per ton, whichever the greater, of coal with a
4 BTU value less than \$9,500 or coal cleanings mined and
5 removed from the lease area for the term of the lease
6 agreement. All timber to be impacted will be assessed
7 by Game Commission forestry staff and assessed at
8 double stumpage. The second stumpage rate may be
9 offset by mine reclamation or other habitat
10 improvement projects approved by the Commission.
11 Mining will be regulated by the Commonwealth's Mining
12 Regulations and the Commission's standard surface coal
13 mining agreement. In addition, the agreements will
14 include a wildlife habitat reclamation and
15 re-vegetation plan developed by the local Land
16 Management Group Supervisor.

17 PRESIDENT SCHLEMMER:

18 Thank you, Brad. Do I hear a motion?

19 COMMISSIONER PUTNAM:

20 So moved.

21 COMMISSIONER FOX:

22 Second.

23 PRESIDENT SCHLEMMER:

24 Second?

25 COMMISSIONER FOX:

1 Second.

2 PRESIDENT SCHLEMMER:

3 Commissioner Fox. Properly moved and
4 seconded. Discussion?

5 COMMISSIONER PUTNAM:

6 Mr. President?

7 PRESIDENT SCHLEMMER:

8 Mr. Putnam?

9 COMMISSIONER PUTNAM:

10 I'd like to comment on this only because
11 we're approving these things routinely and we ---
12 again, as I mentioned earlier on some of the other
13 deals we do, everything we do is so special, that even
14 special things just become routine.

15 This 93-acre project in most other
16 states would be something that they would be having
17 slideshows on, public grand openings, and be talking
18 about it for years. This is really a spectacular
19 thing where we're taking some very degraded habitat
20 and making it into something special. We do this
21 every day. It's hard for me just to say, okay,
22 approve it without commenting that we're doing this
23 day after day all over the state. It really speaks to
24 the quality of our staff and the things that we're
25 doing out there. It's hard for me just to say yeah

1 without commenting on it. Thank you. Thank you again
2 to the entire Commission staff that worked on these
3 projects. It's not any one person that does it. It's
4 really a big team effort.

5 PRESIDENT SCHLEMMER:

6 Further discussion? Hearing none, call
7 for vote.

8 COMMISSIONER HOOVER:

9 Motion on the floor. All those in favor
10 signify by saying aye.

11 AYES RESPOND

12 COMMISSIONER HOOVER:

13 Opposed? Motion passes unanimously.

14 ATTORNEY BECHTEL:

15 The next item is the Restricted Surface
16 Use Cooperative Agreement in Bradford and Sullivan
17 Counties. Chief Exploration and Development, LLC,
18 Chief, of Dallas, Texas requests the Commission to
19 offer its surface use and an opportunity to develop
20 and produce Commission owned oil and gas on a portion
21 of State Game Land No. 12 located in LeRoy, Canton,
22 Franklin and Overton Townships, Bradford County, and
23 in Fox and Elkland Townships, Sullivan County. The
24 proposed Tract 12A-13 containing approximately 19,133
25 acres of Commission owned surface. The vast majority

1 of oil and gas interests contained within the tract
2 are either owned by the Commission or have already
3 been privately leased to Chief Oil & Gas. The tract
4 and claimed leasehold ownership of Chief is shown on
5 Exhibit OGM 5 on page 35 of your agenda.

6 Chief currently holds private leases on
7 a large portion of State Game Land No. 12. Chief also
8 maintains a lease position on private lands
9 immediately adjacent to the state game lands and has
10 already drilled several horizontal wells to the state
11 game land boundary. Staff has negotiated with Chief
12 in an effort to safeguard the prudent development of
13 the Commission's oil and gas reserve and to
14 simultaneously protect and minimize the impacts to the
15 wildlife resources and recreational use of State Game
16 Land No. 12.

17 In exchange for the Cooperative
18 Agreement, Chief will pay the Commission a bonus of
19 \$2,000 per net mineral acre for a five-year, paid-up
20 primary term agreement and a royalty rate of 23
21 percent per thousand cubic feet, MCF, for all oil, gas
22 and liquid hydrocarbons produced and sold from the
23 areas in which the Commission owns the oil and gas
24 rights. The bonus payments will be made in two
25 installments and will be deposited either into an

1 interest-bearing escrow account or to be used for the
2 future purchase of wildlife habitats or lands
3 acceptable to the Commission. The first payment
4 totaling \$3 million will be due within 60 days of the
5 execution of the agreement. The second installment
6 will be due on the first anniversary of the agreement
7 and will be in the amount of the balance of the bonus
8 value due to the Commission. Chief has agreed to pay
9 the Commission a well pad location fee for surface
10 damages for each well pad developed on the game lands.

11 Further, Chief has agreed to store only
12 freshwater in any impoundment and to pay the
13 Commission an impoundment fee for each impoundment.
14 Chief will also pay the Commission a double stumpage
15 rate for any timber impacted as part of its
16 operations. And in lieu of free gas, Chief will make
17 an annual payment to the Commission in the amount of
18 \$1,400. All surface damage fees as noted above will
19 be paid into an interest-bearing escrow account or
20 into the Game Fund. Chief's oil and gas development
21 under this Agreement will be regulated by the
22 Commonwealth's Oil and Gas Regulations and the
23 Commission's requirements for protection and
24 conservation of state game lands with respect to oil,
25 gas and liquid hydrocarbon production. This Agreement

1 will also include a \$50,000 performance bond.

2 PRESIDENT SCHLEMMER:

3 Thank you, Brad. Do I hear a motion?

4 COMMISSIONER MARTONE:

5 Motion.

6 PRESIDENT SCHLEMMER:

7 Commissioner Martone. Do I hear a
8 second?

9 COMMISSIONER FOX:

10 Second.

11 PRESIDENT SCHLEMMER:

12 Commissioner Fox. Discussion?

13 COMMISSIONER DELANEY:

14 Mr. President?

15 PRESIDENT SCHLEMMER:

16 Commissioner Delaney?

17 COMMISSIONER DELANEY:

18 On this action I would like to make an
19 amendment. I would respectfully ask the Board of
20 Commissioners to support \$250,000 to be used for
21 wildlife resource management under the Restricted
22 Surface Use Cooperative Agreement for Tracts 12A-13,
23 State Game Lands No. 12, Bradford and Sullivan
24 Counties. This financing is to be used specifically
25 for the Northern Bobwhite Quail management plan for

1 Pennsylvania, 2011 through 2020.

2 PRESIDENT SCHLEMMER:

3 You have to have ---.

4 COMMISSIONER DELANEY:

5 That's in the form of a motion, yes.

6 COMMISSIONER HOOVER:

7 I'll second the motion.

8 PRESIDENT SCHLEMMER:

9 We vote on this prior to anything else?

10 ATTORNEY BECHTEL:

11 Yes.

12 PRESIDENT SCHLEMMER:

13 Discussion? Mr. Secretary?

14 COMMISSIONER HOOVER:

15 Discussion?

16 PRESIDENT SCHLEMMER:

17 Discussion? Commissioner Putnam?

18 COMMISSIONER PUTNAM:

19 Mr. President, ear-marking of funds has
20 always been a serious topic with the Game Commission
21 over many years. And the general procedure is, is
22 that the Commission would like to have full rein.
23 Commission staff would like to be able to direct
24 things from wherever they can. And I appreciate that
25 and understand that principle and generally would

1 support it. However, at our discussion yesterday, we
2 talked about the quail plan. The quail plan is
3 significantly behind schedule. And the reason it's
4 been behind schedule is because we haven't had
5 available resources to work on that. Things had to be
6 reprioritized. And one of the things the
7 Commissioners can do is we can reprioritize things.
8 And through this particular action here, setting aside
9 this money, I would hope that this would be able to
10 get the quail plan back on track. When we passed the
11 quail plan, we had about a hundred items that should
12 have been done by now. I would hope those hundred
13 items would be able to be simultaneously done or done
14 in a much quicker fashion by having us pass this
15 motion. So I would urge support of this motion.

16 | PRESIDENT SCHLEMMER:

17 Thanks. Any further discussion?

18 Hearing none, I'll call for a vote on the amendment.

19 COMMISSIONER HOOVER:

20 There's a motion on the floor for the
21 amendment. All those in favor signify by saying aye.

22 | AYES RESPOND

23 | COMMISSIONER HOOVER:

24 | Opposed?

25 | NAYS RESPOND

1

COMMISSIONER HOOVER:

2

The vote is five to two. So the motion

3 passes.

4

PRESIDENT SCHLEMMER:

5

Now, we'll move on to the original motion. I believe we had a first and second. Call

6 for the vote on that.

7

COMMISSIONER HOOVER:

8

There was a motion on the floor for the 12A-13. All those in favor signify by saying aye.

9
10 AYES RESPOND

11

COMMISSIONER HOOVER:

12

Opposed? Motion passes unanimously.

13

ATTORNEY BECHTEL:

14

The next item before the Commission is 15 the Surface Coal Mining Agreement, State Game Land No. 16 17, Lycoming County.

18

Fisher mining Company, Inc. of 19 Montoursville, PA requests agreements to conduct 20 surface coal mining operations on portions of State 21 Game Land No. 75 located in Pine Township, Lycoming 22 County, as shown on Exhibit OGM 6 on page 38 of your 23 agenda.

24

A 66-acre portion of State Game Land No. 25 75 is designated as Thomas Northeast Extension and is

1 proposed for the mining an estimated 485,800 tons of
2 the Lower and Middle Kittanning coals. This project
3 is an extension of and is immediately adjacent to
4 Fisher's Thomas Northeast Mine operation on State Game
5 land No. 75.

6 As part of the reclamation plan, Fisher
7 Mining will also implement the Appalachian
8 Reforestation Reclamation Initiative reclamation-type
9 plan in order to achieve a forested post mining land
10 use. The mining and reclamation plan will consist of
11 leaving a coal barrier in place, adding a minimum of
12 1,200 tons per acre of alkaline addition material to
13 the pit floor to ensure alkaline post mining water
14 quality and to control post mining groundwater flow
15 into the existing Thomas Northeast permit.

16 The estimated surface mining support and
17 coal royalty value of the proposed additional mining
18 on the 66-acre tract has been estimated to be
19 approximately \$3,200,000. Fisher has agreed to an
20 advance surface mining support payment of \$1,500,000
21 which, in addition to all merchantable timber values,
22 will be deposited either into the Game fund or an
23 interest-bearing escrow account for the future
24 purchase of wildlife habitats, lands or other uses
25 incidental to hunting, furtaking and wildlife resource

1 management, or as credit value from lands directly
2 conveyed to the Commission owned by Fisher now or in
3 the future, such payment contingent upon the final
4 execution of the agreement and a valid surface mining
5 permit issued by the Department of Environmental
6 Protection. All merchantable timber will be assessed
7 by the Commission's Northcentral Regional forestry
8 staff at a double stumpage rate.

9 The agreement would provide for an
10 exclusive, non-transferable lease option to Fisher
11 Mining, such that the Commission will entertain
12 additional surface mining and abandoned mine
13 reclamation and water quality abatement proposals from
14 fisher Mining on a 314-acre portion of state game
15 lands at such terms and conditions yet to be
16 negotiated in the future and deemed to be in the best
17 interest of the Commission and the wildlife resources
18 and recreational uses inherent to State Game Land No.
19 75. Any approval of additional mining/reclamation
20 projects by Fisher within the option area must be
21 approved by the Board of Commissioners under a
22 separate action. Mining will be regulated by the
23 Commonwealth's Surface Mining Regulations and the
24 Commission's standard surface mining agreement.

25 PRESIDENT SCHLEMMER:

1 Thank you, Brad. Is there a motion?

2 COMMISSIONER MARTONE:

3 So moved.

4 COMMISSIONER PUTNAM:

5 Second.

6 PRESIDENT SCHLEMMER:

7 Properly moved and seconded.

8 Discussion?

9 COMMISSIONER HOOVER:

10 Mr. President, I would ask that we split
11 this into two motions, the first motion being the
12 original motion for the 66-acre tract and the second
13 motion being the additional 314-acre portion.

14 PRESIDENT SCHLEMMER:

15 It has to be made as a motion.

16 COMMISSIONER HOOVER:

17 That would be my motion, to split it
18 into two separate motions, one for the original
19 66-acre tract and one for --- the second would be for
20 the agreement for the exclusive rights to option
21 Fisher Mining for the 314 acres.

22 PRESIDENT SCHLEMMER:

23 That's in the form of a motion?

24 COMMISSIONER HOOVER:

25 That's the motion.

1 PRESIDENT SCHLEMMER:

2 I'll need a second to that.

3 COMMISSIONER LAYTON:

4 I'll second it.

5 PRESIDENT SCHLEMMER:

6 Seconded by Commissioner Layton. Call
7 for a vote.

8 COMMISSIONER PUTNAM:

9 Discussion.

10 PRESIDENT SCHLEMMER:

11 Discussion?

12 COMMISSIONER PUTNAM:

13 I have a couple questions, Mr.
14 President, for Director Capouillez. One is the --- if
15 we break this into two parts, the first 66-acre
16 portion, will it cause significant hardship on the
17 operation if we delay this until the next meeting?
18 That's my first question.

19 MR. CAPOUILLEZ:

20 The 66 acres, sir?

21 COMMISSIONER PUTNAM:

22 You're aware of whatever the mining
23 operation --- where they're at and how long they have
24 to go under the current operation?

25 MR. CAPOUILLEZ:

1 Correct. Their planning schedule, their
2 immediate need would be the 66 acres. And there's
3 absolute validity in doing that mining. There's some
4 positive need as far as the coal barrier to influence
5 the alkaline addition, as well as the drainage for the
6 wetlands that are being created there. It's my
7 understanding they're probably about a year out from
8 when they need to get into that area. But the
9 permitting process entails that they initiate it early
10 so they can go through the permitting process.

11 COMMISSIONER PUTNAM:

12 And my second question would be is, on
13 the 314-acre portion, we're essentially offering them
14 an option on this lease. Do we normally do that? Do
15 we normally offer options to other people to buy our
16 property or buy our property rights?

17 MR. CAPOUILLEZ:

18 For property rights?

19 COMMISSIONER PUTNAM:

20 Yes. The right to mine or the right to
21 cut timber. Do we normally ---?

22 MR. CAPOUILLEZ:

23 Yeah, we'll do ---. I mean, like if you
24 look at all our oil and gas leases, they're all
25 allowed to be extended if they're currently in

1 production. So I mean, this isn't --- this isn't
2 abnormal certainly from an oil and gas perspective.
3 We've not done a lot of mining leases here lately.
4 Normally, the mining leases entail the entire
5 operation, but they always go while they're continuing
6 to product --- you know, produce and so forth. And I
7 know a lot of the companies, to include Fisher mining,
8 try to plan ahead for just that reason, so they can go
9 ahead and solicit contracts, what they call firm
10 contracts as opposed to spot-market contracts. The
11 more that they can get on their lease, the more they
12 have the ability to move that coal and market that
13 coal in the future. So a lot of the companies try to
14 lease as much as they can and then mine and operate as
15 they move forward.

16 COMMISSIONER PUTNAM:

17 Okay.

18 | PRESIDENT SCHLEMMER:

19 Any further discussion? Commissioner
20 Hoover?

21 | COMMISSIONER HOOVER:

22 Mr. Capouillez, you said that there was
23 an NRRQ, a National Resource Recovery Questionnaire
24 that was sent out. Do you have the responses that
25 were sent back for that questionnaire?

1 MR. CAPOUILLEZ:

2 Yeah. Staff would have that,
3 absolutely. From the region, absolutely.

4 COMMISSIONER HOOVER:

5 Do you know what they are, what the
6 responses were?

7 MR. CAPOUILLEZ:

8 Anecdotally, I can recall there was
9 concern with regard to some of the timber operations
10 as to, you know, when timber would be cut. Certainly
11 anything that would be done out there from a mining
12 perspective, the region and the staff would look at
13 that and would have the ability to control that
14 environment as far as what habitat creation would
15 occur versus what --- you know, what would be done
16 just by way of the mining. All of our leases are for
17 the betterment. I mean, it's all secondary use for
18 us. We don't just lease coal. And so, when we're
19 looking at any kind of an operation, we're looking at
20 acid treatment reclamation opportunities, habitat
21 creation. I do know that there's some timber
22 management projects in that area that would need to be
23 looked at and considered. The option's written so
24 that, you know, there would not be any obligation by
25 way of the Commission to approve anything, just to

1 entertain the opportunity to do additional mining and
2 additional reclamation and enhancement work.

3 COMMISSIONER HOOVER:

4 Would it be in your opinion then that
5 the responses were more negative or more positive
6 towards this operation?

7 MR. CAPOUILLEZ:

8 I'm going to say there's concerns, but I
9 didn't see anything that --- where anybody was saying
10 that, you know, they were in disapproval of it. And
11 again, a lot of those concerns were concerns raised
12 that, you know, we would take into account. If you
13 were to just lease the property, then I would
14 recommend that, you know, those concerns are extremely
15 valid and we would have some additional work to do. I
16 don't think anybody is in the position within the
17 staff or the region to, you know, actually promote or
18 effectuate a lease on that 300-and-some acres because
19 we have not done the due diligence on that yet. But
20 the option itself is --- the way we have it written is
21 to entail such that there is no obligation if the due
22 diligence would occur.

23 COMMISSIONER HOOVER:

24 Thank you.

25 PRESIDENT SCHLEMMER:

1 Commissioner Martone?

2 COMMISSIONER MARTONE:

3 Bill, could you describe our knowledge
4 of history and relationship with Fisher Mining?

5 MR. CAPOUILLEZ:

6 Yes. Fisher Mining --- I'm going to say
7 they've been on that mountain for 20 years, at least
8 that I've been dealing with them, and certainly longer
9 than that. There was a tremendous deep mine complex
10 there that blew out and once the portals got filled up
11 and the actual underground workings got filled up,
12 created acid mine drainage, and blew out what was
13 called Otter Run, which was a tributary to Pine Creek,
14 and it killed --- absolutely killed all the fishery
15 down through.

16 And when Mr. Blaschek, you know, started
17 mining up there, the goal and the intent was to
18 surface mine in daylight those areas and reclaim those
19 areas, which he did and which brought back that stream
20 from a dead stream back to, again, a trout fishery.
21 And he's done an excellent job from that perspective.
22 His mining operation has been well received as far as
23 the sportsmen and habitat value that it's provided.

24 There's wetlands that we've created up
25 there. In fact, we have fish in the wetlands. We've

1 seen osprey fly over. We've seen, on occasion, eagle
2 fly over. You know, there is a lot of value added.
3 And quite truthfully, it's because we've done it right
4 and we've had a good working relationship with Fisher
5 Mining Company, and they've done stuff that we've
6 asked them to do. They've put in a lot of acid
7 treatment systems. They've created the habitat that
8 we need them to create. So it's been a very long,
9 prosperous relationship, mutually beneficial.

10 If you look at the option itself, one of
11 the things you'll note there is it says it's exclusive
12 and nontransferable. And the reason for that is
13 simply because of the relationship we have with Fisher
14 Mining. You know, we would certainly look differently
15 on some other company coming in there based on the
16 history and based on the things that we know need to
17 be done, another company coming in there and just
18 taking over the operation without there being a whole
19 learning curve established behind that.

20 COMMISSIONER MARTONE:

21 Thank you.

22 PRESIDENT SCHLEMMER:

23 Further discussion? Commissioner
24 Delaney?

25 COMMISSIONER DELANEY:

1 I'm troubled with the 314 acres, Bill,
2 with --- if we had said or if I read you properly, we
3 haven't done due diligence yet to make sure we're a
4 hundred percent sure on that area. I would rather be
5 very conservative and say let's talk about that
6 another day. Let's have further discussion on the 314
7 acres before I would just say let's give them an
8 option. Look at --- Chesapeake is good. Chief is
9 good. Range Resources is good. They're all good
10 until something happens. And I just really believe
11 that before I sign off on an option for that type of
12 acreage, I just think there's --- we need much more
13 discussion.

14 PRESIDENT SCHLEMMER:

15 Further discussion? Commissioner
16 Martone?

17 COMMISSIONER MARTONE:

18 I understand what Commissioner Delaney
19 is saying, but this is an option. This is nowhere
20 near the actual agreement to do any activity on land.
21 At that time we would have all our Is dotted and Ts
22 crossed when that day comes. And that would again
23 come before the Board to be approved; is that correct?

24 MR. CAPOUILLEZ:

25 Correct. As I understand it --- and it

1 might be a better question for Chief Counsel, but as I
2 understand the option, there's no obligation for the
3 Commission to approve anything by way of additional
4 mining within that area.

5 COMMISSIONER DELANEY:

6 I guess I would say then why did we
7 write the option into this if we're going to have to
8 vote on it again at some point in the future anyhow?

9 MR. ROE:

10 I guess if I may offer a comment. I
11 mean, if you get into a competitive environment,
12 Fisher Mining, they're already there, is clearly going
13 to give us the best bid possible because they're
14 overbid is --- would be done so much. And like,
15 again, when we talk historically, based upon what
16 they've done up there, if --- and the question is if
17 we decide to lease the 314 acres, then Fisher Mining
18 would have clearly the first choice to refuse that
19 option. But we're not even talking about leasing that
20 314 acres. But it does give them an idea of what
21 might be possible for the future for them.

22 COMMISSIONER DELANEY:

23 And yet we haven't done due diligence
24 yet, so I would rather reserve that until we have some
25 additional information. Just my opinion.

1 PRESIDENT SCHLEMMER:

2 Further discussion? Commissioner
3 Hoover, would you please repeat your amendment,
4 please?

5 COMMISSIONER HOOVER:

6 The amendment on the floor was to split
7 the agreement into two --- or for voting on the
8 splitting portion of the 314 acres, to split it from
9 the original motion. All those in favor signify by
10 saying aye.

11 AYES RESPOND

12 COMMISSIONER HOOVER:

13 Opposed?

14 COMMISSIONER MARTONE:

15 No.

16 COMMISSIONER HOOVER:

17 One no. Motion to split.

18 PRESIDENT SCHLEMMER:

19 We'll move on to the original. It's
20 been properly moved and seconded. Discussion? The
21 original is the 66 acres.

22 COMMISSIONER HOOVER:

23 We're doing the original motion right
24 now. We're going to take the vote on the 66 ---.

25 MR. ROE:

1 You're doing the original, as amended,
2 which means you're voting on the first portion, which
3 is the 66 acres.

4 PRESIDENT SCHLEMMER:

5 Right.

6 MR. ROE:

7 Okay.

8 PRESIDENT SCHLEMMER:

9 Thank you, sir.

10 COMMISSIONER HOOVER:

11 So the motion is on the original split
12 motion of the 66 acres. All those in favor signify by
13 saying aye.

14 AYES RESPOND

15 COMMISSIONER HOOVER:

16 Opposed? Motion passes unanimously.

17 MR. ROE:

18 Now you must vote on the second one.

19 PRESIDENT SCHLEMMER:

20 All right. Now, we vote on the second
21 one.

22 MR. ROE:

23 You need to vote on the option now.

24 PRESIDENT SCHLEMMER:

25 I thought we voted on the option; no?

1 MR. ROE:

2 No. The amendment was to split it into
3 two votes.

4 COMMISSIONER PUTNAM:

5 Now we can discuss the second item
6 before we vote.

7 PRESIDENT SCHLEMMER:

8 Discussion on the second item?

9 COMMISSIONER PUTNAM:

10 Mr. President?

11 PRESIDENT SCHLEMMER:

12 Yes.

13 COMMISSIONER PUTNAM:

14 We've had a lot of discussion on this
15 second part here. I think the appropriate thing might
16 be to table this for another meeting. And I would
17 entertain further discussion on that among the
18 Commissioners. And hearing none, I might make a
19 motion.

20 PRESIDENT SCHLEMMER:

21 There's been a motion.

22 COMMISSIONER DELANEY:

23 I'll second the motion.

24 COMMISSIONER PUTNAM:

25 I didn't make a motion. I would just

1 like further discussion on that particular point.

2 PRESIDENT SCHLEMMER:

3 Further discussion on tabling the
4 motion?

5 COMMISSIONER PUTNAM:

6 No. We're discussing whether we want to
7 vote on this one right now. Okay. I'll make a motion
8 that we table the second part. So that amends the
9 amendment to the original ---.

10 COMMISSIONER DELANEY:

11 And I'll second that motion.

12 PRESIDENT SCHLEMMER:

13 Mr. Secretary?

14 COMMISSIONER HOOVER:

15 Is there any discussion on that?

16 PRESIDENT SCHLEMMER:

17 Discussion on that? Hearing none ---.

18 COMMISSIONER HOOVER:

19 The motion on the floor to table the
20 option agreement, the second portion of that surface
21 coal mining agreement, all those in favor signify by
22 saying aye.

23 AYES RESPOND

24 COMMISSIONER HOOVER:

25 Opposed?

1 COMMISSIONER MARTONE:

2 No.

3 COMMISSIONER HOOVER:

4 One no. It passes. Commissioner
5 Martone.

6 ATTORNEY BECHTEL:

7 I am pleased to be able to bring up a
8 supplement to your agenda, which I believe has been
9 passed out to everyone, concerning an acquisition in
10 Tioga County. Cummings Lumber Company, Inc., is
11 offering for sale four tracts of land totaling 1,121.3
12 acres, more or less, in Union Township, Tioga County,
13 that is an indenture to Pennsylvania State Forest
14 land, as shown on Exhibit RED 11, which I believe is
15 attached to the supplement. The option price is
16 \$3,150,000 lump sum to be paid with funds from
17 third-party commitments for compensation of habitat
18 and recreational losses. The property is forested
19 with approximately 50 percent cherry, 45 percent maple
20 and 5 percent mixed hardwoods. There are several open
21 meadow wetland and forested wetland components
22 throughout the property, with shrubs and hemlocks
23 interspersed along the fringes. Other portions of the
24 property have pockets of forested wetlands located on
25 the flats. The area has good public access from

1 SR-2017, known as Ogdensburg Road, and is partially
2 bisected by the Tioga River, which supports a
3 well-known fishery and exceptional riparian habitats.
4 The closest existing state game lands complex is State
5 Game Land No. 12, which lies approximately ten miles
6 to the east. The sellers are reserving the oil and
7 gas, which is currently under lease. Any future oil
8 and gas lease shall include terms and conditions
9 stating any use of the surface and all planting and
10 reclamation activities associated with future oil and
11 gas development shall be directly coordinated with the
12 Commission. Furthermore, Cummings Lumber Company,
13 Inc., its successors and assigns shall pay the
14 Commission any fees or consideration due under any
15 current or future oil and gas lease as a result of
16 surface impacts or use of the surface.

17 PRESIDENT SCHLEMMER:

18 Thank you, Brad. Do I hear a motion?

19 COMMISSIONER HOOVER:

20 So moved.

21 PRESIDENT SCHLEMMER:

22 Second?

23 COMMISSIONER LAYTON:

24 Second.

25 PRESIDENT SCHLEMMER:

1 Properly moved and seconded.

2 Discussion?

3 COMMISSIONER HOOVER:

4 I wanted to point out, I know we've gone
5 through a lot of purchases and bonus payments, and I
6 wanted to commend Mr. Capouillez and his team.

7 At this point, we're about to spend a
8 little over \$6 million, about \$6.3 million on
9 purchasing land here in the state to add to our state
10 game lands, but we brought in a little over \$9 million
11 in bonus payments. That does not include any payments
12 for oil and gas that's extracted. So what a
13 phenomenal job that these guys are doing to further
14 the Game Commission and our agenda in purchasing land
15 and promoting, you know, the sport of hunting.

16 Congratulations are in order.

17 PRESIDENT SCHLEMMER:

18 Further discussion?

19 COMMISSIONER FOX:

20 I'd like to say I'm familiar with this
21 area. Probably Bradford and Tioga County are the two
22 areas of the state that's been the most heavily
23 impacted by gas and oil. And it's certainly
24 heartening for me that we've acquired something up in
25 that area to help the sportsmen. Thank you for your

1 work.

2 PRESIDENT SCHLEMMER:

3 Commissioner Fox, I believe that you
4 were the one who brought this to the attention of the
5 Board, and we appreciate your work in that area, too.
6 Further discussion? Hearing none, Mr. Secretary?

7 COMMISSIONER HOOVER:

8 There's a motion on the floor. All
9 those in favor signify by saying aye.

10 AYES RESPOND

11 COMMISSIONER HOOVER:

12 Opposed? Motion passes unanimously.

13 PRESIDENT SCHLEMMER:

14 Moving on now to new business, other new
15 business. First off, I would like to mention that the
16 Board of Commissioners' Legislative Committee will be
17 meeting with the Senate Game & Fisheries Committee and
18 members of the House Fish --- Game & Fisheries
19 Committee in the near future.

20 And for the record, as President of the
21 Board, I would like to form a Quail Panel Committee to
22 meet with staff regarding the current quail management
23 plan. The committee will be --- Chairman will be
24 Commissioner Jay Delaney, along with Commissioner Dave
25 Putnam and Commissioner Tim Layton.

1 And right now, anybody else who would
2 like to add new business?

3 COMMISSIONER PUTNAM:

4 Mr. President, I have a couple comments.

5 PRESIDENT SCHLEMMER:

6 Go ahead, sir.

7 COMMISSIONER PUTNAM:

8 The first one, we discussed the bobcat
9 plans and the river otter plans management plans
10 yesterday. And our policy manual says that they must
11 be approved by the Commissioners before released to
12 the public for public comment. And I'd like to make a
13 motion to release those two high quality plans.

14 PRESIDENT SCHLEMMER:

15 Commissioner Putnam has made a motion.
16 Do I hear a second?

17 COMMISSIONER DELANEY:

18 Second.

19 PRESIDENT SCHLEMMER:

20 Properly moved and seconded.

21 Discussion? Hearing none, Mr. Secretary?

22 COMMISSIONER HOOVER:

23 Motion on the floor to release the river
24 otter and bobcat plan to the public for public
25 comment. All those in favor signify by saying aye.

1 AYES RESPOND

2 COMMISSIONER HOOVER:

3 Opposed? Motion passes unanimously.

4 PRESIDENT SCHLEMMER:

5 Thank you, sir. Commissioner Putnam?

6 COMMISSIONER PUTNAM:

7 Mr. President, I have one more item to
8 discuss. We've been asked to list the cave-dwelling
9 bats of Pennsylvania, the three species of bats as
10 endangered. And by most measures, by the rate of
11 decline of those bats, they do --- they are definitely
12 in serious trouble. Any other species, I might be
13 more inclined to list them, but I received about 500
14 requests --- actually, about two requests, but 499
15 form letters requesting those bats be listed. I
16 replied to about every one of those with the standard
17 comment that says I know these bats are in trouble. I
18 believe we should be doing something. If you have
19 anything to suggest that we may be able to do that
20 would make a difference in the trajectory of the bats,
21 I would be happy to consider it. I've not received a
22 single response back to that.

23 We could list the bats as a feel-good
24 measure, but that would be about as far as it would
25 go. We need --- we actually need to take some --- I

1 think we need to take some measures to do things;
2 however, it's a very complicated situation. And
3 personally, I'm a little more aggressive than others.
4 Maybe some might consider me to be reckless, but I do
5 believe we're in a very serious situation, and there
6 may be some things that can be done that would make a
7 difference in this downward trajectory of the bats.

8 The one thing that I would comment on is
9 listing them by the state would not do anything to
10 protect the bats in the ground or would do very
11 little. I think listing by the feds would be even
12 much worse. I know there's certain legislation being
13 considered about whether the state should be involved
14 in listing, but the federal government is really the
15 one that's really in the closet when it comes to
16 listing these species. And whether we're talking
17 about bats, mussels, whatever, the Fish & Wildlife
18 Service is the one that really runs that show.

19 There have been numerous problems
20 pointed out with listing. And I think if you look
21 into the details, you'll find that the Game Commission
22 has very little or no complaints about our management
23 of bats. We already have bats that are listed. We're
24 not receiving complaints. And I have never received a
25 single complaint, I can tell you that, about the Game

1 Commission's handling of our listed bats. I hear
2 complaints by the minute regarding some of the other
3 agencies and the way they handle their listed species.
4 I'll leave it at that.

5 The problem we have is white-nose
6 syndrome. We know what the problem is, it's
7 white-nose syndrome, and the problems are occurring
8 underground. And what I'm suggesting now is --- Cal
9 mentioned a few things yesterday at our meeting that
10 we're working on a number of things, but our bat
11 researchers are good. If I have a question, our guys
12 are the guys I go to talk to about this. The
13 resources that they have available to them are
14 limited. There is a lot of federal money available,
15 but I don't believe that we've done everything we
16 could with the federal money that's available. And if
17 --- as we just did with the quail, if the
18 Commissioners have to help redirect some resources, I
19 think we'd be more than willing to do that.

20 So I'm going to ask --- I'm asking the
21 Executive Director and the staff to look at this issue
22 very closely in the next 30 days and come back to us,
23 as the Game Commission, and tell us --- not just the
24 Commissioners, but all the --- have all the Game
25 Commission involved in this effort, to see what can we

1 do reasonably. I'm not asking for extraordinary or
2 unreasonable measures but anything that's reasonable.
3 With the timetable, what would this item --- what is
4 this item that we might possibly do. There are
5 several antigens that may be useful. We have
6 researchers working at Lock Haven University right now
7 under contract with the Game Commission to look at a
8 fungus that will attack another fungus. There are
9 people working on bacteria that attack fungus. And I
10 guess I would feel remiss if we sit here and watch
11 this happen and, three years down the road, we find
12 that there was an agent that could have helped these
13 last surviving bats and we didn't take every measure
14 we could to get that thing applied in the ground.
15 There's a lot of what-ifs, a lot of, well, you have to
16 think about the unintended consequences, but I guess
17 my feeling is I don't want to sit here in two or three
18 years and say, well, it's too bad we didn't do
19 anything. And I'm not saying we're not doing
20 anything, because we are.

21 We had a talk yesterday on the --- and
22 voted today on delisting the bald eagle. Recovery of
23 the bald eagle, the actions that we took in the early
24 days were not done by our biologists. They were done
25 by a team of everybody in the Game Commission. Now,

1 if you see the videos, you'll see badges on the guys
2 who were climbing up the trees and pulling eagles out
3 of the trees. It was a team effort. And I think we
4 want to talk about that as being a team effort now.
5 Instead of having our biologists on the ground trying
6 to find ways to get caves gated, why don't we have the
7 Wildlife Habitat management people who have the
8 bulldozers, have the trucks, have the regions that
9 have welders or whatever out there, let's be a team
10 effort and go after these problems if there's anything
11 that can be done that will reasonably change that
12 final trajectory of these bats.

13 So my request is --- I don't believe we
14 need to make a motion out of it, is that the Executive
15 Director and staff compile within 30 days a list of
16 measures we might reasonably take to address these
17 issues and with some timetables and costs associated
18 with them. And then we'll be able to react to that
19 list prior to our meeting --- our working group
20 meeting in December. That's it, Mr. President.

21 PRESIDENT SCHLEMMER:

22 Thank you, Commissioner. Commissioner
23 Delaney?

24 COMMISSIONER DELANEY:

25 I'd like to just go one step higher than

1 that. Commissioner Putnam asked the staff and
2 Executive Director to facilitate practices on
3 cave-dwelling bats. And while the Commissioner is
4 really astute and understands this issue really well,
5 I think as a Board --- as a Board, we need to let the
6 Executive Director know that we all share your same
7 concerns. Or at least I can tell you Delaney agrees
8 with Putnam on this issue. And perhaps other
9 Commissioners have an opinion, but you're spot on,
10 Commissioner Putnam. You know, I fully agree, our
11 staff has done a remarkable job to date. We have some
12 of the best in the business with our staff, but we
13 need a full court press I think in the next 30 days,
14 and I want to sign on as being part of that.

15 PRESIDENT SCHLEMMER:

16 Further discussion on that? I concur on
17 that. Commissioner Putnam?

18 COMMISSIONER PUTNAM:

19 We got three now.

20 COMMISSIONER LAYTON:

21 We have more. When I first met with
22 Cal, one of the things I said to him was that, you
23 know, I recognize the fact that deer aren't the only
24 animals we have in Pennsylvania, that I was concerned
25 with what was going on with the bats. So I concurred.

1 I certainly support Commissioner Putnam.

2 PRESIDENT SCHLEMMER:

3 I see that Fox is ---

4 COMMISSIONER FOX:

5 Yes.

6 PRESIDENT SCHLEMMER:

7 --- nodding his head also. Commissioner
8 Hoover?

9 COMMISSIONER HOOVER:

10 I would also like to point out that,
11 looking at the decline of the bats, I mean, if we
12 don't make a move within the next two years, we're not
13 going to have any bats. I mean, the answer is we've
14 lot 90 percent or 90-some odd percent of the bats we
15 have, and we're losing more every day. So yeah, I
16 think ---.

17 PRESIDENT SCHLEMMER:

18 I believe we're done into the cave right
19 now, ---

20 COMMISSIONER HOOVER:

21 Correct.

22 PRESIDENT SCHLEMMER:

23 --- okay, if that's proper. Any other
24 new business? Hearing none, moving along here, I'd
25 like to mention that the next working group meeting

1 will be December the 16th. That will be held in
2 Harrisburg. And I'm going to cover --- the January
3 Commission meeting will be held on January 26th, 27th,
4 28th in 2014. Does the Commission wish to proceed
5 with these dates? Gentlemen, just a yea or nay here.
6 I'm getting a nod of heads yes.

7 YEAS RESPOND

8 PRESIDENT SCHLEMMER:

9 That being said, you're probably all
10 aware that Executive Director Roe, this is his final
11 meeting. And we would like to thank him. I have a
12 few short notes here I would like to actually read.

13 Carl, on behalf of the Board of
14 Commissioners, I would like to extend our thanks to
15 your tenure with the Pennsylvania Game Commission. As
16 Executive Director, you have served the Commission
17 with new missions in all too numerous to mention. The
18 recent Game Commission press release pretty well
19 covered the bases on this. And I know you'll be
20 extremely active in your retirement, and I suggest you
21 might do a little fishing. I know he goes down to the
22 shore and does that a lot. And again, I'd like to
23 thank you for your time at the helm. And that being
24 said, the Board would like to present a print in your
25 honor. If you would come up.

1 OFF RECORD DISCUSSION

2 PRESIDENT SCHLEMMER:

3 He selected this one (indicating).

4 Thank you, sir. We'll get a group photo after ---.

5 MR. ROE:

6 I'm not going to say much because I got
7 a hell of a lot of work to do in the next 90 days.
8 No, it's been a real pleasure. I think one of the fun
9 things about the job has been the --- getting to visit
10 and get to know a lot of sportsmen's groups and
11 conservation groups. And I would be remiss if I
12 didn't mention the conservation groups also who are a
13 part of all of our team. I guess I'm going to be
14 around for another 90 days, so I'm not saying goodbye,
15 but I just want to say it has been a great pleasure
16 and honor to work with the men and women of the
17 Pennsylvania Game Commission, the greatest people in
18 state government, as you know, dedicated, loyal, and I
19 couldn't ask for --- have a --- I had an awful lot of
20 fun. Some days are more fun than others, but days
21 were fun. So thank you very much, and I got to go to
22 work, so ---.

23 PRESIDENT SCHLEMMER:

24 Carl, if you'd stay there for just a
25 second, please, some of the Commissioners would like

1 to say a few words.

2 MR. ROE:

3 Well, sure. I'm sorry.

4 PRESIDENT SCHLEMMER:

5 Mr. Martone?

6 COMMISSIONER MARTONE:

7 I have to speak on Carl's leaving
8 because it strikes me very poignantly. And as a
9 student of Theodore Roosevelt, I use his quotes on
10 many occasions. But in this case, I didn't have to go
11 look for one. The two quotes that apply to my
12 relationship with Carl and how I feel of him as the
13 Executive Director were already on the top of my mind,
14 so I'll state them clearly. According to Roosevelt,
15 the best executive is the one who has sense enough to
16 pick good men and, in Dot's case, good women, to do
17 what he wants done, and then self-restraint enough to
18 keep from meddling with them while they accomplish it.
19 And I think that Carl's claim to fame.

20 The other quote that I think applies to
21 our current Executive Director is one that I'm sure
22 that Carl knows. And I'm not sure if all the Board
23 has heard it, so I think it needs repeating. Again,
24 from Roosevelt, it is not the critic who counts, nor
25 the man who points how the strong man has struck

1 us --- stumbles, or where the doer of deeds could have
2 done better. The credit belongs to the man who is
3 actually in the arena, whose face is marred by dust,
4 sweat and blood, who strives valiantly, who knows the
5 great enthusiasm, the great devotions, and spends
6 himself in a worthy cause, who, at best, knows the
7 triumphs of high achievement, and who, at worst, if he
8 fails, at least he fails while daring greatly, so that
9 his place is never to be with the cold and timid souls
10 who could neither experience victory or defeat. And I
11 really think that applies to Carl.

12 And I want to thank him for his tenure
13 not for myself but for future generations who pick up
14 the gun and the bow and the trap and who experience
15 what I and many Pennsylvanians have gotten to
16 experience because I think his legacy will be with
17 those future generations. So I thank him. And I
18 thank him very deeply from the heart. Thank you,
19 Carl.

20 MR. ROE:

21 That is my favorite quote by Roosevelt.

22 PRESIDENT SCHLEMMER:

23 Anyone else wish to speak at this time?
24 Commissioner Putnam?

25 COMMISSIONER PUTNAM:

1 I want to thank you, too, Carl. I know
2 you and I might not necessarily agree on everything as
3 we go along, but you've done a tremendous job for the
4 Game Commission. I've been a student of the Game
5 Commission and the Executive Director's for many, many
6 years. I've personally known everybody since Glenn
7 Bowers, and I will tell you, you've done a really good
8 job. Thank you very much.

9 MR. ROE:

10 Thank you.

11 PRESIDENT SCHLEMMER:

12 Mr. Delaney?

13 COMMISSIONER DELANEY:

14 Yeah, I definitely would have to have
15 something to say about Carl Roe. When I came on the
16 Board in 2007, we rarely brought up the two words
17 small game. And back in 2007 until today, if I
18 remember one legacy that Carl will help leave is that
19 it's not all about deer. It's about other species of
20 wildlife. It's about getting kids involved in the
21 sport. And it's about small game hunting. So Carl, I
22 really believe that you helped us in that vision for
23 the last several years to talk about there are other
24 species in the Pennsylvania Game Commission, and small
25 game hunting is the connection to it. So I really

1 believe you did a phenomenal job in what you did in
2 that arena, and for that I'm thankful.

3 MR. ROE:

4 Thank you.

5 PRESIDENT SCHLEMMER:

6 Other comments?

7 COMMISSIONER FOX:

8 I've only been here a short time, but I
9 will say, Carl, I feel very privileged to have had the
10 opportunity to work with you and continue working with
11 you for the next 90 days. Thank you for all that
12 you've done.

13 MR. ROE:

14 Thank you.

15 PRESIDENT SCHLEMMER:

16 Anybody else?

17 APPLAUSE

18 PRESIDENT SCHLEMMER:

19 Any further business to be conducted at
20 this meeting. Hearing none at this time, the meeting
21 is adjourned. Thank you for coming.

22 * * * * *

23 MEETING CONCLUDED AT 9:50 A.M.

24 * * * * *

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CERTIFICATE

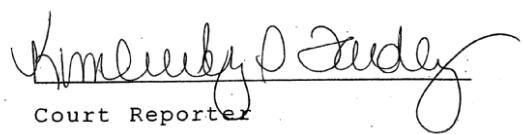
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I hereby certify that the foregoing proceedings,
hearing held before President Schlemmer was reported
by me on 9/24/2013 and that I Kimberly I. Faidley read
this transcript and that I attest that this transcript
is a true and accurate record of the proceeding.

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Court Reporter

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