

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

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IN RE: QUARTERLY MEETING

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BEFORE: BRIAN HOOVER, President  
Timothy S. Layton, Vice President  
Charles Fox, Secretary  
Robert W. Schlemmer, Commissioner  
Jim R. Daley, Commissioner  
David J. Putnam, Commissioner  
Ronald Weaner, Commissioner  
R. Matthew Hough, Executive Director  
Bradley Bechtel, Chief Counsel

HEARING: Tuesday, July 19, 2016  
8:31 a.m.

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

Reporter: Ashley Hoover

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ALSO PRESENT:

Rich Palmer

Wayne Laroche

Thomas Grohol

Peter Sussenbach

Bryan Burhans

Richard Cramer

I N D E X

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OPENING REMARKS

By President Hoover

5 - 7

PRESENTATION

By Mr. Bechtel

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NEW BUSINESS

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CLOSING REMARKS

By President Hoover

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CERTIFICATE

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P R O C E E D I N G S

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PRESIDENT HOOVER:

Call the meeting of the Commissioners of the Pennsylvania Game Commission, July 19th, 2016 to order. Pledge of allegiance, please.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT HOOVER:

Mr. Secretary, would you call the roll, please?

SECRETARY FOX:

Mr. Hoover?

PRESIDENT HOOVER:

Present.

SECRETARY FOX:

Mr. Layton?

COMMISSIONER LAYTON:

Present.

SECRETARY FOX:

Commissioner Weaner?

1 COMMISSIONER WEANER:

2 Present.

3 SECRETARY FOX:

4 Commissioner Putnam?

5 COMMISSIONER PUTNAM:

6 Present.

7 SECRETARY FOX:

8 Commissioner Schlemmer?

9 COMMISSIONER SCHLEMMER:

10 Present.

11 SECRETARY FOX:

12 Commissioner Daley?

13 COMMISSIONER DALEY:

14 Present.

15 PRESIDENT HOOVER:

16 Can I get a motion to approve the  
17 minutes of the Commission's meeting held April 5th,  
18 2016?

19 COMMISSIONER LAYTON:

20 So moved.

21 COMMISSIONER WEANER:

22 So moved.

23 PRESIDENT HOOVER:

24 We have a motion that's been seconded.

25 Mr. Secretary, call the role --- call the vote.

1                   SECRETARY FOX:

2                   Mr. Hoover, you don't need roll call.

3                   PRESIDENT HOOVER:

4                   You don't need a roll call? Signify.

5                   SECRETARY FOX:

6                   All those in favor, signify by saying  
7 aye.

8 ALL SAY AYE

9                   SECRETARY FOX:

10                  Opposed?

11                  PRESIDENT HOOVER:

12                  Motion carries. I'd like to recognize  
13 that Rich Cramer is in the house today. He is the  
14 new Regional Director of the Northwest. He is  
15 replacing Keith Harbaugh, who just recently retired.  
16 And do you have your report ready?

17                  MR. CRAMER:

18                  Of course.

19                  PRESIDENT HOOVER:

20                  With that, we'll move on.

21                  ATTORNEY BECHTEL:

22                  Thank you, Mr. President. The first  
23 item to come before the Commission today is from the  
24 Bureau of Wildlife Management and concerns adopted  
25 rulemaking to amend 58 Pa. Code Section 133.5

1 relating to furbearers, to reclassify porcupines as  
2 furbearers and also permit porcupines to be hunted  
3 with a hunting license or hunted and trapped with a  
4 furtakers license. The text of this amendment is  
5 shown on page three of your agenda.

6 COMMISSION WEANER:

7 So moved.

8 COMMISSIONER LAYTON:

9 Seconded.

10 PRESIDENT HOOVER:

11 We have a motion that's been seconded.

12 Mr. Secretary, call the vote.

13 COMMISSIONER LAYTON:

14 What about comments?

15 PRESIDENT HOOVER:

16 Yeah. Do we have any comments on the  
17 motion? No comments. Mr. Secretary?

18 SECRETARY FOX:

19 All in favor say aye.

20 ALL SAY AYE

21 SECRETARY FOX:

22 Opposed? Motion carries.

23 ATTORNEY BECHTEL:

24 The next item on the agenda is from the  
25 Bureau of Wildlife Protection, it also concerns

1 adopted rulemaking to amend 58 Pa. Code Section  
2 135.41 relating to state game lands, to prohibit the  
3 operation of drones on lands and waters designated as  
4 State game lands. The text of this proposal is on  
5 page five of your agenda.

6 PRESIDENT HOOVER:

7 Do we have a motion?

8 COMMISSION LAYTON:

9 So moved.

10 COMMISSIONER WEANER:

11 Second.

12 PRESIDENT HOOVER:

13 We have a motion that's been seconded.

14 Any comments on the motion?

15 COMMISSIONER LAYTON:

16 Yeah, Mr. President. This is one that  
17 I think we're going to have Director Grohol, if  
18 you'll explain, there's an amendment ---

19 MR. GROHOL:

20 Sure.

21 COMMISSIONER LAYTON:

22 --- that's before us, too.

23 MR. GROHOL:

24 Sure. When we submitted the proposed  
25 rule to the Attorney General's Office, they had some

1 concerns about how broad the regulation was  
2 originally drafted. And basically they felt that we  
3 did not have the authority to regulate the airspace  
4 over game lands. So we've redrafted the regulation  
5 to amend it that it will be unlawful to operate,  
6 control or retrieve or launch any unmanned aerial  
7 vehicle of any size, description or specification on  
8 or from lands or waters designated as state game  
9 lands. So basically we're going to regulate the use  
10 of the drones on the game lands. We don't have the  
11 authority to regulate the airspace.

12 COMMISSIONER LAYTON:

13 Thank you. Mr. President, I move to  
14 amend inserting the blue page that we received this  
15 morning.

16 COMMISSIONER WEANER:

17 Second.

18 PRESIDENT HOOVER:

19 Comments on the amendment? We have a  
20 motion to amend 135.41 and we have a second. Mr.  
21 Secretary, would you call a vote?

22 SECRETARY FOX:

23 All those in favor say aye.

24 ALL SAY AYE

25 SECRETARY FOX:

1                   Opposed?

2                   PRESIDENT HOOVER:

3                   Are there any further comments on the  
4 amended version of 135? No. We have a motion and a  
5 second. Mr. Secretary would you call a vote?

6                   SECRETARY FOX:

7                   All those in favor say aye.

8 ALL SAY AYE

9                   SECRETARY FOX:

10                   Opposed?

11                   ATTORNEY BECHTEL:

12                   The next item before the Commission  
13 concerns amendments to 58 Pa. Code Section 147.322  
14 relating to application for deer control permit, to  
15 provide greater emphasis on the importance on the use  
16 of public hunting as a prerequisite consideration in  
17 the deer control permit application and approval  
18 process. The text of these amendments are shown on  
19 pages seven and eight of your agenda.

20                   COMMISSIONER LAYTON:

21                   Move to accept.

22                   PRESIDENT HOOVER:

23                   Can I get a motion? Do you want to  
24 make a motion on that?

25                   COMMISSIONER LAYTON:

1 I just did.

2 PRESIDENT HOOVER:

3 Oh, I'm sorry. We need a second.

4 SECRETARY FOX:

5 Second.

6 PRESIDENT HOOVER:

7 Any comments?

8 PRESIDENT HOOVER:

9 I would like to make a couple of  
10 comments on this. We've revamped the permit process  
11 which brings hunters back into the process, which is  
12 always number one in our mind. And in the --- we've  
13 made it a little bit more stringent as well, so that  
14 we can't --- you know, a municipality can't come in  
15 to us and say, well, I have a hunting program. This  
16 is  
17 --- you know, we've got one or two hunters on all our  
18 land and now we need a permit because we're not  
19 killing enough deer. So we've actually required some  
20 pretty stringent rules for them to follow, and  
21 hopefully this will eliminate some of the issues that  
22 we're having with political subdivisions running  
23 culls and not utilizing hunters. I just wanted to  
24 make sure that we mention that, you know, we're  
25 putting the hunter in this process and I think that's

1 something that this Board specifically is looking to  
2 do moving forward, is keep the hunter involved in all  
3 of our programs. So I think this is a good motion.  
4 I certainly would ask everyone to move this forward.

5 PRESIDENT HOOVER:

6 Any other comments? We have a motion  
7 that's been seconded. Mr. Secretary, call the vote.

8 SECRETARY FOX:

9 All those in favor say aye.

10 ALL SAY AYE

11 SECRETARY FOX:

12 Opposed? Motion carries.

13 COMMISSIONER WEANER:

14 Mr. President, a point of order, either  
15 you or the Secretary should announce whether the  
16 motion passes or fails each time.

17 PRESIDENT HOOVER:

18 Okay. Motion passes.

19 ATTORNEY BECHTEL:

20 The next item concerns an amendment to  
21 58 Pa. Code Section 135.103 relating to registration  
22 for controlled goose hunting areas. To permit the  
23 Director to designate one shooting day at the Middle  
24 Creek and Pymatuning wild life management areas as a  
25 veterans' with disabilities only day. The text of

1 this amendment is shown on page ten of your agenda.

2 PRESIDENT HOOVER:

3 Do we have a motion?

4 COMMISSIONER LAYTON:

5 So moved.

6 PRESIDENT HOOVER:

7 A second?

8 COMMISSIONER WEANER:

9 Second.

10 PRESIDENT HOOVER:

11 Any comments or questions?

12 COMMISSIONER PUTNAM:

13 Mr. President?

14 PRESIDENT HOOVER:

15 Yes.

16 COMMISSIONER PUTNAM:

17 It's my understanding that this will  
18 only apply to Pymatuning at the current time because  
19 we don't have the appropriate facilities, handicapped  
20 accessible blinds at Middle Creek. And I don't know  
21 if you want to add additional commentary on that as  
22 to whether we plan to have blinds at Middle Creek at  
23 some time?

24 PRESIDENT HOOVER:

25 I believe it's my understanding, Bruce

1 that we're working on access.

2 REGIONAL DIRECTOR METZ

3 We have the one handicapped blind.  
4 We're working with pit blinds and it's more of a  
5 challenge --- give us some other opportunities as  
6 time moves forward.

7 PRESIDENT HOOVER:

8 Thank you. Can I get a motion? Do we  
9 have a motion?

10 ATTORNEY BECHTEL:

11 We already moved.

12 PRESIDENT HOOVER:

13 At this point we move the discussion to  
14 a vote. Mr. Secretary?

15 SECRETARY FOX:

16 All those in favor, signify by saying  
17 aye.

18 ALL SAY AYE

19 SECRETARY FOX:

20 Opposed? Motion carries.

21 MR. BECHTEL:

22 The next item this morning concerns  
23 proposed rule making to amend 58 Pa. Code Section  
24 135.181, state game land range users. Commission  
25 staff and other interested parties have identified a

1 number of areas in need of improvement in the  
2 Commission's shooting range use regulations. The  
3 Commission is proposing to amend Section 135.181 to  
4 address the following substantive and housekeeping  
5 concerns. One, expand the 8:00 a.m. to sunset  
6 operational hours on Sundays preceding regular  
7 firearms deer and bear seasons to also include  
8 Sundays occurring throughout the duration of these  
9 seasons to improve hunter access to its ranges when  
10 they are most needed.

11                   Two, to prohibit range users from  
12 intentionally shooting at or damaging the target  
13 frames or stands in an effort to reduce waste and  
14 improve operational availability of ranges. Three,  
15 provide clarity that fully automatic firearms, not to  
16 include semi-automatic firearms, are prohibited at  
17 Commission ranges. Four, provide greater clarity on  
18 the applicability of the three or six round  
19 ammunition limitations by more clearly linking these  
20 limitations to the applicable range designation.

21                   Five, prohibit range users from  
22 possessing, loading or discharging a firearm in  
23 negligent disregard for the safety of other persons  
24 present at or nearby the range to improve range  
25 safety. Six, provide a license to carry a firearm

1 exception to limit the applicability of restrictions  
2 against possessing a loaded firearm from applying to  
3 loaded firearms carried pursuant to a valid license  
4 to carry a firearm, but only when the firearm is  
5 safely stowed and holstered on or about one's person  
6 or effects. And seven, to provide greater clarity in  
7 the regulations concerning range reservation, range  
8 closure and general range usage violations. The text  
9 of these changes is shown on pages 11 through 13 of  
10 your agenda.

11 COMMISSIONER WEANER:

12 So moved.

13 COMMISSIONER LAYTON:

14 Second.

15 PRESIDENT HOOVER:

16 Any comments?

17 COMMISSIONER LAYTON:

18 Mr. President, this was --- and I'll  
19 let Director Grohol address this if he wishes. But  
20 this is an area where wildlife protection, I think,  
21 is just cleaning up a regulation that's already in  
22 place and putting language in it that's a little  
23 easier to understand and moving forward. Do you want  
24 to talk about that?

25 MR. GROHOL:

1           Sure. And you're right, some of these  
2 are just making it clearer for both the public and  
3 our officers when enforcing the laws on the ranges.  
4 And also we're extending the hours on Sundays during  
5 the most high use times, and we received a lot of  
6 requests from sportsmen that, you know, the range  
7 were restricted hours when they needed it the most.  
8 So I think we're responding to that as well.

9           COMMISSIONER LAYTON:

10           Great. Thank you.

11           PRESIDENT HOOVER:

12           Any other comments or questions? We  
13 have a motion that's been seconded. Mr. Secretary,  
14 call the vote.

15           SECRETARY FOX:

16           All those in favor, signify by saying  
17 aye.

18 ALL SAY AYE

19           SECRETARY FOX:

20           Opposed? Motion carries.

21           ATTORNEY BECHTEL:

22           The next item before the Commission is  
23 from the Bureau of Wildlife Habitat Management,  
24 concerns the donation of real estate Contract Number  
25 L3698, State game lands numbers 54 and 195 in

1 Jefferson County. Henry Deible is offering a portion  
2 of fractional interest in clay, coal and other  
3 minerals on 1,943.94 acres of land in Snyder, Gaskill  
4 and Henderson Townships, Jefferson County, located  
5 under portions of State game lands numbers 54 and  
6 195. The offer includes 27 acres, as shown on  
7 Exhibit  
8 Red 1 on page 15 of your agenda, 136.49 acres  
9 referenced on Red 2 on page 16 of your agenda and  
10 1,780.45 acres referenced on Exhibit Red Two on page  
11 16 of your agenda. These are all fractional  
12 interests. Acquiring these fractional interests in  
13 mineral rights will provide more control of the  
14 surface on these portions of State game lands number  
15 54 and 195.

16 COMMISSIONER LAYTON:

17 So moved.

18 COMMISSIONER SCHLEMMER:

19 Second.

20 PRESIDENT HOOVER:

21 Any questions or comments from the  
22 Commissioners?

23 COMMISSIONER FOX:

24 Mr. President, I'd like to commend  
25 Director Sussenbach on his efforts to move these

1 things forward, along with the access to portions of  
2 the game land that previously would have been  
3 difficult to reach. The Board would like to thank  
4 you for the efforts.

5 MR. SUSSENBACH:

6 Thank you. If I just may comment, Mr.  
7 President. You know this is --- you've got several  
8 acquisitions in front of us, this is the first of  
9 them, and it's really a testament to the unique  
10 relationship that our team members out in the field  
11 develop with local partners and land owners. This  
12 first acquisition was a relationship that was  
13 developed through the Green Hills acquisition several  
14 years ago. And there was, you know, that continuing  
15 cultivation of relationships and partnerships there,  
16 where an individual comes out of the blue,  
17 essentially, and is willing to donate, you know,  
18 almost 2,000 acres of oil and gas and mineral rights  
19 underneath portions of game lands. So pretty  
20 interesting to see those developing relationships,  
21 and it's a real testament, again, to what our field  
22 staff is doing out there.

23 PRESIDENT HOOVER:

24 Very good. Any other comments or  
25 questions? Jim?

1                   COMMISSIONER DALEY:

2                   Pete, just looking at the real estate  
3 number 2 map, it looks like a lot of that area has  
4 already been mined. Is that true and, if so, are we  
5 really getting anything through those --- you know,  
6 through giving us the rights to some portion of the  
7 oil and gas and minerals?

8                   MR. SUSSENBACH:

9                   Yeah. And a correction there on my  
10 part, this is for minerals, hard minerals and such.  
11 And it has been mined through, but if you look at,  
12 historically, places that have been mined through,  
13 it's only a matter of time before people want to  
14 re-mine for some other sort of hard mineral. So  
15 right now on the surface it may not look like there's  
16 much there, but there's been a lot of places that  
17 over time we've been able to release out, clean up  
18 spoil piles, do things on the landscape that nobody  
19 had ever envisioned. So I think in time these things  
20 will prove themselves out, that we're protecting the  
21 habitat out there and additionally the potential for  
22 making revenue as well.

23                   COMMISSIONER DALEY:

24                   Thank you.

25                   PRESIDENT HOOVER:

1 I think at that point it also protects  
2 the game lands and that someone else couldn't get in  
3 there and continue to do work on the game lands.

4 MR. SUSSENBACH:

5 Correct.

6 PRESIDENT HOOVER:

7 That's the big improvement. We have a  
8 motion that's been seconded. Mr. Secretary, call the  
9 vote.

10 SECRETARY FOX:

11 Those in favor, signify by saying aye.

12 ALL SAY AYE

13 SECRETARY FOX:

14 Opposed? Motion carries.

15 ATTORNEY BECHTEL:

16 The next item concerns contract number  
17 L3699, State Game Land Number 33 in Centre County.  
18 Wood Duck Chapter Trout Unlimited is offering a  
19 donation of 171.3, more or less, acres of land in  
20 Rush Township, Centre County, adjoining State Game  
21 Land Number 33 as shown on Exhibit Red 3 on page 18  
22 of your agenda. The property is mostly forested with  
23 mixed oaks, aspen, maple, birch and cherry, mountain  
24 laurel, rhododendron, witch hazel and greenbrier are  
25 in the understory.

1                    Located on approximately 30 acres there  
2 are seven impoundments, one acre or less, which are  
3 part of an acid mine discharge passive treatment  
4 system for a tributary to cold stream. Cold Stream  
5 is a stocked trout stream running through the western  
6 side of the property. A five-acre shrub land  
7 reverting old field from a reclaimed surface mine is  
8 found on the northeast edge. A 70-foot wide easement  
9 for ingress/egress construction of a new roadway,  
10 running of all types of utilities, utility lines,  
11 pipelines, telephone and communication lines, bisects  
12 the northern corner of the property. Access is from  
13 Dike Road T324 east of State Route 322.

14                    PRESIDENT HOOVER:

15                    Can we have a motion, please?

16                    COMMISSIONER LAYTON:

17                    So moved.

18                    PRESIDENT HOOVER:

19                    Second?

20                    COMMISSIONER PUTNAM:

21                    Second.

22                    PRESIDENT HOOVER:

23                    Any comments, questions? Mr.

24 Secretary, we have a motion and a second. Please  
25 call the roll.

1                   SECRETARY FOX:

2                   All those in favor say aye.

3 ALL SAY AYE

4                   SECRETARY FOX:

5                   Opposed? Motion carries.

6                   ATTORNEY BECHTEL:

7                   And the next item concerns Contract  
8 Number L3700, State Game Land Number 57 in Wyoming  
9 County. Camp Earl Incorporated is offering to donate  
10 a right-of-way through their property for access into  
11 State Game Land Number 57 as shown on Exhibit Red 4  
12 on page 20 of your agenda. Camp Earl owns property in  
13 Forkston Township, Wyoming County, which is  
14 surrounded by State Game Land Number 57 on three  
15 sides. Camp Earl is willing to convey a 50-foot wide  
16 right-of-way, approximately 1,590 feet in length  
17 along their northwestern boundary line. Camp Earl  
18 has reserved the right to use the right-of-way  
19 provided such use does not impair access to State  
20 Game Land Number 57. Access to the right-of-way will  
21 be from Windy Valley Road, SR3001, and will provide  
22 access into a portion of State Game Land Number 57,  
23 which currently has limited access.

24                   COMMISSIONER LAYTON:

25                   Motion to accept.

1                   PRESIDENT HOOVER:

2                   Second?

3                   COMMISSIONER PUTNAM:

4                   Second.

5                   PRESIDENT HOOVER:

6                   Any comments or questions?

7                   MR. SUSSENBACH:

8                   Mr. President, if I may comment on this  
9 one as well.

10                  PRESIDENT HOOVER:

11                  Absolutely.

12                  MR. SUSSENBACH:

13                  Game Lands 57, as many of you may well  
14 know, is about 45,000 acres. And the upper section  
15 of that property is extremely difficult to access,  
16 it's got steep mountainsides, it's got wet and boggy  
17 areas all throughout it, so it's a very difficult  
18 place to get into. By ensuring that we have access,  
19 appropriate access, at the top of the mountain, it  
20 really enhances our ability to go in there and manage  
21 several thousand acres. And up until this point it's  
22 been very difficult to get into, the roadway has been  
23 questionable at best, we didn't have the proper slope  
24 and drainage. And by placing it where the region  
25 decided to place the right-of-way in agreement with

1 the landowner, this is definitely going to enhance  
2 our ability to get in and out of there.

3                   Also, if you look at the map on the  
4 next page, the very corner of the game lands which  
5 would be on the western side there, where the red  
6 line runs out to, there's a parking lot there. So  
7 it's going to enhance our ability to manage that  
8 property but also provide greater hunter access into  
9 that property as well, and look at season ability of  
10 opening the roadway and things like that for greater  
11 hunter access. So it's definitely and excellent  
12 place. It's a right-of-way we looked at for many  
13 years and I'm glad that the region was able to  
14 finally pull that together and make sure that we  
15 could finally get into that upper piece of property.

16                   PRESIDENT HOOVER:

17                   Thank you. Any other questions or  
18 comments? We have a motion that's been seconded.  
19 Mr. Secretary, call the vote.

20                   SECRETARY FOX:

21                   All those in favor, signify by saying  
22 aye.

23 ALL SAY AYE

24                   SECRETARY FOX:

25                   Opposed? Motion carries.

1                                    ATTORNEY BECHTEL:

2                                    The next item before the Commission  
3 involves an exchange, Contract Number L3701, State  
4 Game Land Numbers 168 and 300 in Monroe and  
5 Lackawanna Counties. Transcontinental Gas Pipeline  
6 Company, LLC, or TRANSCO, is offering 117, more or  
7 less, acres of land in Eldred Township, Monroe County  
8 adjacent to State Game Land Number 168, as shown on  
9 Exhibit Red 5 on page 22 of your agenda, and 120,  
10 more or less, acres of land in Jefferson Township,  
11 Lackawanna County adjacent to State Game Land Number  
12 300, as shown on Exhibit Red 6 on page 23 of your  
13 agenda. Both parcels of land are in exchange for a  
14 license for right-of-way or a license that TRANSCO  
15 requested in order to construct, operate, maintain  
16 and remove a new 42-inch natural gas pipeline across  
17 a portion of State Game Land Number 211 in Union  
18 Township, Lebanon County.

19                                    TRANSCO has agreed to cause to convey  
20 these parcels, totaling 237 more or less acres, to  
21 the Commission, in addition to paying the  
22 Commission's standard habitat surface and timber  
23 damages, as well as paying the Commission's standard  
24 annual license fee, so long as the license remains  
25 active. The license will authorize 1,320 linear feet

1 of 42-inch natural gas pipeline within the new 50-  
2 foot wide right-of-way occupying 1.52 acres of State  
3 Game Land Number 211, immediately adjacent to the  
4 southern boundary of the game lands as shown on  
5 Exhibit Red 7 on page 24 of your agenda. TRANSCO  
6 will use and reclaim an additional 1.32 acres of game  
7 lands outside of this right-of-way during  
8 construction and reclamation.

9           The pipeline crosses the Appalachian  
10 Trail on state game lands and TRANSCO will be  
11 installing that crossing via a conventional bore,  
12 thereby avoiding any surface impacts for a minimum of  
13 107 feet on either side of the Appalachian Trail. As  
14 a result, 0.25 acres of the 1.52 acres of the  
15 licensed right-of-way will not sustain any surface  
16 impacts whatsoever. In addition, TRANSCO will  
17 implement an extensive reclamation plan within 1.80  
18 acres of the temporary work space, and portions of  
19 the right-of-way to include a variety of tree and  
20 shrub plantings.

21           The Monroe County parcel offered by  
22 TRANSCO is located in the Aquashicola Creek Watershed  
23 and contains the headwaters of an unnamed tributary  
24 thereto. The habitat is primarily mature forest with  
25 stands of white pine, hemlock, Norway spruce,

1 hickory, red oak, poplar, black gum and black birch.  
2 The understory is comprised of witch hazel, dogwood  
3 and black haw. Access is available by way of Camp  
4 Wind Gap Drive, south of Upper Smith Gap Road,  
5 SR3002.

6 The Lackawanna County parcel is located  
7 in the Lackawanna River Watershed and contains the  
8 headwaters of White Oak and Laurel Runs. The habitat  
9 is primarily a mature oak/maple forest along with  
10 some limited scrub oak, and the understory is  
11 comprised of bracken fern and sassafras. Access to  
12 the property is limited to existing State game lands  
13 roads from the east off of Archibald Mountain Road,  
14 SR1012. Both properties will serve to reduce the  
15 acreage of indentures into these State game lands.

16 PRESIDENT HOOVER:

17 Do we have a motion?

18 COMMISSIONER WEANER:

19 So moved.

20 COMMISSIONER SCHLEMMER:

21 I second.

22 PRESIDENT HOOVER:

23 I have a motion that's been seconded.  
24 Any comments or questions? Mr. Secretary would you  
25 call the vote?

1                   SECRETARY FOX:

2                   All those in favor, signify by saying  
3 aye.

4 ALL SAY AYE

5                   SECRETARY FOX:

6                   Opposed? Motion carries.

7                   MR. SUSSENBACH:

8                   Mr. President, if I may just comment on  
9 that previously approved exchange. You know, the  
10 interesting part about that exchange is that we gave  
11 up nothing from a revenue standpoint. So this was  
12 value-added that the company saw and wanted to give  
13 something back for wildlife. And again, you know,  
14 the regions went out there, they found some  
15 properties that made sense and the company was  
16 willing to go out there and acquire those for us.  
17 But, you know, at times we've been --- people have  
18 been critical of the Pennsylvania Game Commission for  
19 giving up revenue on one side in exchange for land.  
20 And this is a prime example of, you know, yet again  
21 where we didn't give up any revenue, yet someone was  
22 willing to go above and beyond for the agency and for  
23 wildlife resources.

24                   So I just wanted to bring that out here  
25 that this has been rather unique, but it's not the

1 only one. And we see this again and again with some  
2 of the donations and some of these exchanges that we  
3 just --- people have gone above and beyond for  
4 wildlife resources in Pennsylvania.

5 PRESIDENT HOOVER:

6 Thank you. And you should be commended  
7 for the work that you're doing to further these  
8 projects along.

9 ATTORNEY BECHTEL:

10 The next item concerns a legal  
11 settlement, the Barkman Settlement Agreement,  
12 Contract Number L3702, State Game Land Number 97 in  
13 Bedford County. The estate of Ray F. Barkman is  
14 offering 103.98 more or less acres of land for sale  
15 in Monroe Township, Bedford County, adjacent to State  
16 Game Land Number 97, as shown on Exhibit Red 8 on  
17 page 26 of your agenda.

18 The proposed sale is part of a  
19 negotiated settlement agreement intended to resolve a  
20 long-standing legal dispute concerning the Commission  
21 and public's use of an access road that crosses a  
22 portion of the Barkman tract and provides valuable  
23 access to a remote section of State Game Land Number  
24 97. The Barkman estate has offered to convey this  
25 103.98, more or less, acre tract of forested land to

1 the commission for \$235,000. The estate will be  
2 responsible for the 2016 real estate taxes, with no  
3 proration, and all transfer taxes associated with the  
4 conveyance.

5                   The habitat is primarily mature forest  
6 with stands of dry oak, heath and northern hardwoods.  
7 The understory is comprised of blueberry and oak  
8 seedlings, flowering dogwood, serviceberry, hornbeam,  
9 spice bush and witch hazel. Access to the property  
10 is provided by Frankies Road T351 and an existing all  
11 year PGC access road, Westvaco Access Road. Two  
12 retired skid roads provide additional access within  
13 the property interior. Acquisition of this tract  
14 will aid in the reduction of indentures into State  
15 Game Land Number 97, and will guarantee long term and  
16 reliable public and administrative access to this  
17 remote section of State Game Land Number 97.

18                   PRESIDENT HOOVER:

19                   Do we have a motion?

20                   COMMISSIONER LAYTON:

21                   So moved.

22                   PRESIDENT HOOVER:

23                   Second?

24                   COMMISSIONER DALEY:

25                   Second.

1                   PRESIDENT HOOVER:

2                   Any comments or questions?

3                   COMMISSIONER DALEY:

4                   I have one, Mr. President.

5                   PRESIDENT HOOVER:

6                   Okay.

7                   COMMISSIONER DALEY:

8                   I believe that this access road that  
9 we're looking at through the area on Red Eight  
10 already existed, and there's a couple parking lots  
11 along it. And we've not --- then were kind of denied  
12 access, so without this we wouldn't be able to  
13 continue using the area. Is that pretty much true?

14                  MR. SUSSENBACH:

15                  That is correct. This is a major  
16 access point for that section of Game Lands 97, it's  
17 identified by the region as one of their highest  
18 priorities for acquisition because of the obvious  
19 implications to hunter access. So there are some  
20 parking lots on the very back side of this, once you  
21 enter into the game lands, and again access was  
22 denied and turned into a legal dispute, hence we're  
23 here today.

24                  COMMISSIONER DALEY:

25                  Thank you.

1                   PRESIDENT HOOVER:

2                   Any other comments or questions? Mr.  
3 Secretary, would you call the vote?

4                   SECRETARY FOX:

5                   All those in favor, signify by saying  
6 aye.

7 ALL SAY AYE

8                   SECRETARY FOX:

9                   Opposed? Motion carries.

10                  ATTORNEY BECHTEL:

11                  The next item before the Commission  
12 concerns a bituminous surface coal mining agreement  
13 for the Loyalhanna Coal Reserve in Somerset County.  
14 Mountaineer Mining Corporation of Berlin,  
15 Pennsylvania, has requested an agreement to mine and  
16 remove an estimated 6,000 to 8,000 combined tons of  
17 upper and lower Kittanning coal from an approximately  
18 2.2 acre Commission-owned coal reserve. The  
19 operation will occur on private lands and will not  
20 impact any Game Commission surface lands. The  
21 proposed coal mining operation is located in Shade  
22 Township, Somerset County, shown on Exhibit OGM 1 on  
23 page 28 of your agenda. The terms are a five-year  
24 agreement and initial advanced royalty payment of  
25 \$10,000, and a royalty rate of six percent of the FOB

1 pit price for all coal mined and sold from the  
2 premises or \$2.50 per ton, whichever is greater. All  
3 coal royalty payments will be deposited in the Game  
4 fund. Mining will be regulated by the Commonwealth's  
5 Mining Regulations and the Commission's standard  
6 surface coal mining agreement.

7 COMMISSIONER LAYTON:

8 Motion to accept.

9 PRESIDENT HOOVER:

10 Do we have a second?

11 COMMISSIONER WEANER:

12 Second.

13 PRESIDENT HOOVER:

14 Any comments or questions? Mr.  
15 Secretary, would you call the vote?

16 SECRETARY FOX:

17 All those in favor, signify by saying  
18 aye.

19 ALL SAY AYE

20 SECRETARY FOX:

21 Opposed? Motion carries.

22 ATTORNEY BECHTEL:

23 Mr. President, that completes this  
24 portion of the agenda.

25 PRESIDENT HOOVER:

1                   Thank you. We have a couple of things  
2 under new business that we would like to read. The  
3 Commissioners have taken a look at some things that  
4 are going on today in the House and the Senate, and  
5 in the Federal arena as well. As the Game Commission  
6 Board of Commissioner Resolution on the Blue Ribbon  
7 Panel recommendations. Resolution made this 19th day  
8 of July by the Pennsylvania Game Commission Board of  
9 Commissioners, an independent administrative agency  
10 of the Commonwealth of Pennsylvania, hereinafter  
11 referred to as the PGC, supporting the  
12 recommendations of the Blue Ribbon Panel on  
13 sustaining America's diverse fish and wildlife  
14 resources in recommending Congress dedicate to the  
15 States and Territories \$1.3 billion annually in  
16 existing revenue to diversity funding and management  
17 of all wildlife.

18                   Whereas, Article 1 Section 27 of the  
19 Pennsylvania Constitution provides for the  
20 preservation of the natural values of the environment  
21 as a birthright of every Pennsylvania citizen,  
22 including generations yet to come. And whereas Title  
23 34 Section 103 of the Game and Wildlife Code provides  
24 ownership, jurisdiction and control of game and  
25 wildlife to the PGC. And whereas the mission of the

1 Pennsylvania Game Commission is to manage  
2 Pennsylvania's 480 wild birds, wild mammals and their  
3 habitats for current and future generations.

4           And whereas the PGC does not receive  
5 revenue from the Pennsylvania General Fund. And  
6 whereas there is a recognized need to expand the  
7 dedicated and sustainable funding base for wildlife  
8 conservation in Pennsylvania and throughout the  
9 Nation. And whereas the recent Blue Ribbon Panel on  
10 Sustaining America's Diverse Fish and Wildlife  
11 Resources, made up of 26 business and conservation  
12 leaders, was tasked with recommending a new funding  
13 mechanism to support State and fish wildlife  
14 conservation to ensure the sustainability of all fish  
15 and wildlife for current and future generations.

16           And whereas the Blue Ribbon Panel on  
17 Sustaining America's Diverse Fish and Wildlife  
18 Resources has recommended that Congress dedicate to  
19 the states and territories \$1.3 billion annually in  
20 existing revenue from the development of energy and  
21 mineral resources on Federal lands and waters to the  
22 Wildlife Conservation Restoration Program to  
23 diversify funding and management of all wildlife.  
24 And whereas securing dedicated federal funding is  
25 likely to require a non-federal state match similar

1 to that in place for the Pittman-Robertson.

2                   And therefore be it resolved to support  
3 the recommendations of the Blue Ribbon Panel on  
4 Sustaining America's Diverse Fish and Wildlife  
5 Resources. And further be it resolved too that the  
6 PGC encourage other State fish and wildlife agencies  
7 throughout the country to do the same. And further  
8 be it resolved to support broadening non-Federal  
9 dedicated funding mechanisms for wildlife  
10 conservation and implementation of the Pennsylvania  
11 Wildlife Action Plan, and to serve as the State's 25  
12 percent match, in the event that the new dedicated  
13 Federal funding is secured.

14                   This has been recommended by the  
15 Executive Director, and staff recommended the  
16 Resolution as shown above. Approved this 20 --- in  
17 the 19th day of July, 2016. I need a second on this  
18 Resolution.

19                   COMMISSIONER PUTNAM:

20                   Second.

21                   PRESIDENT HOOVER:

22                   And Mr. Secretary, would you call the  
23 vote?

24                   SECRETARY FOX:

25                   All those in favor, signify by saying

1 aye.

2 ALL SAY AYE

3 SECRETARY FOX:

4 Opposed? Motion carries.

5 PRESIDENT HOOVER:

6 The second resolution comes from the  
7 Board of Commissioners. Whereas, on June 22nd, 2016,  
8 Representative David M. Maloney and various other  
9 members of the General Assembly of Pennsylvania  
10 introduced House Bill 2083, PN 3593, to, among other  
11 things, transition Pennsylvania to a separate  
12 antlered and antlerless seasons and maximum sustained  
13 yield method of white-tailed deer management.

14 And whereas on June 27 Representative  
15 Michael K. Hanna and various other members of the  
16 General Assembly of Pennsylvania introduced House  
17 Bill 1720, PN 3630, an identical bill purporting to  
18 achieve the same ends. And whereas the Board of  
19 Commissioners of the Pennsylvania Game Commission,  
20 the Board, has determined that the House Bills 2083  
21 and 1720 represent an improper attempt to usurp and  
22 redirect control of white-tailed deer management,  
23 habitat management on state game lands and forest  
24 management on State Forest Lands away from the  
25 citizens of the Commonwealth of Pennsylvania and

1 place this authority in the hands of a few special  
2 interest groups.

3                   And whereas the predominant method of  
4 management used within the vast majority of the  
5 United State of America is The North American Model  
6 of Wildlife Management, a model to which Pennsylvania  
7 currently adheres to in its wildlife management  
8 activities. And whereas the North American Model of  
9 Wildlife Management mandates that wildlife be managed  
10 within the public trust and that wildlife policy be  
11 created through a public process where all relevant  
12 stakeholders have the opportunity and responsibility  
13 to develop systems of wildlife conservation and use.

14  
15                   And whereas House Bills 2083 and 1020  
16 throw out the basic tenants of the North American  
17 Model of Wildlife Management and rather place  
18 management authority in the hands of a few special  
19 interest groups not accountable to the citizens of  
20 the Commonwealth of Pennsylvania. And whereas House  
21 Bills 2083 and 1720 call for representatives of  
22 special interest groups to select and negotiate with  
23 a private contractor to develop new white-tailed deer  
24 management and habitat management plans for the State  
25 game lands and State forests within the Commonwealth.

1 And whereas the cost of the private contractor's  
2 contract is not limited in size or duration and could  
3 very easily cause waste and misuse of limited  
4 resources of the Commission.

5                   And whereas House Bills 2083 and 1720  
6 authorize the actions of these special interest  
7 groups to be accomplished without any apparent  
8 oversight by the Commonwealth or its citizens. And  
9 whereas House Bill 2083 and 1720 will exponentially  
10 increase the spread of chronic wasting disease  
11 amongst white-tailed deer across the Commonwealth as  
12 a result of unsustainable population growth, with  
13 devastating affects to the Commonwealth's white-  
14 tailed deer and elk herds.

15                   And whereas House Bills 2083 and 1720  
16 contemplates adopting the theoretical wildlife  
17 management method called maximum sustained yield, a  
18 method developed in the 1930s and later abandoned by  
19 scientists across the nation as an impractical method  
20 to manage fish and wildlife population. And whereas  
21 maximum sustained yield is not based upon sound  
22 science and fails to maintain the capacity to address  
23 the management of varying types of habitat, other  
24 than forests, other important wildlife species, other  
25 than white-tailed deer, or other deer-human

1 interactions, other than hunting within the  
2 Commonwealth.

3                   And whereas House Bills 2083 and 1720  
4 create a duplication and redundancy in the layers of  
5 government by placing the Board's decision-making  
6 authority concerning white-tailed deer and State game  
7 lands habitat management with that of a newly created  
8 Forest and Habitat Advisory Counsel. And whereas  
9 House Bills 2083 and 1720 will not only hamper the  
10 Commission's effectiveness, but will also increase  
11 the Commission's overall costs to the sporting men  
12 and women of the Commonwealth of Pennsylvania. And  
13 whereas the United States Fish and Wildlife Service  
14 has reviewed House Bills 2083 and 1720 and determined  
15 that the passage and implementation of these  
16 amendments would constitute an improper diversion of  
17 hunting and furtaking license dollars and would  
18 consequently preclude the Commonwealth of  
19 Pennsylvania from accessing \$24 million in Pittman-  
20 Robertson Act funding.

21                   And whereas Article 1 Section 27 of the  
22 Pennsylvania Constitution states that the people have  
23 the right to clean air, pure water and the  
24 preservation of natural scenic, historic and esthetic  
25 values of the environment. Pennsylvania's public

1 natural resources are common property of all people,  
2 including generations to come. And as trustees of  
3 these resources, the Commonwealth shall conserve and  
4 maintain them for the benefit of all people.

5                   And whereas, House Bills 2083 and 1720  
6 are in direct conflict with the broad mandates of  
7 Article 1, Section 27 of the Pennsylvania  
8 Constitution as the legislation contravenes the  
9 principle that the natural resources of the  
10 Commonwealth are common property of all of its  
11 citizens by placing critical resource-based decision-  
12 making in the hands of a few special interest groups,  
13 that by design will not serve the interests of all  
14 stakeholders as originally contemplated.

15                   Now therefore be it resolved that the  
16 Board of Commissioners of the Pennsylvania Game  
17 Commission does hereby reject the proposed amendments  
18 set forth in House Bills 2083 and 1720. And be it  
19 further resolved that the Board respectfully requests  
20 that the remaining honorable members of the General  
21 Assembly give critical review of these issues and  
22 observe the folly and lack of good judgement in House  
23 Bills 2083 and 1720.

24                   Given under the hand and seal of the  
25 Board of Commissioners of the Pennsylvania Game

1 Commission this 19th day of July, 2016. Can I have a  
2 second to the motion --- the resolution?

3 COMMISSIONER LAYTON:

4 Second.

5 PRESIDENT HOOVER:

6 Mr. Secretary, would you call the roll?

7 SECRETARY FOX:

8 Do you want a roll call?

9 PRESIDENT HOOVER:

10 Yeah, you can do a roll call vote,  
11 please.

12 SECRETARY FOX:

13 President Hoover?

14 PRESIDENT HOOVER:

15 Yes.

16 SECRETARY FOX:

17 Commissioner Layton?

18 COMMISSIONER LAYTON:

19 Yes.

20 SECRETARY FOX:

21 Commissioner Fox, yes.

22 SECRETARY FOX:

23 Commissioner Weaner?

24 COMMISSIONER WEANER:

25 Yes.

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SECRETARY FOX:

Commissioner Putnam?

COMMISSIONER PUTNAM:

Yes.

SECRETARY FOX:

Commissioner Schlemmer?

COMMISSIONER SCHLEMMER:

Yes.

SECRETARY FOX:

Commissioner Daley?

COMMISSIONER DALEY:

Yes.

SECRETARY FOX:

Unanimous vote.

PRESIDENT HOOVER:

Is there any other new business to come before the Board? Hearing none, the next working group meeting will be August 29th, and the September Commission meeting actually will be held September 19th and 20 here at the Harrisburg headquarters. Typically that is the meeting that we take this on the road to different portions of the State of Pennsylvania so that other people can get involved, but with the current budget crisis it is impossible for us to ask the sportsmen to shoulder the extra

1 burden. So we will maintain the meeting here this  
 2 September, and hopefully we will see everyone here.  
 3 Do we have an executive session? Do we have a need  
 4 for an executive session? There will be an executive  
 5 session, if necessary, held immediately following the  
 6 close of the Commission meeting. Any other questions  
 7 or comments? We have a press conference immediately  
 8 following as well. The meeting is adjourned.

\* \* \* \* \*

MEETING CONCLUDED AT 9:14 A.M.

\* \* \* \* \*

CERTIFICATE

15 I hereby certify that the foregoing proceedings,  
 16 held before President Hoover was reported by me on  
 17 7/19/16 and that I, Ashley Hoover, read this  
 18 transcript, and that I attest that this transcript is  
 19 a true and accurate record of the proceeding.

21   
 \_\_\_\_\_

Ashley Hoover

Court Reporter

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