

COMMONWEALTH OF PENNSYLVANIA

GAME COMMISSION

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QUARTERLY MEETING

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BEFORE: GREGORY ISABELLA, PRESIDENT  
James Delaney, Jr., Vice President  
Ronald Weaner, Secretary  
Thomas Boop  
David Schreffler  
David Putnam  
Robert Schlemmer  
Ralph Martone  
Brad Bechtel, Counsel

HEARING: Tuesday, January 26, 2010, 8:30 a.m.

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

Reporter: Cynthia Piro Simpson  
Sargent's Court Reporting Service, Inc.  
(814) 536-8908

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DISCUSSION AMONG PARTIES

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## P R O C E E D I N G S

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PRESIDENT ISABELLA:

Good morning, ladies and gentlemen.

Welcome to our quarterly meeting here at the Pennsylvania Game Commission. At this time please rise for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT ISABELLA:

Just a reminder, ladies and gentlemen, if you have cell phones, please, either turn them off or put them on vibrate. If you have to make a phone call, please go in the outer lobby. And with that, Mr. Secretary, the roll call of Commissioners?

COMMISSIONER WEANER:

Mr. President, all Commissioners are here and accounted for.

PRESIDENT ISABELLA:

Thank you, Mr. Secretary. At this time I would like a motion for the approval of the minutes of the meeting held on October 6th, 2009.

COMMISSIONER BOOP:

So moved.

PRESIDENT ISABELLA:

We have a motion from Commissioner Boop.

1 Second?

2 COMMISSIONER WEANER:

3 Second.

4 PRESIDENT ISABELLA:

5 Second from Commissioner Weaner. All in  
6 favor signify by saying aye.

7 AYES RESPOND

8 PRESIDENT ISABELLA:

9 Opposed?

10 COMMISSIONER WEANER:

11 Mr. President, the motion passes  
12 unanimously.

13 PRESIDENT ISABELLA:

14 Thank you, Mr. Secretary. At this time  
15 I'd like to call on Executive Director Carl Roe.

16 EXECUTIVE DIRECTOR ROE:

17 Thank you, Mr. President. As I mentioned  
18 yesterday, I wanted to take some time this morning to  
19 thank Deputy Executive Director Mike Schmit. This  
20 will be his last Commission Meeting. As a result of a  
21 schedule change on the April meeting, this will be his  
22 last one. And I just want to, again, publicly thank  
23 you and make it as a matter of record forever that  
24 Mike's over 35 years of dedicated service to the Game  
25 Commission is duly recognized. And from my personal

1 point of view, I couldn't ask for a better right-hand  
2 person. His great advice and his counsel on many,  
3 many occasions probably kept me from doing something  
4 really stupid. And his wealth of knowledge about the  
5 Game Commission is truly remarkable. I mean, those 35  
6 years, he's got a mind like a steel trap. He can tell  
7 you what he did the first day, when he was  
8 commissioned as a WCO. And he's held every rank from  
9 WCO to Regional Supervisor, Regional Director, Bureau  
10 Director, and now, as the Deputy. I can tell you  
11 there's nobody more dedicated, and in the parlance of  
12 our WCO, he truly bleeds green. So Mike, thank you  
13 very much for your service and dedicated service not  
14 only to the Game Commission but also to the  
15 Commonwealth of Pennsylvania.

16 APPLAUSE

17 PRESIDENT ISABELLA:

18 I just want to add one comment to Carl's.  
19 Ladies and gentlemen, Mike is literally a walking PGC  
20 historian. One time we were having lunch and a  
21 conversation came up, I don't know, it was a joke, and  
22 Mike turned around and said, well, if you go to the  
23 March issue of Game News, page 14, Volume 22, you'll  
24 see an article there about it. I turned and I looked  
25 at him, and I said, Mike, that's like 20 years ago.

1 You remember that?

2                   And I was involved one day with doing  
3 some work with the Wildlife For Everyone Endowment  
4 Foundation, and I saw a slide. And here's a slide of  
5 a WCO with darker hair at the time, a lot thinner, and  
6 he's handling, like it was Bald Eagles. And I'm  
7 looking and I'm going, wait a minute, that's Mike  
8 Schmit. You know, that was like over 25 years ago.  
9 So Mike, congratulations in your retirement, and I'll  
10 be seeing you on golf nights.

11                   DEPUTY EXECUTIVE DIRECTOR:

12                   Thank you.

13                   PRESIDENT ISABELLA:

14                   Do you have anything to say?

15                   DEPUTY EXECUTIVE DIRECTOR:

16                   Certainly no speeches, just 35 years goes  
17 by so quickly, and it's been said by many, many people  
18 before me when a Game Commissioner's career comes to  
19 an end, you just can't believe how quickly that time  
20 flies. I'm looking forward to retirement. I've  
21 always treated retirees as if that's just the last  
22 classification they hold as an authority for the Game  
23 Commission. I don't truly believe people retire from  
24 the Game Commission. You just move into a different  
25 area where you just volunteer your time. You never

1 truly leave this agency. And so I'll still be around.  
2                   The Wildlife For Everyone Endowment  
3 Foundation was mentioned by John Dunn yesterday. It's  
4 been mentioned a few times at this meeting. It's  
5 certainly a foundation I believe wholeheartedly in and  
6 intend to spend an awful lot of time volunteering my  
7 efforts for that foundation because the mission of  
8 that foundation is to support the mission of the  
9 Pennsylvania Gaming Commission. And so I think the  
10 Wildlife Forever Endowment Foundation is worthy of all  
11 of our attention. It's certainly going to get a lot  
12 of my attention in the years to come. And thank you  
13 very much for your comments, fellows, both of you.

14                   PRESIDENT ISABELLA:

15                   Mike, thank you. And again, we'll see  
16 you on the links. All right. At this time I'd like  
17 to turn to our Agency Counsel, Brad Bechtel. Brad?

18                   ATTORNEY BECHTEL:

19                   The first item to come before the  
20 Commission today involves the State Wildlife Grants  
21 Program, The Pennsylvania Breeding Bird Atlas.  
22 Congress has appropriated funds under the State  
23 Wildlife Grants Program, directing exclusively to  
24 State wildlife agencies for wildlife species with the  
25 greatest conservation concern. And Pennsylvania is

1 eligible to receive these funds for fish & wildlife  
2 projects under the State Wildlife Grant or SWG  
3 Program. After six years and 92,000 hours of  
4 fieldwork, Pennsylvania's birders have completed the  
5 most detailed and comprehensive survey of breeding  
6 bird distribution and abundance ever completed in the  
7 Commonwealth.

8                   This data updates the status of  
9 endangered and threatened birds and documents changes  
10 of all the State's 190-plus breeding birds since the  
11 first atlas in the 1980s. The fieldwork for this  
12 project was funded predominantly with federal funds  
13 through the State Wildlife Grants or SWG Program. An  
14 analysis and interpretation of this dataset is ongoing  
15 under the guidance of two researchers, but pursuit of  
16 outside funds to produce the efforts and publish their  
17 results has been unsuccessful to date. Up to \$100,000  
18 of additional SWG Funds are needed to support the work  
19 of these researchers through 2010 to complete the  
20 analysis and interpretation of the data to be used in  
21 management and conservation and prepare the final  
22 report.

23                   The project will not require any net  
24 reduction in the Game Fund. The Game Fund will be  
25 reimbursed by the U.S. Fish & Wildlife Service Federal

1 Aid Program, using SWIG funds. The Executive Director  
2 and staff recommended approval of \$100,000 of State  
3 wildlife grant money for the Carnegie Museum of  
4 Natural History in support of the Pennsylvania  
5 Breeding Bird Atlas Analysis Project.

6 PRESIDENT ISABELLA:

7 Thank you, Brad. Commissioners, you've  
8 heard the commentary. Do I have a motion?

9 COMMISSIONER SCHREFFLER:

10 So moved.

11 PRESIDENT ISABELLA:

12 Commissioner Schreffler. Do I have a  
13 second?

14 COMMISSIONER WEANER:

15 Second.

16 PRESIDENT ISABELLA:

17 Commissioner Weaner. Any discussion?  
18 All in favor signify by saying aye.

19 AYES RESPOND

20 PRESIDENT ISABELLA:

21 Opposed?

22 COMMISSIONER WEANER:

23 Mr. President, the vote is unanimously  
24 yes.

25 PRESIDENT ISABELLA:

1 Thank you, Mr. Secretary.

2 ATTORNEY BECHTEL:

3 The next item is a policy update  
4 concerning the use of fertility control agents in  
5 wildlife management. The national registration  
6 process for mammalian gonadotropin-releasing hormone,  
7 GnRH, which is a fertility control agent intended for  
8 use in controlling whitetail deer in urban and  
9 suburban settings, has been completed. The project  
10 has been registered by the U.S. EPA as a  
11 restricted-use pesticide. Restrictions limit use to  
12 USDA-APHIS Wildlife Services and State Wildlife Agency  
13 personnel. Use in any state jurisdiction will require  
14 an advanced state registration of GonaCon for use in  
15 the State, which will be done in Pennsylvania through  
16 the Department of Agriculture. EPA has issued a Human  
17 Health Effect Statement for this product that  
18 essentially states there is no human health concern.

19 Given the number of deer-to-human  
20 conflict in many communities across the Commonwealth  
21 and the public interest in improved urban deer  
22 control, many citizens and public officials and  
23 managers likely will view this new product as a viable  
24 option for their deer management issues. The  
25 Commission staff has reviewed the existing Agency

1 Policy Manual and found it silent with respect to  
2 these products. To promote a clear public expectation  
3 is the Commission policy relative to the use of  
4 fertility control agents in the Commonwealth with  
5 respect to wildlife population control. The following  
6 policy statement was formulated and was presented for  
7 adoption. This statement is found on pages three and  
8 four of your agenda. The Executive Director and staff  
9 recommend the Commission approve this policy  
10 statement.

11 PRESIDENT ISABELLA:

12 Thank you, Brad. Commissioners, you  
13 heard the commentary. Is there a motion?

14 COMMISSIONER WEANER:

15 So moved.

16 PRESIDENT ISABELLA:

17 Commissioner Weaner. Second?

18 COMMISSIONER SCHREFFLER:

19 Second.

20 PRESIDENT ISABELLA:

21 Commissioner Schreffler. Discussion?

22 COMMISSIONER DELANEY:

23 Mr. President, I'm still troubled by some  
24 of the language that we have and when we continue to  
25 say we're going to use a pesticide on our whitetail

1 deer. It troubles me that we would say we would use a  
2 pesticide on that majestic animal. But with that  
3 said, I just wanted to offer that commentary about  
4 that word, pesticide.

5 PRESIDENT ISABELLA:

6 Thank you, Commissioner. I'm really  
7 disturbed by this also. It's like we're treating the  
8 whitetail deer as a rodent. But then, again, it's my  
9 responsibility as a Commissioner --- I know what we're  
10 trying to do here. Cal, just walk us through this.  
11 If someone applies to use this drug, what is our  
12 position? What is the process?

13 MR. DUBROCK:

14 Well, first of all, in order for them to  
15 apply to use the drug, it needs to be registered in  
16 the State, and that hasn't occurred yet. And so  
17 someone --- either USDA or the Game Commission needs  
18 to submit basically an application to the Department  
19 of Agriculture to license this particular product in  
20 the Commonwealth. That hasn't occurred yet. But  
21 assuming someone does and that process goes forward,  
22 then an organization would have to submit an  
23 application and basically a permit application to the  
24 Pennsylvania Game Commission. And there are going to  
25 be a number of conditions, and those are going to be

1 spelled out in our operating procedures as to what  
2 they've done to control deer that would lead them to  
3 the point where they're requesting the use of this  
4 particular agent to facilitate further control.  
5 They're going to have to demonstrate that they have a  
6 hunting program in place. They're going to have to  
7 demonstrate just a variety of things that they've done  
8 to control deer, both lethal and nonlethal means, and  
9 that this would be an added element. None of those  
10 other things go away. They would continue those, but  
11 this would be an additional element.

12                   And then there are going to be a variety  
13 of --- basically to be conducted almost like a  
14 research study, so they're going to have to submit  
15 annual reports, and they're going to have to monitor  
16 and have certain accountabilities throughout that  
17 process if they get to that point. They're also going  
18 to have to find a way to fund it because the Game  
19 Commission is not going to fund it. And this is a  
20 fairly extensive proposition.

21                   The labeling requirements require that  
22 every animal be individually captured, handled, hand  
23 injected, marked and so forth. And every one that  
24 they spend hundreds of dollars capturing and marking  
25 and it gets hit by a car, you know, there's a lost

1 animal. It's out of the population, but they've made  
2 a huge investment. So we want to proceed with  
3 communities, giving them a heads up as to what this  
4 really means and what it's going to really cost them  
5 as we proceed. But we'll treat it as a research  
6 project and require monitoring and annual reports and  
7 assessments as to whether or not they're accomplishing  
8 their objectives in the community.

9 PRESIDENT ISABELLA:

10 Thank you, Cal. Any other discussion?  
11 All right. With that, all in favor, signify by saying  
12 aye.

13 AYES RESPOND

14 PRESIDENT ISABELLA:

15 Opposed?

16 COMMISSIONER DELANEY:

17 Opposed.

18 PRESIDENT ISABELLA:

19 Let's have a show of hands. All in favor  
20 of this proposal please raise your right hand.

21 AYES RESPOND

22 PRESIDENT ISABELLA:

23 Opposed?

24 NAYS RESPOND

25 COMMISSIONER WEANER:

1                   Mr. President, the vote is seven to one  
2 in favor, Commissioner Delaney voting no.

3                   PRESIDENT ISABELLA:

4                   Thank you, Mr. Secretary. Brad?

5                   ATTORNEY BECHTEL:

6                   The next item today is proposed  
7 rulemaking, to amend 58 Pa. Code, Section 139.4, to  
8 effectively manage the wildlife resources and provide  
9 hunting and trapping opportunities in this  
10 Commonwealth during the upcoming license year the  
11 Commission is proposing to amend Section 139.4  
12 relating to seasons and bag limits for the license  
13 year, to provide updated seasons and bag limits for  
14 the 2010-2011 license year. The 2010-2011 seasons and  
15 bag limits have been amended to conform to current  
16 available scientific data, population and harvest  
17 records, field surveys and professional staff  
18 observations, as well as recommendations received from  
19 staff, organized sporting groups, members of the  
20 agricultural community and others interested in the  
21 wildlife resources of this Commonwealth.

22                   The reasons for these proposals and  
23 recommendations are in your agenda on pages five  
24 through seven and were detailed yesterday in the  
25 public meeting. The text of the actual proposals

1 appears on pages 8 through 15 of your agenda. The  
2 Executive Director and staff recommend the Commission  
3 approve the proposed 2010-2011 seasons and bag limits  
4 amendments to Section 139.4 as described in your  
5 agenda.

6 PRESIDENT ISABELLA:

7 Thank you, Brad. Is there a motion?

8 COMMISSIONER DELANEY:

9 Mr. President, I don't know how you want  
10 to proceed with this, but I would make a motion to get  
11 started, that I think we have many amendments that  
12 will come under the season and bag limits.

13 PRESIDENT ISABELLA:

14 Okay. We have to do discussion first.

15 COMMISSIONER WEANER:

16 I second his motion.

17 PRESIDENT ISABELLA:

18 Okay. So we have a motion, and we have a  
19 second. Discussion? What we'll do is we'll go page-  
20 by-page. I'll start with page eight, the top item.  
21 Any amendment there?

22 COMMISSIONER WEANER:

23 Mr. President, ---

24 PRESIDENT ISABELLA:

25 Yes.

1           COMMISSIONER WEANER:

2           --- you're taking amendments on the whole  
3 page or what?

4           PRESIDENT ISABELLA:

5           No. I'm going to go section-by-section.

6           COMMISSIONER BOOP:

7           Which section are you starting with, sir?

8           PRESIDENT ISABELLA:

9           Right at the top.

10          COMMISSIONER BOOP:

11          Squirrels?

12          PRESIDENT ISABELLA:

13          Squirrels. Any amendments here? Okay.

14 Second item, squirrels again? The third item, Ruffed  
15 Grouse? Fourth item, rabbits, Cottontail?

16          COMMISSIONER SCHLEMMER:

17          Mr. President?

18          PRESIDENT ISABELLA:

19          Commissioner Schlemmer?

20          COMMISSIONER SCHLEMMER:

21          In regard to the Cottontail portion of  
22 that, after consulting with the staff and also finding  
23 out it would not affect the resource and will benefit  
24 our customers, the hunters, I would like to move the  
25 closing date for rabbits from February the 5th to

1 February the 26th.

2 PRESIDENT ISABELLA:

3 So it's February --- we're eliminating  
4 February 5th, and we're adding February 26th, 2011?

5 COMMISSIONER SCHLEMMER:

6 That's right, sir.

7 PRESIDENT ISABELLA:

8 Thank you. Do we have a second?

9 COMMISSIONER DELANEY:

10 Second.

11 PRESIDENT ISABELLA:

12 All those in favor of that amendment  
13 signify by saying aye.

14 AYES RESPOND

15 PRESIDENT ISABELLA:

16 Opposed?

17 COMMISSIONER WEANER:

18 Mr. President, the vote on the amendment  
19 is eight to nothing in favor.

20 PRESIDENT ISABELLA:

21 All right. Thank you, Mr. Secretary. I  
22 now go to page nine. Any amendments for the complete  
23 page nine, on that full page? Now we'll go to page  
24 ten, turkey, male and female.

25 COMMISSIONER WEANER:

1 Mr. President?

2 PRESIDENT ISABELLA:

3 Commissioner Weaner?

4 COMMISSIONER WEANER:

5 Contemplating a possible change to a  
6 Saturday open for bear season that I'm also going to  
7 propose, I move that we strike out the 20th of  
8 November for the ending date where it shows as the  
9 20th of November and inserting the 19th of November.  
10 So the season would end on a Friday.

11 PRESIDENT ISABELLA:

12 That's in WMU 2B?

13 COMMISSIONER WEANER:

14 Yes.

15 PRESIDENT ISABELLA:

16 And we go two down and the WMUs 2F, 2G,  
17 3A and 3B, 3C, 3D, 4C, 4E, that will be November 19th  
18 also. Do we have a second?

19 COMMISSIONER BOOP:

20 Second.

21 PRESIDENT ISABELLA:

22 Second by Commissioner Boop. Discussion?

23 COMMISSIONER SCHREFFLER:

24 Yes.

25 PRESIDENT ISABELLA:

1 Commissioner Schreffler?

2 COMMISSIONER SCHREFFLER:

3 I think that although this has merits to  
4 it, I think it will interfere with the integrity of  
5 important fall turkey season that was reported on by  
6 staff yesterday. That particular study is important  
7 to the management of turkeys and management of  
8 population because what we do in the fall season  
9 really affects our --- really has a great effect on  
10 the population of turkey. And the purpose of that is  
11 to study these seasons and the effect that seasons  
12 have on this as an important management tool. So I  
13 would tend to encourage everyone not to vote for this.  
14 This is a day when youth are off school, and they go  
15 turkey hunting. It's right before Thanksgiving. And  
16 turkey hunting is sort of popular I think, to a  
17 certain extent, in the fall. So I would oppose that  
18 action. This is in conjunction with a change in bear  
19 season, which I have additional comments and will talk  
20 further on. Thank you.

21 PRESIDENT ISABELLA:

22 Thank you, Commissioner. Commissioner  
23 Weaner?

24 COMMISSIONER WEANER:

25 To clarify the point of my motion, it

1 directly relates with what Commissioner Schreffler  
2 said. And that's why I suggested moving it to the  
3 19th, to maintain the integrity of the turkey study  
4 because I would propose then or I would think that  
5 logically we would continue this for the next four  
6 years, throughout the life of that study. That's why  
7 it was made, to maintain the integrity of that study.

8 PRESIDENT ISABELLA:

9 Thank you, Commissioner. Any other  
10 discussion? Commissioner Boop?

11 COMMISSIONER BOOP:

12 I would just like to echo what  
13 Commissioner Weaner said. And as far as the youth, I  
14 mean, this is the last day of the turkey season. And  
15 assuming we do make the change to bear season, I think  
16 the benefit to the youth there on the first day  
17 outweighs the benefit on the last day for another  
18 species.

19 PRESIDENT ISABELLA:

20 Any other discussion? Well, I have some.  
21 I'm concerned because we do have that turkey study.  
22 The integrity of that turkey study is going to be  
23 questioned now. We're going to test the traditional  
24 turkey season by that one day. That last day is going  
25 to be --- is a big day for youth coming out and

1 engaging --- you know, coming out turkey hunting, and  
2 there is going to be a conflict with bear hunters on  
3 that Saturday because probably those bear hunters are  
4 going to have a turkey tag. Quite honestly, I believe  
5 we're going to get a lot of comment from the NWT  
6 members and be that where it may. Any other  
7 discussion? With that, all in favor please raise your  
8 right hand.

9 AYES RESPOND

10 PRESIDENT ISABELLA:

11 Okay. Opposed?

12 NAYS RESPOND

13 COMMISSIONER WEANER:

14 Mr. President, the vote is six to two in  
15 favor, Commissioners Isabella and Schreffler voting  
16 no.

17 PRESIDENT ISABELLA:

18 Thank you, Mr. Secretary. Okay. Any  
19 change on page 11? Okay. Page 12, we're going to go  
20 item-by-item. Page 12, the first item I have an  
21 amendment. The first item, I've had a request from  
22 archery hunters in a special regulation area that  
23 they'd like to be able during that extended season ---  
24 they want to go into flintlock season and be able to  
25 harvest an antlered deer. So what I am going to offer

1 as an amendment is that first item where it has deer,  
2 archery, antlerless, I want to add antlered. We're  
3 going to add it as a separate section underneath. So  
4 it's going to say, deer, archery, antlerless and  
5 antlered, and the dates are going to be January 17th  
6 to January 29th. Is there a second?

7 COMMISSIONER SCHREFFLER:

8 I'll second that, but I want to --- I  
9 just want to ---.

10 COMMISSIONER SCHLEMMER:

11 Mr. President, maybe you'd like to check  
12 the dates on that.

13 PRESIDENT ISABELLA:

14 It's not January 17th. It's December  
15 27th.

16 MR. DUBROCK:

17 If I understand what you're trying to do,  
18 Commissioner, if you refer back to page 11, you'll see  
19 that we already have a statewide archery season for  
20 antlered and antlerless deer that runs from October  
21 through November, then from December 27th until  
22 January 15th. And that's in all management units. So  
23 in order to accomplish what you want, which is to  
24 allow the taking of antlered deer for the remaining  
25 two weeks in January, I believe you're correct,

1 deer --- if you say, deer, archery, antlered, in  
2 Management Units 2B, 5C and 5D from January 17th to  
3 January 29th, you will be able to accomplish your  
4 intended purpose.

5 PRESIDENT ISABELLA:

6 Commissioner Schreffler?

7 COMMISSIONER SCHREFFLER:

8 May I verify what we're doing here now?

9 I think what you were proposing is right after deer,  
10 archery, antlerless, WMUs 2B, 5C and 5D, you are going  
11 to put the next category which says deer, archery,  
12 antlered, Wildlife Management Unit 2B, 5C and 5D, and  
13 we're adding the dates for those from December 27th to  
14 January 29th?

15 PRESIDENT ISABELLA:

16 That is correct.

17 COMMISSIONER SCHREFFLER:

18 Okay. Then I will second that motion.

19 PRESIDENT ISABELLA:

20 Thank you, Commissioner. Discussion? No  
21 discussion. All in favor signify by saying aye.

22 AYES RESPOND

23 PRESIDENT ISABELLA:

24 Opposed?

25 COMMISSIONER WEANER:

1 Mr. President, the vote is unanimously  
2 yes.

3 PRESIDENT ISABELLA:

4 Okay. Thank you, Mr. Secretary. Okay.  
5 The next item, deer, regular firearms, any amendments?

6 COMMISSIONER BOOP:

7 Mr. President?

8 PRESIDENT ISABELLA:

9 Commissioner Boop?

10 COMMISSIONER BOOP:

11 I have an amendment with respect to deer,  
12 regular firearms, antlered and antlerless. My motion  
13 for amendment is to move Management Units 2C, 2E, 4D  
14 and 4E from a concurrent season that starts on  
15 November 29th and ends on December 11th, to move them  
16 down in the third and fourth items, that the  
17 concurrent season is started in those four management  
18 units on Saturday and ends on Saturday, December 4th  
19 through December 11th.

20 PRESIDENT ISABELLA:

21 Thank you, Commissioner. I just want to  
22 make sure I get that straight. It is 2C, 2E, 4D and  
23 4E, is that your amendment?

24 COMMISSIONER BOOP:

25 Correct.

1                   PRESIDENT ISABELLA:

2                   Thank you. Is there a second?

3                   COMMISSIONER WEANER:

4                   I'll second it.

5                   PRESIDENT ISABELLA:

6                   Thank you, Commissioner Weaner.

7 Discussion?

8                   COMMISSIONER BOOP:

9                   Mr. President?

10                  PRESIDENT ISABELLA:

11                  Commissioner Boop?

12                  COMMISSIONER BOOP:

13                  The purpose of my amendment with respect  
14 to these four management units, I am very familiar and  
15 spend a lot of time in 4D and 4E, and I also have had  
16 a fair amount of contact in 2B and 2C. Those of us  
17 that go back a while can certainly remember that we  
18 harvested a lot of antlerless deer back in the days  
19 when we had a three-day season. I'm certainly not  
20 proposing today that we go back to a three-day season.  
21 This will still be a seven-day season for antlerless  
22 deer. It's going to include two Saturdays. I think  
23 there's a lot of benefit to doing this.

24                  These are the core areas where we have  
25 the most discomfort, I guess for lack of a better

1 word, among our outdoor community, and I think that  
2 any questions that we have concerning harvest can be  
3 addressed by allocations in April. I think there's a  
4 great benefit and that the deer that would typically  
5 be harvested, antlerless deer, on Monday and Tuesday  
6 and throughout the week will be out there through  
7 Friday. I think it will increase sightings of deer by  
8 people who are hunting, which is a key component of  
9 hunter satisfaction. And I think that it will be also  
10 very beneficial for our youth, who will be seeing more  
11 deer when they're out there hunting.

12 I'm certainly aware of the fact that  
13 there will be some concern that youth cannot take deer  
14 on Monday and Tuesday, but you still have two  
15 Saturdays that they will be able to be out there and  
16 partake in this great tradition.

17 PRESIDENT ISABELLA:

18 Thank you, Commissioner. Any more  
19 discussion? Commissioner Schreffler?

20 COMMISSIONER SCHREFFLER:

21 Yes. I encourage my fellow Commissioners  
22 to oppose this proposal at this time. Changing the  
23 season lengths for does will have a detrimental effect  
24 on deer management in those areas affected. We  
25 currently have a study in progress to evaluate the

1 season changes in this manner and how they should be  
2 utilized to be an effective tool in deer management.  
3 The Board of Commissioners committed to a four-year  
4 study to be completed before the additional units  
5 are --- any additional units are modified. And this  
6 is found in footnote number three on page 15.

7           I encourage my fellow Commissioners to  
8 continue that policy that was committed to by the  
9 Board in the past. Using this tool now, before knowing  
10 the results of the study and how to effectively  
11 utilize this strategy is putting the cart before the  
12 horse. This moves us from science-based deer  
13 management and jeopardizes the sound basis of our deer  
14 management model that attempts to keep each Wildlife  
15 Management Unit deer herd within the bounds of self-  
16 sustainability. I urge you to vote against this  
17 proposal until we receive the harvest figures and the  
18 allocation proposals from our deer team.

19           For some of my fellow members on the  
20 Board, this will be your first experience in this  
21 process. I think it will be very meaningful and will  
22 give you additional opportunity to increase or change  
23 deer allocations and herds at that time. I urge you  
24 to keep your eye on the big picture for the long-term  
25 and not get into a position where we're trying to get

1 short-term fixes here that may not be effective in the  
2 end. Thank you.

3 PRESIDENT ISABELLA:

4 Thank you, Commissioner. Commissioner  
5 Weaner?

6 COMMISSIONER WEANER:

7 I think that Commissioner Schreffler  
8 offered some very legitimate concerns. And I also  
9 have the same concerns, but I'm going to support this  
10 motion simply to move the process ahead. I may  
11 well --- the deer numbers come out in March. I may  
12 well change my mind and vote no when it comes up the  
13 next time. But I think that at this point I'm going  
14 to urge us to support this to move it ahead until we  
15 get those figures. And that way if we decide that,  
16 yes, it's still a good idea, we can vote yes the next  
17 time and move it ahead. Thank you.

18 PRESIDENT ISABELLA:

19 Thank you, Commissioner Weaner. Any more  
20 discussion?

21 COMMISSIONER DELANEY:

22 Yes.

23 PRESIDENT ISABELLA:

24 Commissioner Delaney?

25 COMMISSIONER DELANEY:

1 Commissioner Schreffler, I respectfully  
2 disagree with your opinion that we're moving away from  
3 science when we try to do deer management. I'm going  
4 to support this for the same reason my fellow ---  
5 well, the other commentary has been to this date.  
6 This isn't a final decision-making process. It's the  
7 start of the process. And we'll have some good debate  
8 over the next several months. We'll hear some  
9 commentary back from our sportsmen and sportswomen  
10 across the state. We'll also hear additional  
11 commentary from our staff. So that would be my  
12 opinion.

13 PRESIDENT ISABELLA:

14 Thank you, Commissioner. Any more  
15 discussion? I have some. I concur with Commissioner  
16 Schreffler's assessment. I also want to add that much  
17 has been said that we hear the sportsmen, and they're  
18 dissatisfied. I believe in the next three months we  
19 are going to hear the other group of sportsmen that  
20 support our management program. And we're also going  
21 to hear from the non-hunters about our program, and  
22 that should be interesting. Any further discussion?  
23 With that, all in favor of this proposal please raise  
24 your right hand.

25 AYES RESPOND

1                   PRESIDENT ISABELLA:

2                   And opposed?

3 NAYS RESPOND

4                   COMMISSIONER WEANER:

5                   Mr. President, the vote is six to two in  
6 favor, Commissioners Isabella and Schreffler voting  
7 no.

8                   PRESIDENT ISABELLA:

9                   Thank you, Mr. Secretary. The next item,  
10 deer, regular firearms, parentheses, antlered only.  
11 Nothing. Any more amendments on page 12? Page 13?

12                   COMMISSIONER DELANEY:

13                   Mr. President, I have an amendment that  
14 I'd like to make. In light of our discussions  
15 yesterday with our bear biologist and my concerns of  
16 having no WMUs open for bear archery in northeastern  
17 Pennsylvania and further consultation with fellow  
18 Board members, I move to open up bear archery  
19 statewide from November 15th to 19th, after  
20 concurrence with our bear biologist that there would  
21 be no significant biological concerns if we do that.  
22 That would be my motion.

23                   COMMISSIONER WEANER:

24                   I second the motion.

25                   PRESIDENT ISABELLA:

1                   Second from Commissioner Weaner.  
2 Discussion? All in favor please raise your right  
3 hand.

4 AYES RESPOND

5                   PRESIDENT ISABELLA:

6                   Opposed?

7 NAYS RESPOND

8                   COMMISSIONER WEANER:

9                   Mr. President, the vote is seven to one  
10 in favor, Commissioner Isabella voting no.

11                   PRESIDENT ISABELLA:

12                   The next item, bear, any age, statewide.

13                   COMMISSIONER BOOP:

14                   Mr. President?

15                   PRESIDENT ISABELLA:

16                   Commissioner Boop?

17                   COMMISSIONER BOOP:

18                   My amendment with respect to the bear  
19 statewide, and I'll amplify the reasons during  
20 discussion, but I would like to change the start date  
21 of the three-day bear season from Monday, November  
22 22nd, to Saturday, November 20th, and the end date  
23 from Wednesday, November 24th, to Tuesday, the 23rd,  
24 statewide.

25                   PRESIDENT ISABELLA:

1 Is there a second?

2 COMMISSIONER WEANER:

3 Second.

4 PRESIDENT ISABELLA:

5 Commissioner Weaner seconds it.

6 Discussion?

7 COMMISSIONER BOOP:

8 Mr. President?

9 PRESIDENT ISABELLA:

10 Commissioner Boop?

11 COMMISSIONER BOOP:

12 This amendment is one which I do not make  
13 lightly, and it's after an awful lot of thought and  
14 discussion with a lot of people that I respect and who  
15 are knowledgeable in this field. I'm very hesitant to  
16 propose a change to a system that's worked quite well.  
17 And I certainly want to compliment Mark Ternent and  
18 his leadership and the type of report that we had  
19 yesterday. It is a system that is working well. And  
20 I am certainly aware that there are logistic problems  
21 for him and staff and with check stations and overtime  
22 and all the other issues that are going to be  
23 involved.

24 But having weighed all that, I think that  
25 there are tremendous benefits to our outdoor community

1 if you have a Saturday opener for the same species.  
2 Children do not have an opportunity normally to hunt  
3 bear unless they get an excused absence. I think it  
4 will be a benefit for youth. It will also be a  
5 benefit for many people who don't have that day off.  
6 I also think it will enhance the collateral benefit of  
7 targeting nuisance bears when we'll get more people  
8 out on Saturdays. So that is the reason that I'm  
9 going to support it.

10 I'm well aware of the fact that there's  
11 going to be some logistics issues that need to be  
12 involved, and that's why I think that my motion is  
13 that if we do this, that we not have the extended  
14 seasons this first year until we see what the kill is  
15 --- or the harvest I should say. I am concerned about  
16 weather because we have a Saturday, Monday, Tuesday.  
17 If we get a snowstorm or bad weather for a couple  
18 days, like we have in the past, we've had the ability  
19 to extend the season.

20 We certainly hope the Executive Director  
21 will consider looking into the fact that if we do get  
22 bad weather Saturday, Sunday, Monday, that we can  
23 extend the season if necessary. I certainly think  
24 with the reporting season we have in effect with the  
25 check stations, we'll have a pretty good idea by

1 Monday evening as to what the harvest is. So that's  
2 the reason for my motion.

3 PRESIDENT ISABELLA:

4 Thank you, Commissioner. Commissioner  
5 Schreffler?

6 COMMISSIONER SCHREFFLER:

7 Yes. I have some comments about this.  
8 And Mr. Boop has actually touched on a number of my  
9 concerns, but the Saturday opening for bear may have  
10 its advantages, especially as a day when many are off  
11 work and school. But I see it also competing with our  
12 turkey season. And although we changed that, I still  
13 think that the turkey season --- impact on turkey is  
14 not a good one, especially in light of the fall turkey  
15 season study that we were initiating.

16 I'd like to point out another point here,  
17 and of course, Mr. Boop has already touched on it,  
18 that this will add some new expenses and logistics.  
19 And at this time, with our fiscal needs, I'd like us  
20 all to be cognizant of the fact that this action will  
21 require additional staff workers and expenses, a lot  
22 of overtime operating the check stations. Also, I had  
23 that concern about solving some of the area's problems  
24 with human/bear conflicts by not having the extended  
25 season. And I understand, you know, Mr. Boop has

1 thought of this, and the fact that the Executive  
2 Director is willing to extend the season by keeping a  
3 close eye on this. But I still have those concerns.

4 Our biologist also indicated yesterday  
5 that the most effective method to reduce bear in these  
6 targeted areas is through the extended season. The  
7 other thing, of course, is weather. And that Mr. Boop  
8 has touched on also. So those are my concerns. And  
9 again, I would like to express those to the rest of  
10 the Board that you think very carefully about this  
11 motion. Thank you.

12 PRESIDENT ISABELLA:

13 Thank you, Commissioner. Any further  
14 discussion? All in favor please raise your right  
15 hand.

16 AYES RESPOND

17 PRESIDENT ISABELLA:

18 Opposed?

19 NAYS RESPOND

20 COMMISSIONER WEANER:

21 Mr. President, the vote is six to two in  
22 favor, Commissioners Isabella and Schreffler voting  
23 no.

24 PRESIDENT ISABELLA:

25 Anything else on page 13?

1 COMMISSIONER WEANER:

2 Mr. President, did you include within the  
3 motion the deletion of the extended season or do you  
4 want a separate motion to delete the extended season?

5 PRESIDENT ISABELLA:

6 Yes.

7 COMMISSIONER WEANER:

8 I therefore move that we delete  
9 everything else on bear, bear any age and bear any age  
10 below here.

11 COMMISSIONER DELANEY:

12 I'll second that motion.

13 COMMISSIONER BOOP:

14 Just a point of clarification. That was  
15 my intent, and I concur with the amendment.

16 PRESIDENT ISABELLA:

17 We have a motion, and we have a second.  
18 All those in favor signify by raising your right hand.

19 AYES RESPOND

20 PRESIDENT ISABELLA:

21 Opposed.

22 NAYS RESPOND

23 COMMISSIONER WEANER:

24 Mr. President, the vote is six to two in  
25 favor. Commissioners Isabella and Schreffler voting

1 no.

2 PRESIDENT ISABELLA:

3 Anything else on page 13? Anything on  
4 page 14?

5 COMMISSIONER DELANEY:

6 Yes, Mr. President. I have one on page  
7 14. Yesterday we had the Pennsylvania Trappers  
8 Association here to testify about the bobcat season,  
9 and their request was to add one additional day onto  
10 the bobcat season. It would start on December 18th  
11 and rather than ending on January 8th, we would change  
12 that date to January the 9th. So it would be  
13 increased by one additional day.

14 PRESIDENT ISABELLA:

15 Thank you, Commissioner. Is there a  
16 second?

17 COMMISSIONER BOOP:

18 Second.

19 PRESIDENT ISABELLA:

20 Discussion? All those in favor signify  
21 by saying aye.

22 AYES RESPOND

23 PRESIDENT ISABELLA:

24 Opposed?

25 COMMISSIONER WEANER:

1 Mr. President, the vote is unanimously  
2 yes.

3 PRESIDENT ISABELLA:

4 Thank you, Mr. Secretary. Anything else  
5 on page 15?

6 EXECUTIVE DIRECTOR ROE:

7 A point of order, Mr. President. The  
8 deer --- making seasons and bag limits change, I would  
9 offer that's something we need to change. Footnote  
10 number three, where you have the regulation, is in  
11 conflict with itself.

12 COMMISSIONER BOOP:

13 I make a motion to eliminate Footnote  
14 Three.

15 PRESIDENT ISABELLA:

16 Okay. We have a motion. Second?

17 COMMISSIONER WEANER:

18 Second.

19 PRESIDENT ISABELLA:

20 Discussion?

21 COMMISSIONER SCHREFFLER:

22 Yes.

23 PRESIDENT ISABELLA:

24 Commissioner Schreffler?

25 COMMISSIONER SCHREFFLER:

1 I'd just point out that this was a  
2 commitment by the Board not to make other  
3 modifications to other units, and I mentioned that in  
4 my previous discussion until the four-year study was  
5 completed to determine the effectiveness of that. And  
6 I still would like everyone to seriously consider that  
7 when the Board makes a commitment that they stick to  
8 it until it's completed. So I disagree with getting  
9 rid of this one. We did this in good faith.

10 COMMISSIONER BOOP:

11 I'd like to respond to that. I'd like to  
12 respond to that in the strongest terms possible. As I  
13 argued when that footnote was put in, one board cannot  
14 bind a future board based on changing conditions. So  
15 I would hotly disagree with that characterization.  
16 Boards have to have the ability to respond to changing  
17 positions. That was my argument when that footnote  
18 was put in over objection by me, and it's my position  
19 today.

20 PRESIDENT ISABELLA:

21 Thank you, Commissioner. Commissioner  
22 Putnam?

23 COMMISSIONER PUTNAM:

24 One thing I would like to add to that is,  
25 is that we're not recommending any changes to the

1 units that are involved in the study. I don't believe  
2 the staff has had any --- Cal, you comment on that, if  
3 that will affect the study or not, but it will not  
4 affect those areas of study?

5 MR. DUBROCK:

6 That is correct.

7 PRESIDENT ISABELLA:

8 Thank you, Commissioner. Any further  
9 discussion?

10 COMMISSIONER DELANEY:

11 Yes, Mr. President. Just one thing I'd  
12 like to add.

13 PRESIDENT ISABELLA:

14 Commissioner Delaney?

15 COMMISSIONER DELANEY:

16 In reference to Commissioner Putnam, I  
17 certainly don't want to do anything to diminish the  
18 results of this study. And at the end of four years  
19 I'll be very interested in what the deer team has to  
20 say about this. So if we vote --- we continue to have  
21 these additional units, I don't want it to tarnish the  
22 signs that we'll get back from what we originally  
23 talked about last year or the year before.

24 PRESIDENT ISABELLA:

25 Thank you, Commissioner. Any further

1 discussion? All those in favor please raise your  
2 right hand.

3 AYES RESPOND

4 PRESIDENT ISABELLA:

5 Opposed?

6 NAYS RESPOND

7 COMMISSIONER WEANER:

8 Mr. President, the vote is six to two in  
9 favor. Those opposed or voting no, Commissioner  
10 Schreffler and Commissioner Isabella.

11 PRESIDENT ISABELLA:

12 We're now going to vote for the amended  
13 proposal. All those in favor please raise your right  
14 hand.

15 AYES RESPOND

16 PRESIDENT ISABELLA:

17 Opposed?

18 NAYS RESPOND

19 COMMISSIONER WEANER:

20 Mr. President, the vote is six to two in  
21 favor. Voting no are Commissioners Schreffler and  
22 Isabella.

23 PRESIDENT ISABELLA:

24 Thank you, Mr. Secretary. Brad?

25 ATTORNEY BECHTEL:

1                   The next item coming before the  
2 Commission is an amendment to 58 Pa. Code, Section  
3 141.1. In 2006 the Commission adopted a change in 58  
4 Pa. Code, Section 141.1, to allow the use of bait to  
5 hunt and take deer in the southeastern special  
6 regulations area of Pennsylvania. The Board further  
7 stipulated that this authorization would expire on  
8 March 31st of 2010, unless the Commission authorizes  
9 its continuation. Commission staff has worked  
10 throughout this trial period to assess whether the use  
11 of bait actually increased deer harvest, opportunity  
12 harvest and hunter success. We will conclude this  
13 review following this year's hunting season and issue  
14 a report this winter, prior to the April Commission  
15 meeting.

16                   In order to finalize the regulations in  
17 April 2010 pertaining to baiting in the southeastern  
18 special regulations area, which is necessary to  
19 accurately update the 2010-2011 hunting and trapping  
20 document before it goes to press in late April, the  
21 Commission must vote on amendments at this meeting to  
22 finalize changes in April. This can best be  
23 accomplished by deleting the sunset provision, 58 Pa.  
24 Code, Section 141.1, so that the use of bait as  
25 described may continue.

1           A report and final recommendation will be  
2 provided to the Board of Commissioners at the April  
3 Commission Meeting concerning this regulation change.  
4 The text of the change is shown on page 16. The  
5 Executive Director and staff recommends the Commission  
6 approve this change.

7           PRESIDENT ISABELLA:

8           Thank you, Brad. Commissioners, you  
9 heard the commentary. Is there a motion?

10          COMMISSIONER SCHLEMMER:

11          Motion.

12          COMMISSIONER WEANER:

13          Second.

14          PRESIDENT ISABELLA:

15          Mr. Schlemmer, seconded by Commissioner  
16 Weaner. Any discussion? Commissioner Weaner?

17          COMMISSIONER WEANER:

18          I'd like to vote to support this motion  
19 simply because of the fact that we've got the sunset  
20 provision. As was mentioned in the commentary, we are  
21 going to have a report prior to the April meeting, and  
22 at that time I may feel completely different. But  
23 again, I urge us to move this along so that we can do  
24 what needs to be done pending that report.

25          PRESIDENT ISABELLA:

1 Thank you, Commissioner. Any more  
2 discussion? With that, all in favor signify by saying  
3 aye.

4 AYES RESPOND

5 PRESIDENT ISABELLA:

6 Opposed?

7 COMMISSIONER WEANER:

8 Mr. President, the vote is unanimously  
9 yes.

10 PRESIDENT ISABELLA:

11 Thank you, Mr. Secretary.

12 ATTORNEY BECHTEL:

13 Moving on to page 18 of your agenda, it's  
14 an amendment to 58 Pa. Code, Section 141.48 and  
15 143.206. Work is ongoing to update and implement the  
16 Commission's elk management plan. A somewhat  
17 confusing aspect of elk management policy for agency  
18 staff and the public has been references to terms such  
19 as elk range, elk management area, elk hunt zones and  
20 how we describe places in the Commonwealth where we do  
21 not want elk established on the landscape.

22 Clarification is being incorporated into  
23 the management plan and supporting, complementary  
24 regulations are needed to implement the plan's goals  
25 and objectives, including how hunters and hunting will

1 be used in the management of elk both in and outside  
2 the recognized elk management area. 2010 elk seasons  
3 and bag limit changes are proposed in 58 Pa. Code,  
4 Section 139.4. To fully implement in 2010 the  
5 proposed program changes requires additional  
6 amendments in 58 Pa. Code, Sections 141.48 and 143.206  
7 as detailed on pages 18 and 19 of your agenda. The  
8 Executive Director and staff recommend the Commission  
9 approve these changes.

10 PRESIDENT ISABELLA:

11 Thank you, Brad. Commissioners, you  
12 heard the commentary. Is there a motion?

13 COMMISSIONER SCHREFFLER:

14 So moved.

15 PRESIDENT ISABELLA:

16 Commissioner Schreffler. Second? I  
17 second it. Any discussion? All those in favor  
18 signify by saying aye.

19 AYES RESPOND

20 PRESIDENT ISABELLA:

21 Opposed?

22 COMMISSIONER WEANER:

23 Mr. President, the vote is unanimously  
24 yes.

25 ATTORNEY BECHTEL:

1                   The next item concerns amendments to 58  
2 Pa. Code, Section 141.62. Beaver nuisance complaints  
3 within Wildlife Management Unit 1B normally range  
4 between 50 to 100 complaints each year. Currently, 1B  
5 has the greatest number of beaver damage complaints in  
6 the entire state. Last year, 23 percent of all  
7 Pennsylvania beaver complaints occurred in WMU 1B, and  
8 the beaver harvest was greater in this WMU than in any  
9 other during the past 20 years.

10                   Beaver populations in this WMU have grown  
11 to the point where they are no longer in balance with  
12 their habitat. Non-preferred foods are being  
13 utilized, and all suitable beaver range is occupied.  
14 A long-term increase in the beaver harvest is needed  
15 within this WMU. Currently, there is a limit of two  
16 body-gripping traps per trapper within WMU 1B.  
17 Increasing the number of body-gripping traps allowed  
18 for each trapper would greatly improve beaver trapping  
19 efficiency and success, thus measurably increasing  
20 harvest. The daily bag limit of 20 beavers and season  
21 bag limit of 40 in this WMU are rarely reached by  
22 trappers in this unit.

23                   The increased use of body-gripping traps  
24 as outlined can be accomplished through the  
25 regulations proposal for 58 Pa. Code, Section 141.62,

1 shown on page 20 of your agenda. The Executive  
2 Director and staff recommend the Commission approve  
3 this change.

4 PRESIDENT ISABELLA:

5 Thank you, Brad. Commissioners, you  
6 heard the commentary. Is there a motion?

7 COMMISSIONER MARTONE:

8 So moved.

9 COMMISSIONER WEANER:

10 Second.

11 PRESIDENT ISABELLA:

12 Commissioner Martone. Second by  
13 Commissioner Weaner. Any discussion? No discussion.  
14 All in favor signify by saying aye.

15 AYES RESPOND

16 PRESIDENT ISABELLA:

17 Opposed?

18 COMMISSIONER WEANER:

19 Mr. President, the vote is unanimously  
20 yes.

21 PRESIDENT ISABELLA:

22 Thank you, Mr. Secretary.

23 ATTORNEY BECHTEL:

24 The next item is on page 21 of your  
25 agenda, concerning the amendment to 58 Pa. Code,

1 Section 141.66. Based on comments from the cable  
2 restraint users survey conducted by the Commission, as  
3 well as input from the Pennsylvania Trappers  
4 Association, it is clear that trappers are interested  
5 in using cable restraint devices earlier in the taking  
6 season. We believe that opening the season after  
7 Christmas will provide a small amount of additional  
8 opportunity without significantly impacting the other  
9 user groups and their hunting opportunities. This  
10 change can be accomplished through the regulation  
11 amendment proposed below in 58 Pa. Code, Section  
12 141.66, that being on page 21 of your agenda. The  
13 Executive Director and staff recommend the Commission  
14 approve this change.

15 PRESIDENT ISABELLA:

16 Thank you, Brad. Commissioners, you  
17 heard the commentary. Is there a motion?

18 COMMISSIONER SCHREFFLER:

19 So moved.

20 PRESIDENT ISABELLA:

21 Commissioner Schreffler. Is there a  
22 second?

23 COMMISSIONER SCHLEMMER:

24 Second.

25 PRESIDENT ISABELLA:

1 Commissioner Schlemmer. Any discussion?  
2 No discussion. All those in favor signify by saying  
3 aye.

4 AYES RESPOND

5 PRESIDENT ISABELLA:

6 Opposed?

7 COMMISSIONER WEANER:

8 Mr. President, the vote is unanimously  
9 yes.

10 ATTORNEY BECHTEL:

11 The next item concerns the amendment to  
12 58 Pa. Code, Section 147.701. Following careful  
13 review of recent seasons and in consideration of  
14 hunter and trapper input received, we are recommending  
15 beginning with the 2010 and 2011 hunting and furtaking  
16 seasons that season length be used to regulate bobcat  
17 taking in specified wildlife management units in the  
18 Commonwealth. All indices suggest that bobcat  
19 populations have increased significantly during  
20 previous years. In order to continue to assess  
21 interest, participation, effort and harvest during a  
22 bobcat taking season, we believe it prudent to retain  
23 a permitting regulation. However, we recommend  
24 unlimited permits for the 2010-2011 season and  
25 mandatory harvest reporting.

1           Additionally, a fisher season in select  
2 wildlife management units has been proposed to allow  
3 us to estimate harvest success and trapper interest  
4 and effort and provide additional biological samples  
5 for demographic and genetic analyses. Mandatory  
6 reporting along with fisher permits are needed to  
7 better assess participation, effort and harvest for  
8 this proposed new season.

9           Bobcat and fisher seasons and bag limit  
10 changes are proposed in 58 Pa. Code, Section 139.4.  
11 To fully implement in 2010 the proposed program  
12 changes outlined above requires additional amendments  
13 in 58 Pa. Code, Section 147.701 as detailed on pages  
14 22 through 24 of your agenda. The Executive Director  
15 and staff recommend the Commission approve these  
16 changes.

17                     PRESIDENT ISABELLA:

18                     Commissioners, you heard the commentary  
19 from Brad. Is there a motion?

20                     COMMISSIONER WEANER:

21                     So moved.

22                     PRESIDENT ISABELLA:

23                     Commissioner Weaner. Second? Second.  
24 Discussion? Commissioner Schreffler?

25                     COMMISSIONER SCHREFFLER:

1 I'd like to make an amendment to the  
2 motion found on page 24, the parentheses number two,  
3 where it says permits will be made available without  
4 regard to quota limitations and will be issued through  
5 the Commission's PALS. The fee for the permit is five  
6 dollars. And what I would like to do there is strike  
7 the words without regard to quota limitations and will  
8 be issued through so that the final amended reading  
9 will be permits will be made available through the  
10 Commission's PALS. The fee for the permit is five  
11 dollars.

12 PRESIDENT ISABELLA:

13 Okay, Commissioner. Is there a second?

14 COMMISSIONER WEANER:

15 Second.

16 PRESIDENT ISABELLA:

17 Commissioner Weaner. Discussion? No  
18 discussion. All those in favor of the amendment  
19 signify by saying aye.

20 AYES RESPOND

21 PRESIDENT ISABELLA:

22 Opposed?

23 COMMISSIONER WEANER:

24 Mr. President, the motion is unanimously  
25 yes.

1                   PRESIDENT ISABELLA:

2                   Okay. Now, we vote on the amendment  
3 proposal. All those in favor signify by saying aye.

4 AYES RESPOND

5                   PRESIDENT ISABELLA:

6                   Opposed?

7                   COMMISSIONER WEANER:

8                   Mr. President, the vote is unanimously  
9 yes.

10                  PRESIDENT ISABELLA:

11                  Thank you, Mr. Secretary.

12                  ATTORNEY BECHTEL:

13                  The next item is from the Bureau of  
14 Wildlife Protection concerning adopted rule making and  
15 proposed amendments in Chapter 137, Section 137.1. To  
16 effectively manage the wildlife resources of this  
17 Commonwealth, the Game Commission, at its October 6,  
18 2009 meeting, proposed the following change: to amend  
19 section 137.1, relating to importation, possession,  
20 sale and release of certain wildlife, to exempt  
21 menagerie permit holders who possess a USDA Class C  
22 Exhibitor permit and who operate their menagerie  
23 facilities as their primary means of gaining a  
24 livelihood from possession and importation  
25 prohibitions of this section. The Executive Director

1 and staff recommend final adoption of this amendment  
2 to 58 Pa. Code as shown on page 26 of your agenda.

3 PRESIDENT ISABELLA:

4 Thank you, Brad. Commissioners, you  
5 heard the commentary. Is there a motion?

6 COMMISSIONER MARTONE:

7 So moved.

8 PRESIDENT ISABELLA:

9 Commissioner Martone. Second?

10 COMMISSIONER SCHLEMMER:

11 Second.

12 PRESIDENT ISABELLA:

13 Commissioner Schlemmer. Discussion?

14 COMMISSIONER DELANEY:

15 President Isabella, there is something I  
16 need our court stenographer here to add to the record  
17 here under our proposed rule making. Would you like  
18 me to address that now or ---?

19 PRESIDENT ISABELLA:

20 Yes, why don't you do that.

21 COMMISSIONER DELANEY:

22 Okay. We started the very first season  
23 here, our junior cottontail season. I wanted to make  
24 sure it didn't fly under the radar screen under  
25 proposed rulemaking for seasons and bag limits that we

1 voted on and passed our very first junior cottontail  
2 season October 9th to the 16th. So, just so we make  
3 sure that that's in the record. That's something we  
4 just didn't directly put in, talking to you. We all  
5 knew about it.

6 PRESIDENT ISABELLA:

7 Thank you.

8 COMMISSIONER DELANEY:

9 Thank you, Mr. President.

10 PRESIDENT ISABELLA:

11 Any discussion on this item? No  
12 discussion. All in favor signify by saying aye.

13 AYES RESPOND

14 PRESIDENT ISABELLA:

15 Opposed? Thank you, Mr. Secretary.

16 COMMISSIONER WEANER:

17 Unanimously yes for the vote. Sorry  
18 about that.

19 ATTORNEY BECHTEL:

20 The next item concerns an adoption of  
21 proposed amendments to Chapter 141, section 141.22.  
22 To effectively manage the wildlife resources of this  
23 Commonwealth, the Game Commission, at its October 6,  
24 2009 meeting, proposed the following changes: to  
25 amend Section 141.22, relating to small game, to

1 restructure the regulatory provisions relating to  
2 small game hunting and to promote consistency and  
3 clarity in the regulations and also permit the full  
4 inclusion of crossbows during the various small game  
5 seasons to expand opportunity and increase  
6 participation in small game hunting within this  
7 Commonwealth. I believe you were just furnished ---  
8 no. I'm sorry. These are shown on pages 28 and 29 of  
9 your agenda. The Executive Director and staff  
10 recommend final adoption of these amendments to 58 Pa.  
11 Code.

12 PRESIDENT ISABELLA:

13 Thank you, Brad.

14 COMMISSIONER WEANER:

15 Mr. President, I move that we adopt this  
16 blue page as a substitute for pages 28 and 29. Let me  
17 clarify my motion. I move that we adopt this.

18 PRESIDENT ISABELLA:

19 Thank you, Mr. Secretary. Is there a  
20 second?

21 COMMISSIONER SCHREFFLER:

22 So moved.

23 PRESIDENT ISABELLA:

24 Thank you, Commissioner Schreffler. Any  
25 discussion?

1                   COMMISSIONER WEANER:

2                   Mr. President, now I've got my act  
3 together. I move to amend by striking out the two  
4 published pages in the booklet and inserting the two  
5 new blue pages that we were just given to clean the  
6 language up a little bit. The intent is still the  
7 same.

8                   PRESIDENT ISABELLA:

9                   Good job, Mr. Secretary. Thank you. Is  
10 there a second to the amendment?

11                   COMMISSIONER MARTONE:

12                   I'll second it.

13                   PRESIDENT ISABELLA:

14                   Second by Commissioner Martone. Any  
15 discussion? No discussion. All in favor signify by  
16 saying aye.

17 AYES RESPOND

18                   PRESIDENT ISABELLA:

19                   Opposed?

20                   COMMISSIONER WEANER:

21                   Mr. President, the vote is unanimously  
22 yes.

23                   PRESIDENT ISABELLA:

24                   Thank you, Mr. Secretary. Now, we're  
25 going to vote on the amended items. All those in

1 favor signify by saying aye.

2 AYES RESPOND

3 PRESIDENT ISABELLA:

4 Opposed?

5 COMMISSIONER WEANER:

6 Mr. President, the vote is unanimously  
7 yes.

8 PRESIDENT ISABELLA:

9 Thank you, Mr. Secretary.

10 ATTORNEY BECHTEL:

11 The next item is the adoption of proposed  
12 amendments to Chapter 147, Section 147.902 and  
13 147.904, to effectively manage the wildlife resources  
14 of this Commonwealth, the Game Commission, at its  
15 October 6, 2009 meeting, proposed the following  
16 changes: to amend Sections 147.902 and 147.904,  
17 relating to definitions and permit, to specifically  
18 authorize properly permitted individuals to engage in  
19 commercial coyote guiding activities on State game  
20 lands. The Executive Director and staff recommend  
21 final adoption of these amendments to 58 Pa. Code as  
22 shown on page 31 of your agenda.

23 PRESIDENT ISABELLA:

24 Thank you, Brad. You heard the  
25 commentary. Is there a motion?

1                   COMMISSIONER DELANEY:

2                   So moved.

3                   PRESIDENT ISABELLA:

4                   Commissioner Delaney. Second?

5                   COMMISSIONER SCHLEMMER:

6                   Second.

7                   PRESIDENT ISABELLA:

8                   Commissioner Schlemmer. Any discussion?

9 No discussion. All in favor signify by saying aye.

10 AYES RESPOND

11                   PRESIDENT ISABELLA:

12                   Opposed? Mr. President, the vote is  
13 unanimously yes.

14                   PRESIDENT ISABELLA:

15                   Thank you, Mr. Secretary.

16                   ATTORNEY BECHTEL:

17                   The next item is the proposed rule making  
18 amendment to 58 Pa. Code, Section 141.4. Each year  
19 there is a shift in the calendar year for each month.  
20 As a result of this occurrence the timetable found in  
21 Section 141.4 must be amended and updated on an annual  
22 basis to accurately reflect the upcoming year's dates  
23 and hours for legal hunting. The Commission proposed  
24 to amend Section 141.4 by replacing the current  
25 hunting hours table and migratory game bird hunting

1 hours table to accurately reflect the dates and hours  
2 of legal hunting for the 2010-2011 hunting license  
3 year. The text is shown on pages 32 through 34 of  
4 your agenda. The Executive Director and staff  
5 recommend the Commission approve these changes.

6 PRESIDENT ISABELLA:

7 Thank you, Brad. Commissioners, you have  
8 heard the commentary. Is there a motion?

9 COMMISSIONER SCHREFFLER:

10 So moved.

11 PRESIDENT ISABELLA:

12 Commissioner Schreffler. Second?

13 COMMISSIONER MARTONE:

14 I'll second it.

15 PRESIDENT ISABELLA:

16 Commissioner Martone. Any discussion?

17 COMMISSIONER SCHREFFLER:

18 Yes.

19 PRESIDENT ISABELLA:

20 Commissioner Schreffler?

21 COMMISSIONER SCHREFFLER:

22 I just want to comment and compliment the  
23 staff for separating migratory birds and game bird  
24 hunting hours. And I think that includes our  
25 conservation season also; is that correct?

1                   MR. PALMER:

2                   Yes, it does.

3                   COMMISSIONER SCHREFFLER:

4                   So that's clear to our hunters out there.

5 I think that's a good move.

6                   PRESIDENT ISABELLA:

7                   Thank you, Commissioner. Any other  
8 discussion? No more discussion. All those in favor  
9 signify by saying aye.

10 AYES RESPOND

11                   PRESIDENT ISABELLA:

12                   Opposed?

13                   COMMISSIONER WEANER:

14                   Mr. President, the vote is unanimously  
15 yes.

16                   PRESIDENT ISABELLA:

17                   Thank you, Mr. Secretary.

18                   ATTORNEY BECHTEL:

19                   The next item concerns administrative  
20 hearings concerning the revocation of hunting and  
21 furtaking privileges. Administrative Hearings are  
22 held to review the Hunting and Furtaking Revocations  
23 for those persons who file a petition requesting a  
24 review, in accordance with Administrative Agency Law,  
25 2 Pa. C.S.A., Section 501 et seq.

1           The Commission was furnished a copy of  
2 the Findings of Fact, the Conclusions of Law, and the  
3 Recommendations of the Hearing Officer concerning the  
4 Administrative Hearing held at the request of each  
5 individual. The Findings of Fact set forth the  
6 circumstances surrounding this matter.

7           The Executive Director recommends that  
8 the Commission approve the Findings of Fact,  
9 Conclusions of Law, and Recommendations of the Hearing  
10 officer, Ashley Nichols, as is more fully set forth in  
11 the supplement pages supplied by the Bureau of  
12 Wildlife Protection.

13           PRESIDENT ISABELLA:

14           Thank you, Brad. Commissioners, you were  
15 given a supplement here, and there are two items, Item  
16 A and Item B. I believe we can vote on those  
17 together. So is there any motion?

18           COMMISSIONER WEANER:

19           So moved.

20           PRESIDENT ISABELLA:

21           Thank you, Commissioner Weaner. Is there  
22 a second?

23           COMMISSIONER DELANEY:

24           Second it.

25           PRESIDENT ISABELLA:

1                   Thank you, Commissioner Delaney. Any  
2 discussion? No discussion. All those in favor  
3 signify by saying aye.

4 AYES RESPOND

5                   PRESIDENT ISABELLA:

6                   Opposed?

7                   COMMISSIONER WEANER:

8                   Mr. President, the vote is unanimously  
9 yes.

10                  PRESIDENT ISABELLA:

11                  Thank you, Mr. Secretary.

12                  ATTORNEY BECHTEL:

13                  The next item comes from the Bureau of  
14 Wildlife Habitat Management.

15                  PRESIDENT ISABELLA:

16                  Thank you, Director Palmer. And now I'm  
17 going to have Director Capouillez.

18                  ATTORNEY BECHTEL:

19                  The next item concerns proposed  
20 rulemaking to amend 58 Pa. Code, Section 135.1, and by  
21 adding Subchapter M to Chapter 135. As authorized in  
22 34 Pa. Code --- or the Game and Wildlife Code, the  
23 Commission may acquire property by purchase, gift,  
24 lease, eminent domain, or otherwise, including but not  
25 limited to auction purchases. The commission is

1 further authorized to purchase tax delinquent lands,  
2 waters, oil, gas and minerals as provided by law,  
3 including but not limited to tax sales.

4           Tax sales or auctions often are announced  
5 between regular Commission meetings and are to be held  
6 sooner than is practicable to hold a special meeting  
7 or notational vote. An amendment to Chapter 135 by  
8 adding Subchapter M would allow the Executive Director  
9 to bid on real estate, oil, gas or mineral rights at  
10 auction or tax sales. The text appears on pages 36  
11 through 37 of your agenda. The Executive Director and  
12 staff recommend the Commission approve these  
13 amendments.

14           PRESIDENT ISABELLA:

15           Thank you, Brad. Commissioners, you've  
16 heard the commentary. Is there a motion?

17           COMMISSIONER BOOP:

18           So moved.

19           PRESIDENT ISABELLA:

20           Commissioner Boop. Is there a second?

21           Second.

22           COMMISSIONER SCHREFFLER:

23           Second.

24           PRESIDENT ISABELLA:

25           Is there any discussion?

1                   COMMISSIONER BOOP:

2                   Mr. President?

3                   PRESIDENT ISABELLA:

4                   Commissioner Boop?

5                   COMMISSIONER BOOP:

6                   In my other life I have quite a bit of  
7 opportunity to work in this area, and I think that  
8 many times opportunities become available on  
9 relatively short notice that the agency needs to have  
10 the ability to take advantage of. And I think this is  
11 a very good proposal. It certainly can be changed in  
12 the future if it doesn't work out as intended, but I  
13 would encourage my fellow commissioners to give the  
14 agency this additional tool to deal with these  
15 opportunities that come up in the future.

16                   PRESIDENT ISABELLA:

17                   Thank you, Commissioner. Any further  
18 discussion? No further discussion. All in favor  
19 signify by saying aye.

20 AYES RESPOND

21                   PRESIDENT ISABELLA:

22                   Opposed?

23                   COMMISSIONER WEANER:

24                   Mr. President, the vote is unanimously  
25 yes.



1                   COMMISSIONER SCHLEMMER:

2                   Second.

3                   PRESIDENT ISABELLA:

4                   Commissioner Schlemmer. Any discussion?

5                   COMMISSIONER DELANEY:

6                   Yes, Mr. President. I would like to say  
7 something.

8                   PRESIDENT ISABELLA:

9                   Go ahead, Commissioner.

10                  COMMISSIONER DELANEY:

11                  I think when people do this it shows them  
12 how much they feel about the stewardship of the  
13 Pennsylvania Game Commission. I know personally  
14 exactly where this property is. There's significant  
15 value to it, yet these folks chose to donate it to the  
16 Pennsylvania Game Commission because I believe they  
17 feel we can be the best stewards of this property. I  
18 think that's just a good example of many --- since  
19 I've been a Commissioner, I've seen many things done  
20 like this. These folks who go ahead and sell this  
21 property and they choose to give it to the people who  
22 will be the best stewardships of that property. Thank  
23 you, Mr. President.

24                  PRESIDENT ISABELLA:

25                  Thank you, Commissioner. Any further

1 discussion? Yes, Commissioner Schreffler?

2 COMMISSIONER SCHREFFLER:

3 My comment is simple, a simple thank you,  
4 a much heartfelt thank you to Albert and Amelia Fazzi  
5 for this donation. We very much appreciate it.

6 PRESIDENT ISABELLA:

7 Thank you, Commissioner. No more  
8 discussion? All those in favor signify by saying aye.

9 AYES RESPOND

10 PRESIDENT ISABELLA:

11 Opposed?

12 COMMISSIONER WEANER:

13 Mr. President, the vote is unanimously  
14 yes.

15 PRESIDENT ISABELLA:

16 Thank you, Mr. Secretary.

17 ATTORNEY BECHTEL:

18 The next item concerns a land exchange,  
19 Contract Number 3561, State Game Land Number 284, in  
20 Mercer County. John and Beverly Rossi have proposed a  
21 land exchange of 1.216 acres of State Game Land Number  
22 284 in Springfield Township, Mercer County, as shown  
23 on Exhibit RED 2, on page 41 of your agenda. The  
24 1.216 acres are part of an abandoned railroad grade  
25 extending out from the main portion of State Game Land

1 Number 284 (sic), which has historically been used for  
2 access into Rossi's property.

3           In exchange for the 1.216 acres, Mr. and  
4 Mrs. Rossi have agreed to transfer two tracts  
5 containing .62 acres and .416 acres located in  
6 Springfield Township, Mercer County, adjoining State  
7 Game Land Number 284. The Game Commission shall  
8 retain an administrative right-of-way across the acres  
9 being conveyed to the Rossis. In consideration of the  
10 Game Commission conveying slightly more acreage to the  
11 Rossis than the Game Commission is receiving, Mr. and  
12 Mrs. Rossi have agreed to place \$1,000 into an  
13 interest-bearing escrow account that is to be used  
14 solely for replacement of land and habitat. This land  
15 exchange will protect the right of access into the  
16 Rossi's property, consolidate disjointed acreage and  
17 straighten boundary lines between both landowners.

18           The next land exchange is also at Number  
19 3562, State Game Land Number 232, Washington County.  
20 Pete Zappi is the current owner of property adjoining  
21 Game Land Number 232 in Blaine and Donegal Townships,  
22 Washington County, and has agreed to a land exchange  
23 involving portions of State Game Land Number 232 shown  
24 on Exhibit RED 3, on page 42 of your agenda. Mr.  
25 Zappi will convey three tracts of land totaling 9.981

1 acres which will eliminate an indenture into State  
 2 Game Land Number 232, protect riparian habitat and  
 3 improve public access. The two parcels being conveyed  
 4 to Mr. Zappi total 5.158 acres. This land exchange  
 5 will eliminate an encroachment on Game Land Number 232  
 6 and straighten boundary lines between both landowners.  
 7 The Executive Director and staff recommend that the  
 8 land exchanges listed be accepted and the Commission  
 9 authorize the Bureau of Wildlife Habitat Management to  
 10 proceed with the exchange of these tracts.

11 PRESIDENT ISABELLA:

12 Thank you, Brad. Commissioners, you have  
 13 heard two commentaries. Is there a motion?

14 COMMISSIONER MARTONE:

15 So moved.

16 PRESIDENT ISABELLA:

17 Commissioner Martone. Is there a second?

18 COMMISSIONER WEANER:

19 Second.

20 PRESIDENT ISABELLA:

21 Commissioner Weaner. Any discussion? No  
 22 discussion. All in favor signify by saying aye.

23 AYES RESPOND

24 PRESIDENT ISABELLA:

25 Opposed?

1                   COMMISSIONER WEANER:

2                   Mr. President, the vote is unanimously  
3 yes.

4                   PRESIDENT ISABELLA:

5                   Thank you, Mr. Secretary.

6                   ATTORNEY BECHTEL:

7                   The next item is an oil and gas  
8 lease/land exchange, State Game Land Number 179,  
9 Greene County. CNX Gas Company of Canonsburg,  
10 Pennsylvania requests the Commission offer its oil and  
11 gas ownership under a portion of State Game Land  
12 Number 179 for lease. The proposed lease tract  
13 contains approximately 2,175.5 acres and is located in  
14 Alleppo, Jackson and Gilmore Townships, Greene County,  
15 and is more clearly shown on Exhibits OGM 1, on page  
16 45 of your agenda.

17                   CNX Gas currently owns oil and gas rights  
18 on portions of State Game Land 179 and also controls a  
19 strong oil/gas lease position on private lands  
20 adjacent to State Game Land Number 179 and when  
21 developed will effectively withdraw portions of the  
22 Commission's oil and gas reserve. The staff has  
23 negotiated with CNX Gas in an effort to safeguard the  
24 prudent development of the Commission's oil/gas  
25 reserve and simultaneously protect the wildlife

1 resources and recreational use of State Game Land  
2 Number 179.

3           In exchange for an oil/gas lease, CNX Gas  
4 will cause to convey to the Commission a 2,297-acre  
5 tract of land known as the Jacksonville Property in  
6 Young Township, Indiana County, as shown on Exhibit  
7 OGM 2, on page 46 of your agenda. Upon transfer of  
8 this tract of land, the Commission will establish a  
9 new state game lands complex, State Game Land Number  
10 332. The land has been assessed a value of  
11 \$1,666,500.

12           The Commission has agreed to a seven-year  
13 lease with a three-year drill or drop clause. CNX Gas  
14 has also agreed to pay rental for undeveloped acreage  
15 in years four through seven. The Commission and CNX  
16 Gas have agreed to a tiered royalty ranging from 16  
17 percent to 21 percent based on the well head price per  
18 MCF of gas produced and sold from each well. CNX Gas  
19 will also pay the Commission a well location or spud  
20 fee of \$5,000 for each shallow well and \$10,000 for  
21 each well targeting the Marcellus or deeper  
22 formations.

23           The proposed lease agreement also  
24 provides CNX Gas with the right to utilize the surface  
25 of State Game Land Number 179 for pipelines to

1 transport commission-owned gas reserves. Further, CNX  
2 Gas will provide 350,000 cubic feet of free gas  
3 annually for the Commission's use with a payback  
4 clause for nonuse. CNX Gas will adhere to the  
5 reclamation and revegetation requirements as specified  
6 by the Commission's Land Management Group Supervisor.

7 Oil and gas development will be regulated  
8 by the Commonwealth's oil and gas regulations and the  
9 commission's standard oil/gas lease agreement and  
10 \$25,000 performance bond. The lease will include the  
11 commission's standard wildlife and protection  
12 measures. The Executive Director and staff recommend  
13 the proposed lease be approved and the Commission  
14 authorize the Bureau of Wildlife Habitat Management to  
15 proceed with the leasing arrangement as listed above.

16 PRESIDENT ISABELLA:

17 Thank you, Brad. Commissioners, you've  
18 heard the commentary. Is there a motion?

19 COMMISSIONER SCHREFFLER:

20 So moved.

21 PRESIDENT ISABELLA:

22 Commissioner Schreffler. Is there a  
23 second?

24 COMMISSIONER SCHLEMMER:

25 Second.

1                   PRESIDENT ISABELLA:

2                   Commissioner Schlemmer. Discussion?

3                   COMMISSIONER MARTONE:

4                   Yes.

5                   PRESIDENT ISABELLA:

6                   Commissioner Martone?

7                   COMMISSIONER MARTONE:

8                   I would like to thank the Bureau Chief of  
9 Staff. I don't think there's a better team out there  
10 to do justice to these types of deals. And you know,  
11 gaining that kind of land for new game lands has to be  
12 looked at as a huge asset. And I think that the  
13 Bureau is doing an exemplary job, and I want to say  
14 thank you.

15                   PRESIDENT ISABELLA:

16                   Thank you, Commissioner. Any further  
17 discussion?

18                   COMMISSIONER SCHREFFLER:

19                   Yes.

20                   PRESIDENT ISABELLA:

21                   Commissioner Schlemmer --- Schreffler.

22                   COMMISSIONER SCHREFFLER:

23                   Mr. Capouillez, would you explain what it  
24 means by tiered royalty?

25                   MR. CAPOUILLEZ:

1           Yes, sir. This particular lease was a  
2 very complex lease to do, and there was a lot of  
3 overhead cost associated with development. Because of  
4 the gas market prices, there was a profit margin there  
5 that we had to take into account. So the tiered  
6 royalty aspect allows for us to recruit more money as  
7 the market prices improve. As gas goes up, there's an  
8 increased royalty associated with the Commission as  
9 far as revenues.

10           COMMISSIONER SCHREFFLER:

11           Thank you.

12           PRESIDENT ISABELLA:

13           Any further discussion? All those in  
14 favor signify by saying aye.

15 AYES RESPOND

16           PRESIDENT ISABELLA:

17           Opposed?

18           COMMISSIONER WEANER:

19           Mr. President, the vote is unanimously  
20 yes.

21           PRESIDENT ISABELLA:

22           Thank you, Mr. Secretary.

23           ATTORNEY BECHTEL:

24           The next item concerns surface mining  
25 coal lease offering land exchange, State Game Land

1 Number 79, Cambria County. Laurel Sand & Stone, Inc.,  
2 of Ligonier, PA has requested a lease to surface mine  
3 and remove all of the available and economically  
4 recoverable coal within a 165-acre tract of land being  
5 part of State Game Land Number 79, Jackson Township,  
6 Cambria County, as shown on Exhibit OGM 3, on page 49  
7 of your agenda.

8           Laurel Sand & Stone, Inc. owns the coal  
9 under the proposed surface mine area and the Game  
10 Commission controls the surface rights. The proposed  
11 six-year lease will remove an estimated 460,200 tons  
12 of coal from a portion of State game Land Number 79  
13 and will utilize approximately 143 acres for actual  
14 mining and an additional 22 acres for erosion and  
15 sedimentation controls, mine reclamation, and  
16 operational support.

17           In exchange for the surface mining lease,  
18 Laurel Sand & Stone will pay the Commission a royalty  
19 rate of six percent, FOB pit price for each ton of  
20 coal mined and removed from the leased premises or \$2  
21 per ton, whichever the greater. The lease will also  
22 include a provision to remove sandstone from the site  
23 for which Laurel Sand & Stone will pay the Commission  
24 a royalty rate of \$0.18 per ton or six percent FOB pit  
25 price, whichever the greater. Laurel Sand & Stone has

1 also agreed to pay an initial advanced surface damage  
2 royalty fee of \$110,200 to be deposited into an  
3 interest-bearing escrow account and to be used for the  
4 future purchase of lands acceptable to the Commission  
5 or direct deposit into the Game Fund.

6           Such payment shall be due upon the final  
7 execution of the lease and the issuance of a mining  
8 permit from the Department of Environmental  
9 Protection. Laurel Sand & Stone has agreed to convey  
10 to the Commission a 64.8 acre tract of land valued at  
11 1,000 acres at \$1,000/acre to the Commission as shown  
12 on Exhibit OGM 3. This tract of land will provide  
13 public access to this portion of the game lands. The  
14 total value of the land and advanced royalty payment  
15 totals \$175,000.

16           Laurel Sand & Stone will also make annual  
17 advance royalty payments of \$75,000 to be deposited  
18 into an interest-bearing escrow account to be used for  
19 the future purchase of lands acceptable to the  
20 Commission. All remaining coal royalty revenues  
21 generated from the proposed operation will be  
22 deposited directly into the Game Fund. The  
23 accumulated coal royalty value for the proposed mining  
24 acreage has been estimated to be \$1,132,200.

25           Mining will be regulated by the

1 Commonwealth's Surface Mining Regulations and the  
2 Commission's Standard Surface Mine Lease Agreement.  
3 The six-year lease will also include a \$25,000  
4 performance bond. All merchantable timber within the  
5 proposed lease area will be assessed by the southwest  
6 Regional Office's forestry staff at a double stumpage  
7 value. As part of the mine reclamation plan, Laurel  
8 Sand & Stone will reclaim approximately 8,500 linear  
9 feet of abandoned highwall. A wildlife habitat  
10 reclamation and revegetation enhancement plan for all  
11 disturbed areas of the lease tract will be developed  
12 in coordination with the local Land Management Group  
13 Supervisor and incorporated into the lease provisions.

14                   The staff has reviewed this proposal and  
15 has determined that the proposed wildlife habitat  
16 enhancement projects, in conjunction with the advanced  
17 coal royalty schedule and timber value, to be equal to  
18 or greater than the accumulated coal lease value. The  
19 Executive Director and staff recommend that this Coal  
20 Mining Lease with Laurel Sand & Stone be approved and  
21 that the Commission authorizes the Bureau of Wildlife  
22 Habitat Management to proceed with the leasing  
23 arrangement as outlined above.

24                   PRESIDENT ISABELLA:

25                   Thank you, Brad. Commissioners, you've

1 heard the commentary. Is there a motion?

2 COMMISSIONER SCHLEMMER:

3 So moved.

4 PRESIDENT ISABELLA:

5 Commissioner Schlemmer. Is there a  
6 second?

7 COMMISSIONER WEANER:

8 Second.

9 PRESIDENT ISABELLA:

10 Commissioner Weaner. Is there any  
11 discussion?

12 COMMISSIONER SCHREFFLER:

13 Yes.

14 PRESIDENT ISABELLA:

15 Commissioner Schreffler?

16 COMMISSIONER SCHREFFLER:

17 I'd just like to point out to the general  
18 public the fact that there will be a reclamation made  
19 of about a mile-and-a-half of highwall here and also  
20 some vegetative enhancements on the disturbed area.  
21 The reason I point this out is that so many times the  
22 Game Commission does so much good work beyond just  
23 wildlife, and this is not the exception where we have  
24 actually improved the site, stopped the acid mine  
25 drainage, removed highwalls and had an impact on the

1 groundwater in the area. And it's --- I commend Mr.  
2 Capouillez and his bureau for trying --- for following  
3 up on this. Many times it's areas that even our DEP  
4 and DCNR have not been able to reclaim and improve,  
5 and the Game Commission has been successful in doing  
6 that. So thanks for your efforts in those areas. I  
7 want to give you the public recognition for what  
8 you're doing there.

9 PRESIDENT ISABELLA:

10 Thank you, Commissioner. Any further  
11 discussion? No further discussion. With that, all in  
12 favor signify by saying aye.

13 AYES RESPOND

14 PRESIDENT ISABELLA:

15 Opposed?

16 COMMISSIONER WEANER:

17 Mr. President, the vote is unanimously  
18 yes.

19 ATTORNEY BECHTEL:

20 The next item is from the Bureau of  
21 Administration. It concerns proposed rule making to  
22 amend 58 Pa. Code, Section 143.45. Commission staff  
23 recently met with the County Treasurer's Association  
24 to discuss outcomes and concerns related to the first  
25 year of antlerless deer license issuance through PALS.

1 The Association suggested that a change be made to the  
2 regulations to help them process applications more  
3 efficiently. The Association asked that statewide  
4 over-the-counter sales begin earlier so hunters will  
5 not have to apply by mail. This amendment will  
6 accomplish the change that the Association has  
7 requested. The Executive Director and staff recommend  
8 the Commission approve the change as shown on page 50  
9 of your agenda to 58 Pa. Code, Section 143.45.

10 PRESIDENT ISABELLA:

11 Thank you, Brad. Commissioners, you  
12 heard the commentary. Is there a motion?

13 COMMISSIONER SCHREFFLER:

14 So moved.

15 PRESIDENT ISABELLA:

16 Commissioner Schreffler. Is there a  
17 second? Second. Is there any discussion? I  
18 understand we had a major problem with the  
19 distribution of antlerless licenses. Not our fault.  
20 And I understand we had a discussion with the County  
21 Treasurers. I think everybody is on the same page for  
22 this upcoming hunting year?

23 MS. DERR:

24 I believe so. I wouldn't say it was a  
25 major problem, but certainly there were some County

1 Treasurers that were ready to go and did an excellent  
2 job. Others, because they weren't sure where the  
3 hunter was going to be sending their licenses, they  
4 just weren't prepared. I believe that we have the  
5 first year under our belt. I'm sure that the County  
6 Treasurers will do a much better job this year.

7 PRESIDENT ISABELLA:

8 Thank you, Dot.

9 MS. DERR:

10 You're welcome.

11 PRESIDENT ISABELLA:

12 Commissioners, any further discussion?

13 With that, all in favor signify by saying aye.

14 AYES RESPOND

15 PRESIDENT ISABELLA:

16 Opposed? Thank you, Mr. Secretary.

17 COMMISSIONER WEANER:

18 The vote was unanimously yes.

19 PRESIDENT ISABELLA:

20 Thank you, Dot. All right.

21 Commissioners, is there any new business?

22 COMMISSIONER BOOP:

23 Mr. President?

24 PRESIDENT ISABELLA:

25 Commissioner Boop?

1                   COMMISSIONER BOOP:

2                   Under new business, I would like to  
3 present a motion and an opportunity to speak to that  
4 motion if I receive a second. My motion is that the  
5 agency suspend the issuance of Deer Management  
6 Assistance Permits, commonly referred to as DMAP  
7 Permits, on all public land in this Commonwealth,  
8 pending further review and action by this Board.

9                   COMMISSIONER WEANER:

10                   Second.

11                   COMMISSIONER BOOP:

12                   I'd like to speak to the motion then.

13                   PRESIDENT ISABELLA:

14                   Discussion? Go ahead.

15                   COMMISSIONER BOOP:

16                   My motion today will not in any way  
17 affect private landowners in this Commonwealth.  
18 Private landowners should have the ability to manage  
19 their properties within reason, with oversight from  
20 the agency. Our public lands, however, belong to all  
21 the citizens of the Commonwealth, and I don't think  
22 it's unreasonable to expect that the stewards of those  
23 lands should justify the programs that affect all  
24 citizens. Certainly if the stewards of those lands  
25 propose timber cuts and habitat improvement projects

1 and other things in the management of those  
2 properties, then certainly this tool should be  
3 available.

4           However, if this program is simply being  
5 used as additive allocation over and above the  
6 allocations that are set by our deer management team  
7 and approved by the agency when there's not anything  
8 being done to either cut those cords, it just doesn't  
9 seem fair to the license buyers of this agency, many  
10 of whom only have the opportunity to hunt public  
11 lands, that the stewards of those lands should be able  
12 to continually continue to produce deer numbers  
13 through DMAP permits without management plans and  
14 justification for what they're doing on those lands.

15           Certainly if they can do that, then I  
16 don't see any problems continuing with the program.  
17 But the way the program is working now, I just don't  
18 think that it's in the best interest of this agency  
19 for the citizens of this Commonwealth.

20                   PRESIDENT ISABELLA:

21           Thank you, Commissioner. Your commentary  
22 is duly noted, but you know, we do not vote on new  
23 business.

24                   COMMISSIONER BOOP:

25           I would ask for a vote on the motion.

1                   COMMISSIONER SCHREFFLER:

2                   I would like to have some discussion.

3                   PRESIDENT ISABELLA:

4                   Commissioner Schreffler?

5                   COMMISSIONER SCHREFFLER:

6                   I have a question. You're suspending  
7 DMAP on public lands, and then you're talking about  
8 they should justify the use with management plans and  
9 how they're --- what the problem is, identify the  
10 problem and identify what they're going to do about it  
11 and carry that out. If they do that, do you ---  
12 should you agree that they should then be provided  
13 DMAPs that are --- permits that are justified?

14                   COMMISSIONER BOOP:

15                   I certainly do. I think that the agency  
16 has a right to expect in circumstances that they do.  
17 If they're simply using them as additive, with no  
18 plans, that's my concern.

19                   COMMISSIONER SCHREFFLER:

20                   Okay. So in other words, you're just  
21 suspending it for those public lands that do not have  
22 a management plan or has not identified a problem,  
23 presented a management plan, begun the practice?

24                   COMMISSIONER BOOP:

25                   Well, and again, I think that we need

1 some oversight by staff as to what that plan is and  
2 whether those plans are adequate. Just because they  
3 may have a plan there, I have some concern about those  
4 plans.

5 COMMISSIONER SCHREFFLER:

6 So this isn't an overall broad-based  
7 suspension then? It's just for, what you're saying,  
8 suspend it and staff should review these carefully,  
9 with great diligence, before issuing any DMAPs on  
10 public land?

11 COMMISSIONER BOOP:

12 My motion today is to suspend on all  
13 public land pending further review and approval by  
14 this Board.

15 EXECUTIVE DIRECTOR ROE:

16 Mr. President, may I ask for a recess to  
17 research it because this may be a regulatory change,  
18 and we need to find out if we're changing the  
19 regulation or ---?

20 PRESIDENT ISABELLA:

21 Yes. Let's take about a 30-minute break.

22 SHORT BREAK TAKEN

23 PRESIDENT ISABELLA:

24 Commissioner Boop, do you have a  
25 clarification on your new business?

1                   COMMISSIONER BOOP:

2                   After a discussion, my intent remains the  
3 same. However, as we often say, there are multiple  
4 ways to get to the same objective. So in that light,  
5 for purposes of today's meeting, I'll withdraw the  
6 motion at this time. However, I am going to ask that  
7 staff be directed, with the approval of the Executive  
8 Director, to review this matter and come back to the  
9 Board in April with proposed regulatory change which  
10 will require for future issuance, including this year,  
11 that DMAP permits on public land have criteria for an  
12 approved deer management plan reviewed by and approved  
13 by staff before issuance.

14                   PRESIDENT ISABELLA:

15                   Commissioner, do you have that written  
16 down exactly ---?

17                   COMMISSIONER BOOP:

18                   No, but the court stenographer has it.

19                   PRESIDENT ISABELLA:

20                   All right. We got that settled. Any  
21 other new business?

22                   COMMISSIONER DELANEY:

23                   President, just one comment on  
24 President --- or I should say on Commissioner Boop's  
25 initiative here, and it should be for the record that

1 there is strong support from the Board on that issue  
2 relative to DMAP tags on public lands.

3 PRESIDENT ISABELLA:

4 Thank you, Commissioner.

5 COMMISSIONER PUTNAM:

6 Mr. President, I'd like to add one  
7 comment to that as well.

8 PRESIDENT ISABELLA:

9 Yes, Commissioner Putnam?

10 COMMISSIONER PUTNAM:

11 One of the concerns that we have that  
12 we're --- that the Board hears is the size of our  
13 management units. They're very large, and they're  
14 large for many good reasons. However, within the  
15 unit, the DMAP program is the most effective way to  
16 target people to the hot spots. And the DMAP is one  
17 of the very best parts of the changes that we've made  
18 in the deer program. It really addresses that issue  
19 of these larger management units allowing people to  
20 target them. It's a valuable tool for public and  
21 private landowners.

22 There is a perception out there that that  
23 tool has been applied pretty broadly on public lands,  
24 and I believe it was probably was in the early days.  
25 I think as we go through this review we may all be

1 pleasantly surprised that there's more targeting and  
2 more planning that's been done than we may be aware  
3 of. But I would really want to see the DMAP program  
4 continue just under the guidance of our field  
5 biologists out there.

6 PRESIDENT ISABELLA:

7 Thank you, Commissioner. With no more  
8 new business, let's go to the proposed commission  
9 meeting dates.

10 COMMISSIONER WEANER:

11 Mr. President?

12 PRESIDENT ISABELLA:

13 Yes, Commissioner.

14 COMMISSIONER WEANER:

15 I move that we adopt these meeting dates  
16 with the following change. The September date should  
17 be October 4th and 5th. The other dates remain the  
18 same.

19 PRESIDENT ISABELLA:

20 Just for the audience, the only change we  
21 made was the September meeting that was on the 27th  
22 and 28th has been cancelled, and the new date is  
23 October 4th and October 5th. All right.

24 The next item will be the election of  
25 officers.

1                   COMMISSIONER WEANER:

2                   Mr. President, on the order of dates, do  
3 we have to vote on the establishment of these dates?  
4 Yes, I think we do. That's why I put it in the form  
5 of a motion.

6                   COMMISSIONER SCHREFFLER:

7                   I'll second the motion.

8                   PRESIDENT ISABELLA:

9                   We have a motion and a second. All in  
10 favor of these dates, the new Commission dates,  
11 signify by saying aye.

12 AYES RESPOND

13                   PRESIDENT ISABELLA:

14                   Opposed?

15                   COMMISSIONER WEANER:

16                   Mr. President, the vote is unanimously  
17 yes.

18                   PRESIDENT ISABELLA:

19                   Now we will go to the election of  
20 officers. Just before that, I just want to say this  
21 was --- as President, this was the best year that I  
22 ever had, especially today, which was pretty good. I  
23 had --- it was the best experience that I had, coming  
24 from a big city, Philadelphia. And I just want to  
25 thank my fellow Commissioners for making my job easier

1 when we had --- you know, there were some issues or  
2 just a little controversy.

3 I would like to thank Carl, the Executive  
4 Director, for assisting me. You really made my job a  
5 lot easier. The Deputy Executive Director, Mike  
6 Schmit, you know, made my job a lot easier. Brad ---  
7 whenever I do something wrong, Brad will give me a  
8 little shove here on stage. And the bureau directors,  
9 whenever we had staff reports and I had questions, you  
10 know, you answered them in the spirit that I  
11 suggested. And all the regional directors tell me,  
12 ladies and gentlemen, we got a good team up here.  
13 Again, we may disagree, but you know, there's nothing  
14 wrong with checks and balances. So again, I thank you  
15 for my time as --- making my time as President a lot  
16 easier. I got about two years --- or less than two  
17 years left, and when I go back I want to go back to my  
18 old seat, where Commissioner Martone is. I started  
19 there, and I want to leave there. So with that, I  
20 want to call the Nominating Committee. Commissioner  
21 Schlemmer, do we have a slate?

22 COMMISSIONER SCHLEMMER:

23 Mr. President, we do have a new slate. I  
24 would also like to thank you for showing me another  
25 side of Philadelphia. We all enjoyed that very much.

1 The proposed new slate, with nobody in contention for  
2 either one, each position here, Commissioner Delaney  
3 is up for President this year; Commissioner Weaner,  
4 Vice President; and Commissioner Schreffler, for  
5 Secretary, sir.

6 PRESIDENT ISABELLA:

7 Thank you, Commissioner. So we have a  
8 slate of for President, Jay Delaney, for Vice  
9 President, Ron Weaner, and for Secretary, Dave  
10 Schreffler. Are there any nominations from the floor?

11 COMMISSIONER BOOP:

12 Mr. President, I move the nominations be  
13 closed.

14 COMMISSIONER WEANER:

15 Second.

16 PRESIDENT ISABELLA:

17 Second. We have a vote. All in favor of  
18 the slate, please raise your right hand.

19 AYES RESPOND

20 COMMISSIONER WEANER:

21 Mr. President, point of order. I think  
22 we were actually voting on closing nominations, and so  
23 therefore, hearing no dissension, the vote on closing  
24 nominations is unanimously yes.

25 PRESIDENT ISABELLA:

1                   Okay. So then we'll have a vote on the  
2 slate. All in favor, please raise your right hand.

3 AYES RESPOND

4                   COMMISSIONER WEANER:

5                   Seeing no opposition, the vote is  
6 unanimously yes.

7                   PRESIDENT ISABELLA:

8                   Thank you, Mr. Secretary. And with that,  
9 let's give a round of applause for the new officers.

10 APPLAUSE

11                   PRESIDENT ISABELLA:

12                   And we'll take about a five-minute break  
13 to go around.

14 SHORT BREAK TAKEN

15                   PRESIDENT DELANEY:

16                   Well, if I could, I would like to say  
17 that it's certainly an honor to serve as the president  
18 of the Game Commission Board of Commissioners. I  
19 certainly want to thank Commissioner Isabella for his  
20 leadership for the last year. And I would like to  
21 thank my fellow Commissioners here today for their  
22 vote of support and confidence in me.

23                   As I look ahead to what we can do and  
24 what I would like to do in my term as president is  
25 continue our good work with the youth of Pennsylvania.

1 Over the last few years I think we've had some great  
2 youth initiatives. If you heard the entire Board talk  
3 today, the word youth came up many, many, many times  
4 in the discussion. And I think that's the direction  
5 that we need to go.

6           As Commissioners, you know, we keep  
7 hearing please stay with the science, you know, we  
8 don't want to lose what we have, but I think the  
9 public has to understand our responsibilities and  
10 roles as Commissioners. And our Executive Director  
11 says it so well and has mentored us in many ways. The  
12 three-legged stool that there is. We have science, we  
13 have the political side, and we have the social side.  
14 It becomes very, very difficult to balance that when  
15 you have 12.8 million residents in our state. We have  
16 900,000 hunters and trappers, and we have 467 species  
17 of birds and mammals in Pennsylvania. We have some  
18 very liberal hunting seasons. And to try to find the  
19 balance in that, many times it becomes not a problem  
20 but a concern to try to get the job done and to try to  
21 make as many folks happy as possible. But since I  
22 became a Commissioner, every single vote that I voted  
23 on, I always put our wild resources of Pennsylvania  
24 first. I'll continue to try to do that.

25           We have a great agency. I look forward

1 to the partnerships with our Board of Commissioners,  
2 our agency staff and the many conservation groups that  
3 are here today. So thank you, and that's the  
4 direction we'll try to go in the future. And at this  
5 point I would like to turn the meeting over to our  
6 Executive Director, Carl Roe, for some final thoughts  
7 and comments. Oh, I'm sorry.

8 COMMISSIONER BOOP:

9 Just a minute. You know, one of the  
10 advantages of seniority, you know, I guess I'm ---  
11 other than Greg now at this point, welcome to the past  
12 presidents club. But just, you know, I just want you  
13 all to know, and Greg is a pretty modest fellow, but  
14 this is not an easy job. It's not an easy job being a  
15 Commissioner. It's not an easy job being the Board  
16 President.

17 Greg really did a good job this year. He  
18 and I don't agree on a lot of things, but I mean, he  
19 drives up here from Philadelphia, and a lot of you out  
20 in the audience know what's involved. When you're  
21 going to be President of the Board, you know, you're  
22 looking at 10, 15 hours a week, a lot of times more  
23 than that. And I just think Greg did a good job, and  
24 I think we ought to give him a round of applause.

25 APPLAUSE

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EXECUTIVE DIRECTOR ROE:

We'll have a press conference in 15 minutes, 10 minutes. Ten minutes after we close the meeting we'll have a press conference for the press in the cafeteria.

PRESIDENT DELANEY:

Do we have a motion to adjourn the meeting?

COMMISSIONER ISABELLA:

Motion.

COMMISSIONER WEANER:

Second.

PRESIDENT DELANEY:

Meeting adjourned.

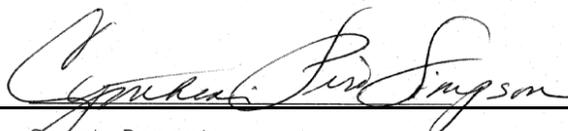
\* \* \* \* \*

MEETING CONCLUDED AT 11:00 A.M.

\* \* \* \* \*

CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before President Isabella, was reported by me on 01/26/2010 and that I Cynthia Piro Simpson read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

  
Court Reporter