

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION
BOARD MEETING
OCTOBER 3, 2006

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A verbatim transcript
of meeting held at
2001 Elmerton Avenue,
Harrisburg, Pennsylvania,
on Tuesday,

October 3, 2006
8:33 A.M.

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BEFORE:

THOMAS E. BOOP, ESQUIRE, PRESIDENT
ROXANE S. PALONE, VICE PRESIDENT
GREGORY J. ISABELLA, SECRETARY
JOHN J. RILEY, COMMISSIONER
RUSSELL E. SCHLEIDEN, COMMISSIONER
DAVID W. SCHREFFLER, COMMISSIONER
H. DANIEL HILL, III, COMMISSIONER

ALSO PRESENT:

CARL G. ROE, EXECUTIVE DIRECTOR
M. W. SCHMIT, DEPUTY EXECUTIVE DIRECTOR
WILLIAM R. POUSS, ESQUIRE, CHIEF COUNSEL

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PRESIDENT BOOP: Good morning ladies and gentlemen.

I'd like to welcome you all to our October business meeting of the Commission and to start, if you'd all join us in the Pledge of Allegiance to the flag?

(Pledge of Allegiance said.)

PRESIDENT BOOP: Before we begin, it would be appropriate, those of you who have been following the news, TV, and the radio, and the paper, you're aware of the horrific crime that occurred in eastern Lancaster County, which really strikes at all of our freedoms and all that we believe in and support in this country, so, I just would ask you to join us for just a moment of silence for all of the families that are involved in that incident.

(Moment of silence.)

PRESIDENT BOOP: Mr. Secretary, will you read the roll?

MR. ISABELLA: Commissioner Boop.

PRESIDENT BOOP: Present.

MR. ISABELLA: Commissioner Palone.

MRS. PALONE: Present.

MR. ISABELLA: Commissioner Isabella. Present.

Commissioner Schleiden.

MR. SCHLEIDEN: Present.

MR. ISABELLA: Commissioner Riley.

MR. RILEY: Present.

MR. ISABELLA: Commissioner Hill.

MR. HILL: Here.

MR. ISABELLA: Commissioner Schreffler.

MR. SCHREFFLER: Present.

MR. ISABELLA: All present and accounted for, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

We do have a preprinted agenda, the booklet. I hope all of you received a copy. If you didn't, I believe there's some down below here. If you want to come up and get them now that would be fine.

As I mentioned yesterday, please, if you have cell phones turn them off. It's quite a distraction to the meeting if they go off during the meeting. Judges up our way have implemented a policy. They're fining people \$50 if your cell phone goes off in a meeting. We're not going to implement that here today, because we don't have any signs posted, but, please, for the respect of the people involved in the meeting, please turn off your cell phones.

We're going to turn now -- well, excuse me, I guess first of all we should have approval of the minutes of the June 6 meeting.

Do I hear a motion to approve those minutes?

MR. RILEY: Motion.

MR. ISABELLA: Second.

PRESIDENT BOOP: Mr. Riley moved, Mr. Isabella seconded.

All in favor.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

PRESIDENT BOOP: Now moving to the business for today, page 2, Mr. Pouss.

MR. POUSS: Thank you, Mr. President.

First item on the agenda is on page 2 and it is from the Bureau of Wildlife Management.

Congress appropriated funds under the State Wildlife Grant Program (SWG) directly and exclusively to state wildlife agencies for "wildlife species of the greatest conservation concern."

Pennsylvania is eligible to receive these funds for fish and wildlife projects under the SWG program. We are recommending approval of two projects listed in Exhibit A, which is on page 3 of your agenda, one involving "Identifying and Predicting High Quality Habitat in Relation to Allegheny Woodrat Demographic Trends" and the other involving the "Second Pennsylvania Breeding Bird Atlas."

Projects listed in Exhibit A will not require any net reduction in the Game Fund, since all are cooperator projects. The Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the organizations and investigators of these projects, and pay SWG-eligible costs from the Game Fund. The Game Fund will

be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using SWG funds.

The Executive Director and staff recommend approval of the slate of State Wildlife Grant projects listed in Exhibit A.

PRESIDENT BOOP: Exhibit A is before you on page 3, the two projects that are identified there.

Is there a motion to approve this agenda item?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: Hearing none vote by voice. All those in favor, can you state by saying aye?

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: It's unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Commissioner Isabella.

Turning to page 4, the next agenda item, also under the Bureau of Wildlife Management, Mr. Pouss.

MR. POUSS: The item on page 4 is also from the Bureau of Wildlife Management and it involves Congress having recently appropriated funds under the Landowner Incentive Program directly and exclusively to state wildlife agencies for the

protection of habitat for "wildlife species of the greatest conservation concern."

Pennsylvania was awarded funds to acquire permanent easements to enhance our conservation efforts for fish and wildlife projects under the new LIP program. These projects were selected to replace projects that have not moved to fruition. We are recommending approval of the five projects listed in Exhibit B on page 5 of the agenda.

What is shown in Exhibit B involves programs involving "Protection of Forest and Interim Shrub/Scrub Land on Bald Eagle Ridge," "Forest and Stream Conservation at Roaring Rocks Trust," "Critical Shrub/Scrub Land and Vernal Pool Habitat," Protection of Dry and Mesic Forest Near Lackawaxen," and "Protection of Wet and Upland Forest and Lacustrine Habitats at Minks Pond."

The project listed in Exhibit B will not require any net reduction in the Game Fund since it is a cooperator project. The Game Commission will simply function as a conduit for federal funds.

If approved, the Game Commission will contract with the organization and investigator of this project, and pay LIP-eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using LIP funds.

The Executive Director and staff recommend approval of the slate of Landowner Incentive Program projects listed in Exhibit B.

PRESIDENT BOOP: Thank you, sir.

The items are set forth on page 5. Unless there's a desire to consider them separately, we'll do them collectively.

Do I hear a motion to approve all five?

MR. RILEY: So moved.

PRESIDENT BOOP: Commissioner Riley.

Is there a second?

MR. ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: Hearing none, we'll vote by voice.

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: It's unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Turning now to page 6.

MR. POUSS: The item on page 6 is also from the Bureau of Wildlife Management. It involves the Endangered Species Management Project.

U.S. Fish and Wildlife Service distributes funds under Section 6 of the Endangered Species Act for recovery efforts of federally listed wildlife. State agencies are eligible for these competitive funds.

Pennsylvania makes annual application to receive these funds for work within the Wildlife Diversity Program. A supplemental federal grant is anticipated to support work on the

federally endangered piping plover because of recent summer records in Pennsylvania. We are seeking approval, upon federal approve of the grant, to contract for the development of a Piping Plover Management and Conservation Plan, which will be reimbursable by Section 6 funds.

The Piping Plover Management and Conservation Plan project will enable the Game Commission to facilitate the possible restoration of federally endangered piping plovers as a nesting species at Presque Isle State Park. Conservation strategies with the highest likelihood of attacking plover pairs will be developed by a plover expert in collaboration with personnel from the Commission and the State Park Resource Management Section.

Approval will allow staff to contract with Catherine Haffner, a technical expert on this species, to identify management and conservation strategies beneficial to piping plovers. Cost of the contract will not exceed \$8,000.

The Piping Plover Management and Conservation Plan will not require any net reduction in the Game Fund, since the Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the investigator and pay Section 6 eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service, Federal Aid program using Section 6 funds.

The Executive Director and staff recommend approval to proceed with development of the Piping Plover Management and Conservation Plan as described above using Section 6 funds from the U.S. Fish and Wildlife Service.

PRESIDENT BOOP: Thank you, sir.

The agenda item is on page 7. You've heard the reading.

Is there a motion to approve?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: No discussion being indicated.

We'll vote by voice. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign?

(No response.)

PRESIDENT BOOP: I'm corrected, the item is on page 6.

We voted on six. Everyone understands we voted on six, all right?

Mr. Pouss.

MR. POUSS: Thank you, Mr. President.

The next item on the agenda comes from the Bureau of Wildlife Protection and it involves adopted rule making, actually proposed amendments to Chapter 135, §135.107.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 18, 2006 meeting, proposed the following change:

Amend Chapter 135, §135.107 (relating to Middle Creek Wildlife Management Area) to redress evidence of dramatic resident Canada goose population declines on and in the vicinity of the Middle Creek Wildlife Management Area by reducing the number of waterfowl shooting days at Middle Creek from four to three days per week via the elimination of Monday hunts.

The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code, as shown on Exhibit A, which is on page 8 of your agenda.

PRESIDENT BOOP: You've heard the reading of the item.

Welcome, Mr. Palmer, for being with us and I forgot to recognize Bureau Director DuBrock, who I believe will be back with us in a little bit.

But you've heard the reading of this agenda item from the Bureau of Wildlife Protection. Is there a motion on the item?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MRS. PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there discussion on this agenda item which appears on pages seven and eight?

(No response.)

PRESIDENT BOOP: No discussion.

We'll vote by voice. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to the next item.

MR. POUSS: The next item on your agenda is on page 9 and involves again the Bureau of Wildlife Protection adoption of proposed amendments to Chapter 141, §141.20.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its June 6, 2006 meeting, proposed the following change:

Amend Chapter 141, §141.20 (relating to protective material required) to create and accommodate fluorescent orange requirements for the newly created archery bear season.

The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code, as shown on Exhibit B, which is on pages 10 and 11 of your agenda.

PRESIDENT BOOP: You've heard the reading of the agenda item and that does appear on pages 10 and 11.

Is there a motion to approve?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there discussion on this agenda item?

(No response.)

PRESIDENT BOOP: It's sort of unusual to have a fluorescent orange issue that doesn't generate discussion. No discussion indicated.

We're prepared to vote by voice. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Mr. Pouss.

MR. POUSS: Mr. President, the next item on the agenda is on page 12 and involves the adoption of proposed amendment to Section 141.1 of Title 58 of the Pa. Code.

To effectively manage the wildlife resources of the Commonwealth, the Game Commission, at its June 6, 2006 meeting, proposed the following change:

Amend Chapter 141, §141.1 (relating to special regulation areas) to permit hunters to use or take advantage of bait while hunting deer within the Southeast Special Regulations Areas of this Commonwealth.

The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code, as shown on Exhibit C. That I believe has been handed out.

PRESIDENT BOOP: There is a handout with respect to this and I'd recognize Commissioner Isabella.

MR. ISABELLA: Mr. President, I'd like to offer an amendment.

PRESIDENT BOOP: You'd like to offer an amendment to this agenda item?

MR. ISABELLA: Yes.

PRESIDENT BOOP: Let's go ahead and have a motion. I think Commissioner Palone is technically correct.

Would you like to offer that motion, Commissioner Palone?

MRS. PALONE: Yes.

PRESIDENT BOOP: Commissioner Palone moves the adoption of the item as printed.

Is there a second to?

MR. SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden seconds that so the motion as written in the booklet has been made and seconded.

Now discussion.

Commissioner Isabella.

MR. ISABELLA: Mr. President, I'd like to offer this amendment that Director Palmer has already circulated to the Board in this blue insert.

The Southeast Special Regulation Area is a unique area that demands unique solutions. We currently have two management tools. The first one is the Urban Management Plan and the second one is a revised Red Tag Program, which the region informs me that we have an excellent enrollment with the landowners in that Special Regulation Area.

I believe that with my amendment baiting will give us an additional tool to effectively manage the wildlife resources and reduce deer and human conflict in that area.

That is my amendment.

PRESIDENT BOOP: We have the printed item. The audience probably doesn't have it. Would you be willing to read? It's short, Commissioner Isabella. Would you be willing to read it?

MR. ISABELLA: Yes.

It's "§141.1 Special regulation areas. Permitted acts. It is lawful to:

"Hunt or take deer on private lands only in the southeast area through the use of or by taking advantage of bait.

"All of the provisions found within the subsection (d)(5) shall become effective December 26, 2006 and shall expire and be rendered void on March 31, 2010, unless the Commission further authorized their legal effectiveness prior to this termination date."

MR. ISABELLA: Commissioner Isabella, on 5(i) I believe there's a sentence or two there that are included.

MR. ISABELLA: Five (i), I apologize.

"Bait may be placed or distributed two weeks prior to the opening of the first deer season through the close of the last deer season in each wildlife management unit, however, bait accumulation in any one location shall not exceed five gallons total volume at any given time."

PRESIDENT BOOP: Again, the first part of that applies that this is restricted to the southeast region only.

You've heard Commissioner Isabella's amendment. Is there a second to the amendment?

MR. RILEY: Second.

PRESIDENT BOOP: Commissioner Riley seconds the amendment.

So on the floor we have the motion and the second for the amendment.

Is there discussion on the amendment?

Commissioner Schleiden.

MR. SCHLEIDEN: Mr. President, I would have jumped on that the way he read it the first time and forget about (i). I would have seconded that.

However, I think it's important that everybody knows that the Commissioners worked on this very, very hard, as well as staff and committee. There's been a lot of input, not only from Greg's area, but throughout the state. The intent here, as I've heard from our fellow Board members, is to treat that special area with a special solution.

That's our desire and that's strictly our desire. I don't think that any of us have an interest to go beyond that. I thought that was important to let you all know that.

That's my comment, sir.

PRESIDENT BOOP: Thank you, sir.

Any other Commissioners have comment?

Yes.

MR. ISABELLA: Mr. President, one more comment.

I'm hoping that after this vote we'll never use the "bait" word again.

PRESIDENT BOOP: Well, again, this is restricted to the southeast. Obviously, our special regulations areas in the southwest that there are other issues out there and that's not being addressed by this amendment. This is to address a special circumstance in a special part of the state. I don't think anyone should construe this as a feeling by the Board that we're going to move forward on the baiting issue and other areas, other than the special reg areas.

So, we're prepared to vote on the amendment.

MR. SCHREFFLER: May I make one comment?

PRESIDENT BOOP: Yes, Commissioner Schreffler.

MR. SCHREFFLER: I just wanted to say that I think most of us see this as addressing a pest and health issue here in the southeast. It has been intensifying. It's called out for a solution. The Game Commission is responsible for wildlife management in the state.

This was our initial approach here to try to solve this problem. It's not in any way really part of our recreational hunting program. It's a solution to a pest and health problem here.

I just wanted to make that clear.

PRESIDENT BOOP: I guess my only concern about that, Commissioner Schreffler, is I'm very uncomfortable referring to it, what I believe our greatest game animal as a pest. This is an effort to address a problem that we have in that area and I think we all realize that, but thank you.

Anyone else?

(No response.)

PRESIDENT BOOP: Okay, we're going to vote on the amendment. All those in favor of the amendment as stated, please indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: So we've had an unanimous vote on the amendment, so I guess now we need to vote on the main motion as amended.

All those in favor of the main motion as amended indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Just the Chair would like to thank Commissioner Isabella and all the others that have worked on this agenda item. This agenda item has generated hours of discussion at the committee, the committee meeting level and we've had a lot of input from Dr. Rosenberry and members of his staff and Director DuBrock. We're hoping that we can move forward with something that's going to be helpful to address the unique situation.

Thank you all.

Mr. Pouss.

MR. POUSS: Thank you, Mr. President.

The next item on your agenda starts on page 14 and comes from the Bureau of Wildlife Protection. It involves proposed rule making that is to amend 58 Pa. Code, Chapter 143, Subchapters A, B, C, D, E, J and K and Chapter 147, Subchapters R and S.

The Pennsylvania Game Commission has been working in joint partnership with the Pennsylvania Fish and Boat Commission to create and implement the Commonwealth's first Point-of-Sale licensing system. The PGC and PFBC intend to replace their own individual paper-based licensing systems with a common computer-based automated licensing system.

Implementing this computerized POS licensing system within this Commonwealth will significantly streamline the manual auditing and reporting for agents and provide tremendous new electronic functionality to assist the PGC and PFBC support staff in monitoring license administration.

In addition, the data from the POS licensing system will enable the PGC and PFBC to monitor license sales, create strategic business plans based on trend analysis and, most importantly, create marketing plans based on more accurate customer demographic. However, despite all of the enormous progress achieved so far, the PGC staff have identified the following various provisions that must be amended to accommodate the POS licensing system prior to it becoming operational.

You can see the various changes that need to be made on pages 14, 15, 16, 17, all the way to page 27 of your agenda.

PRESIDENT BOOP: This covers a lot of material on running from page 14 to 27, but generally referred to as a housekeeping item to prepare for our Point-of-Sale system.

You have the agenda item before you, is there a motion to approve?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Second?

MR. ISABELLA: Second.

PRESIDENT BOOP: Second, Commissioner Isabella.

It's been properly moved and seconded. Is there discussion on this agenda item?

(No response.)

PRESIDENT BOOP: Hearing none, we'll vote by voice.

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

We now move to page 28 of the booklet.

Mr. Pouss.

MR. POUSS: That item involves amending 58 Pa. Code, Chapter 141, §141.48 and Chapter 143, §§143,206 and 147.207. I think that should be §143.207.

The Commission recently redesignated all the elk management areas/units found within the Commonwealth's north central region as elk hunt zones. This redesignation is

reflected in the Commission's elk management plan as well as the 2006/2007 Hunting and Trapping Digest; however, this change is not properly reflected in the regulations.

In an effort to correct this lack of consistency, the following provisions must be amended to redesignated elk management areas/units as elk hunt zones.

You can see the changes to the various provisions on the page 28 of your agenda.

The Executive Director and staff recommend the Commission approve these changes.

PRESIDENT BOOP: You've heard the reading of this agenda item on page 28. Is there a motion?

MRS. PALONE: So moved.

PRESIDENT BOOP: Commissioner Palone.

Is there a second?

MR. SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

The motion has been properly moved and seconded. Is there discussion?

MR. SCHLEIDEN: Mr. President, I have one little correction or addition to Item A, the first paragraph. We want to just change or add a word here. "The divisional line between two or more elk hunt zones shall be the center of the highway natural water course," scratch the word "or" and it says, "other natural boundary or marked boundary."

We want to make certain that any of our properties that are marked that they're recognized as the boundary for the purposes of hunters so they don't get confused.

So we need to add the words "marked boundary."

PRESIDENT BOOP: We do have a handout to make that modification.

You've heard Commissioner Schleiden's amendment. Is there a second to the amendment?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

The amendment has been properly moved and seconded.

Is there discussion on the amendment?

(No response.)

PRESIDENT BOOP: No discussion being indicated.

We'll vote on the amendment by voice. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: The item is properly amended and now we'll vote on the main motion as amended.

All those in favor vote by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you.

We would recognize Regional Director Dusza, who is here, who has had input on this and he, and certainly,

Commissioner Schleiden, are well-versed in our elk program. We appreciate their input on the agenda item.

Mr. Pouss.

MR. POUSS: Thank you, Mr. President.

The next item on the agenda is on page 29 and involves amending 58 Pa. Code, Chapter 147, by adding §147.746.

Due to a change in Federal regulations that removes the necessity for a person to obtain a joint state/federal depredation permit to control the numbers of resident Canada geese on their property under certain circumstances, it is necessary to amend Chapter 147, Subchapter U by adding §147.476. The adoption of the amended regulations will place our regulations in compliance with the new Federal regulations regarding resident Canada geese.

You can see the changes to be made on pages 29 and 30.

The Executive Director and staff recommend the Commission approve this addition.

PRESIDENT BOOP: You've heard the reading of the agenda item.

Is there a motion?

MR. ISABELLA: Motion, Mr. President.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MRS. PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Properly moved and seconded.

Is there any discussion on the item?

(No response.)

PRESIDENT BOOP: Hearing none, vote by voice. All in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving on to page 31.

MR. POUSS: That involves amending 58 Pa. Code, Chapter 141, §§141.41, 141.43, 141.47.

The Commission has been receiving a number of requests from hunters to permit the lawful use of muzzleloading handguns to hunt various big game animals. Currently, all muzzleloading handguns are prohibited from use while hunting any big game animals.

Staff has determined that the use of muzzleloading handguns would be reasonable, so long as their use is limited to deer, bear, and elk and to .50 caliber or larger firearms only.

You can see the proposed changes to be made on pages 31 and 32 of your agenda.

The Executive Director and staff recommend the Commission approve these changes.

PRESIDENT BOOP: You've heard the reading of the agenda item by Mr. Pouss; is there a motion?

MRS. PALONE: So moved.

PRESIDENT BOOP: Commissioner Palone.

Is there a second?

MR. ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there discussion on the agenda item?

MR. SCHLEIDEN: Mr. President, I'm not going to amend it now, but having read this, I notice that on page 32 where it's lawful, Item 3 says, "have open sights." Somewhere down the road you might want to address that on the muzzleloader.

PRESIDENT BOOP: So that's a comment rather than an amendment?

MR. SCHLEIDEN: Yes, that's a comment.

PRESIDENT BOOP: All right.

Is there other discussion on the agenda item?

MRS. PALONE: That's just for the flintlock season.

PRESIDENT BOOP: Right.

Point duly noted by Commissioner Palone.

Any other comment?

(No response.)

PRESIDENT BOOP: If not, we will vote.

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(Commissioner Schreffler indicates no.)

PRESIDENT BOOP: Commissioner Schreffler.

MR. ISABELLA: Six/one in favor.

PRESIDENT BOOP: The Chair would like to complement Commissioner Palone for the work that she did on this agenda item and a point of interest that she has been involved with.

Thank you, Mr. Secretary.

Moving to the next agenda item.

MR. POUSS: Mr. President, the next item starts on page 33 of the agenda and involves amending 58 Pa. Code, Chapter 137, §137.1 and Chapter 147, §147.203.

On June 29, 2006, the Governor signed into law House Bill 1580, which effectively transfers all regulatory authority over cervidae propagation activities from the Commission to the Department of Agriculture as of June 29, 2006. In order to complete this transition, the Commission must amend 58 Pa. Code §137.1 (relating to importation, sale and release of certain wildlife) and 58 Pa. Code §147.203 (relating to pens, shelters and enclosures) to eliminate the remaining regulatory language concerning those cervidae activities no longer regulated by the Commission.

You can see that basically it's a deletion of all the various sections involved and you can see that through pages 33 through 35.

The Executive Director and staff recommend the Commission approve these changes.

PRESIDENT BOOP: You've heard the reading of the agenda item. Again, this is largely a housekeeping item.

Is there a motion to approve?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

Is there discussion on the agenda item?

MR. SCHLEIDEN: Question, Mr. President.

I forgot to ask this the other day when we were talking. Is that MOU that we had with PDA, is that still in effect or is that eliminated as well?

MR. DUSZA: The MOU itself is in effect as it relates to our CWD plans. There's probably going to have to be some amendments regarding whose responsibility and authority falls within that plan, but the plan is still in effect.

MR. SCHLEIDEN: Good, okay.

PRESIDENT BOOP: Is there other question or comment on the agenda item by any Commissioner?

(No response.)

PRESIDENT BOOP: Hearing none, we're prepared to vote.
All in favor?

(Signified aye.)

PRESIDENT BOOP: Opposed.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving on to page 36.

MR. POUSS: The next item, Mr. President, involves amending 58 Pa. Code, Chapter 147, by removing Subchapter G and amending §147.146.

On July 7, 2006, the Governor signed into law House Bill 1528, which effectively transfers all regulatory authority over taxidermy activities from the Commission to the Department of Agriculture as of October 5, 2006.

The statutory amendments made to the Game and Wildlife Code were limited to a minor amendment to Section 2904 (relating

to permit fees) and the complete elimination of Section 2926 (relating to taxidermy permits). In order to complete this transition, the Commission must eliminate the majority of the remaining taxidermy regulations found in 58 Pa. Code §§147.121 through 147.129.

However, in an intentional effort to continue certain accommodations made for taxidermists respecting the sale of unclaimed specimens, the Commission must relocate and incorporate the provisions currently found in §147.126 (relating to unclaimed specimen procedure) to §147.146 (relating to sale of inedible wildlife parts).

You can see the proposed changes on pages 36, 37, 38, 39 all the way to 42.

The Executive Director and staff recommend the Commission approve these changes.

PRESIDENT BOOP: Again, a similar item to the last one.

You've heard the reading by Mr. Pouss. Is there a motion?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MRS. PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: Hearing none, we'll vote by voice.

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to the next agenda item on page 43.

MR. POUSS: Mr. President, that involves amending 58 Pa. Code by adding Subchapter L, §§135.221 through 135.225.

The Commission last set license fees by policy in 1999. Since that time, it has been determined that such setting of fees should be accomplished by regulation. It has further been determined that the structure of the 1999 policy was cumbersome and strict application would result in failing to capture the true value of some licenses without negotiation.

The proposed regulations will allow for limited compensation for the cost of reviewing and approving right-of-way applications and establish minimum license fees which could then be negotiated within specific parameters to compensate the Commission for losses or private use of resources.

You can see the proposed changes which relate to licenses for rights-of-way on pages 43, 44 and 45 of your agenda.

The Executive Director and staff recommend the Commission approve these proposed regulations.

PRESIDENT BOOP: Thank you, Mr. Pouss.

Commissioners, you've heard the reading of the agenda item, is there a motion?

MR. SCHREFFLER: So moved.

PRESIDENT BOOP: Commissioner Schreffler.

Is there a second?

MR. SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: Hearing none, we'll vote by voice.

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to page 46.

MR. POUSS: The item on page 46 involves amending 58 Pa. Code, §§135.41 and 135.181.

In order to effectively manage its lands and to more effectively and efficiently recover lead and other shot from clay bird shooting activities, the Commission, under its authority granted in Title 34, Section 721(a), is proposing to limit clay bird shooting on Game Lands to designated areas only.

You can see the proposed changes on page 46 of the agenda.

The Executive Director and staff recommend the Commission approve this change.

PRESIDENT BOOP: You've heard the reading. Is there a motion?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. RILEY: Second.

PRESIDENT BOOP: Commissioner Riley.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: No discussion indicated. We'll vote by voice. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed the same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to page 47.

MR. POUSS: Involves hunting license revocations/convictions. Proposed recommendations to revoke hunting and furtaking privileges of the individuals convicted of violating the Game and Wildlife Code.

The Commission, under the authority of the Game and Wildlife Code, may revoke any hunting license and furtaker's license and deny any person the right to secure a license or to hunt and furtake anywhere in the Commonwealth, with or without a license, if said licensee or person has been convicted or signed an acknowledgment of violating any provision of the Game and Wildlife Code.

The Commission may revoke such licenses for a period not to exceed three years for the first offense; for a second or

subsequent offense, for such period of time as the Commission shall determine.

Persons denied the right to hunt or furtake in the Commonwealth through this action are notified by certified mail that the revocation will commence July 1, 2007, and continue for such period of time as set forth following the individual's name. The symbol "RA" means the revocation was added to an exiting revocation.

In accordance with the Administrative Agency Law, the person placed on revocations has the opportunity for an Administrative Hearing concerning the hunting license revocation. If an Administrative Hearing is requested, a petition for review must be filed at the Commission Headquarters within 30 days from the date of notice.

Unless deemed in the best interest of the Commission by the Director or a designee, hearings shall be conducted at the central office. Hearings will be conducted in accordance with the General Rules of Administrative Practice and Procedure. The hearing itself will be conducted in accordance with Chapter 35 of the Rules and Chapter 145 of the Pa. Code.

The Executive Director and Director of the Bureau of Wildlife Protection recommend that the Commissioner evoke the hunting and furtaking license privileges of the persons named by the Bureau of Wildlife Protection. Such revocations shall become effective July 1, 2007, and shall continue for such period of time and under the conditions set forth following each individual's name.

PRESIDENT BOOP: You've heard the reading of the agenda item, is there a motion?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MRS. PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: Mr. Palmer, I believe it would be helpful if you could just indicate what the intent of this is for the benefit of those in the audience, what we're trying to deal with?

MR. PALMER: This particular section here is just dealing with our standard revocation, the revocation list that's prepared by the Bureau of Wildlife Protection that comes in for Commission action. The reason the revocation period is extended till July 1, 2007, is so that a revocation doesn't take place in the middle of a license year.

PRESIDENT BOOP: So in other words, someone who has already bought a license and a week later they find out they had a revocation wouldn't be real happy with that.

MR. PALMER: Correct.

PRESIDENT BOOP: We're trying to correct that situation.

MR. PALMER: Correct.

PRESIDENT BOOP: Thank you for that

explanation.

Did that generate any other comment?

(No response.)

PRESIDENT BOOP: If not, we'll vote. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: I think before going to the Bureau of Wildlife Habitat Management, for purposes of the minutes, Ms. Peck, if we just would note that there was a notational vote some time ago by the Commissioners which is authorized where the Commissioners did vote by notation on some revocations of individuals that the revocations were divulged and rescinded so that those individuals would have an opportunity to buy a license during the current license year, so just would note that in the minutes for us.

MR. PALMER: Mr. President, we also have a supplemental that's being handed out.

PRESIDENT BOOP: This is a group that's not so lucky, right?

MR. PALMER: This is a supplemental that was required from Administrative Hearings that were taken as an option by people that received revocation. You can see the commentary on the individual and then the staff recommendation, as well.

PRESIDENT BOOP: The handout is being distributed. Give the Commissioners a minute to review.

We received the handout as a supplemental matter.

Mr. Pouss, do you want to enlighten us?

MR. POUSS: Yes, Mr. President.

The first item (A) involves an Administrative Hearing concerning the revocation of hunting and furtaking privileges.

Administrative Hearings are held to review the hunting and furtaking revocations for those persons who file a petition requesting a review, in accordance with the Administrative Agency Law.

The Commission was furnished a copy of the Findings of Fact, the Conclusions of Law, and the Recommendations of the Hearing Officer concerning the Administrative Hearing held at the request of each individual listed below. The Findings of Fact set forth the circumstances surrounding this matter.

The Executive Director recommends that the Commission approve the Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer, Andrew Lehman, allowing the revocation period to remain as originally ordered for each individual listed.

PRESIDENT BOOP: Thank you, and do you want to do the second page as well and we'll vote on all of them?

MR. POUSS: The next item (B) also relates to Administrative Hearings concerning rescinding the hunting and furtaking revocation.

The narrative is essentially the same as before. Administrative Hearings are held to review the hunting and furtaking revocations for those who file a petition requesting a review under the Administrative Agency Law.

The Commission was furnished a copy of the Findings of Fact, the Conclusions of Law, and the Recommendations of the Hearing Officer concerning the Administrative Hearing held at the request of the individual listed below. The Findings of Fact set forth the circumstances surrounding this matter.

The Executive Director recommends that the Commission approve the Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer, Andrew Lehman, allowing the revocation period to be rescinded, resulting in no revocation for the individual listed.

PRESIDENT BOOP: You've heard the reading, one group allowed to remain as originally ordered and the other to allow the rescission.

Is there a motion to approve?

MR. RILEY: So moved.

PRESIDENT BOOP: Commissioner Riley.

Is there a second?

MR. ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there any discussion by Commissioners on this agenda item which is not in the booklet?

MR. ISABELLA: Mr. President, are we going to be voting on this supplement combined?

PRESIDENT BOOP: We'll vote it combined, yes, unless the Commissioners feel differently.

Any other discussion?

(No response.)

PRESIDENT BOOP: All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed?

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you.

Thank you, Mr. Palmer, is that all from your Bureau?

Have a good day.

Moving on now to the Bureau of Wildlife Habitat Management, the Chair would recognize Mr. Klinger. Good morning, Scott.

MR. POUSS: Shall I proceed, Mr. President?

PRESIDENT BOOP: Please, Mr. Pouss, page 48.

MR. POUSS: Okay, the first item is a real estate acquisition. It involves Option No. 4071 involving 46.33 plus or minus acres of land in Williams Township, Dauphin County, adjoining State Game Lands No. 264, as shown on Exhibit RED-1, which is on page 49 of the agenda.

There are no new reservations. The option price is \$18,532 lump sum to be paid from monies escrowed from a coal lease to Ladnar, Inc., on State Game Lands No. 264.

The Executive Director and staff recommend the option listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with acquisition of this tract.

PRESIDENT BOOP: Commissioner Hill, are you here this morning?

MR. HILL: Yes, I am.

PRESIDENT BOOP: The Chair is used to hearing more from that side of the room. We would note that this agenda item is from former Commissioner Mohr's old area. Of course, Commissioner Mohr is no longer on the Board, but this agenda item I believe is pretty straightforward and, certainly, appears appropriate.

So is there a motion on the agenda item?

MR. HILL: I'll make that motion.

PRESIDENT BOOP: Thank you, Commissioner Hill.

MR. HILL: And I'll make a speech. Don't worry, it won't last more than 40 minutes.

PRESIDENT BOOP: Thank you, Commissioner Hill, all in good fun. We do miss Commissioner Mohr and his commentary. Thank you for the motion.

Is there a second?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

Is there any discussion on the agenda item?

(No response.)

PRESIDENT BOOP: Hearing none, we're prepared to vote.

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to page 50.

MR. POUSS: Mr. President, the item on page 50 involves a donation involving State Game Lands No. 302, West Finley Township, Washington County. It's Option No. 4702 and involves 112 acres more or less of land in West Finley Township, Washington County, an indenture to State Game Lands No. 302, as shown on Exhibit RED-2, which is on page 51 of your agenda, from the CNX Gas Company, LLC, and is being offered to the Commission as a donation.

The donor excepts and reserves all coal and other minerals with the surface rights necessary to mine and remove the minerals by any means or processes now or hereafter in existence. Further excepted and reserved is the perpetual right to use the surface for transportation of oil, gas, minerals and other hydrocarbon related substances. Finally, CNX is excepting and reserving all timber for a period of three years.

The Executive Director and staff recommend the donation listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the acquisition of this tract.

PRESIDENT BOOP: You've heard the reading. Is there a motion on this agenda item?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there discussion?

(No response.)

PRESIDENT BOOP: Commissioner Palone, this is from your area. Do you have any comment? It certainly seems appropriate.

MRS. PALONE: Well, I think it's a very good deal for the Commission and I just want to thank the southwest region, and Matt and Barry Zaffuto for all their work. Sometimes it's difficult to have a balance between using our lands, and conserving them and preserving them. I think they did a wonderful job working with our partner there.

That's all.

PRESIDENT BOOP: Thank you for those very appropriate comments.

Is there any other commentary?

(No response.)

PRESIDENT BOOP: Vote by voice. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Moving to page 52.

MR. POUSS: The next item, Mr. President, involves a land exchange involving State Game Lands No. 60, in Centre County.

ORD Sewer Authority has agreed to a land exchange involving a portion of an abandoned railroad grade approximately 6,070 feet long adjoining State Game Lands No. 60 situate in

Rush Township, Centre County, as shown on Exhibit RED-3, which is on page 53.

The Commission has limited use rights in this grade and the ORD Sewer Authority needs the land to extend sewer to the adjoining residents. The Commission will quitclaim all right, title and interest in the grade so as to allow the sewer project to move forward.

In exchange, ORD Sewer Authority will provide \$3,000 towards the purchase of property in the Flight 93 National Memorial in Shade Township, Somerset County, as approved by the Commission at its June 2006 meeting, and that's shown on Exhibit RED-4, which is on page 54 of your agenda. This exchange provides necessary additional funds over and above the \$120,000 provided by Amfire Mining Company in the previously referenced and approved exchange.

The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife.

The Executive Director and staff recommend these land exchanges be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the exchanges, as listed above.

PRESIDENT BOOP: You've heard the reading of the item. Is there a motion?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

Is there discussion?

(No response.)

PRESIDENT BOOP: Commissioner Schleiden, I believe this is from your area. You've made the motion. Did you want to offer any comment?

MR. SCHLEIDEN: It's pretty well self-explanatory.

MR. SCHREFFLER: It's an excellent move for us in the Flight 93 Game Lands.

Thank you.

PRESIDENT BOOP: Thank you, Gentlemen.

Anybody else?

(No response.)

PRESIDENT BOOP: We'll vote on the agenda item which appears on pages 52, 53 and 54. All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: All opposed?

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, sir.

Mr. Pouss.

MR. POUSS: The next item, Mr. President, starts on page 55 of the agenda and involves an anthracite coal deep mining lease on State Game Lands No. 264, Williams Township, Dauphin County, and Porter Township, Schuylkill County, Southeast Region.

Ladnar, Inc., of Hummelstown, PA, seeks to amend its existing Anthracite Coal Deep Mining Lease Agreement (Tract 264A-97) by adding an additional 13 acres to the existing lease. The proposed amendment area will encompass five acres for mine portal development and an additional eight acres for surface support to include a right-of-way for an electric line to provide power to the mine, as shown on Exhibit OGM-1, which is on page 57 of your agenda.

The royalty rate for each ton of coal mined, removed and marketed from the deep mine will be \$2.00 per ton or 5.5 percent of the current F.O.B. pit price, whichever is greater. This is an increase from the current lease royalty rate for deep mined coal, which is now at 3.5 percent of the then current F.O.B. pit price.

The proposed lease amendment has a potential coal royalty value to the Commission of approximately \$3,200,000 over the estimated ten-year life of the mine. All revenues generated from the proposed coal recovery operation will be directly deposited into the Commission's Game Fund.

All timber impacted as a result of the proposed amended lease area is deemed to be surface damages and will be assessed by the Southwest Region Forestry staff at double stumpage rate. Revenues generated from the timber impacts will be placed into the Game Fund. The Commission may elect to credit a portion of the timber value against the cost of Commission approved abandoned mine reclamation projects on State Game Lands No. 264.

These wildlife habitat enhancement and recreational improvement values credited for reclamation/revegetation projects shall be at the sole discretion of the Commission. Currently, there are numerous abandoned mine areas within State Game Lands No. 264 which have adversely impacted the area's wildlife resources and inherent use of the game lands and which may be eligible for these wildlife habitat enhancement and recreational improvement credits.

Mining will be regulated by the Commonwealth Surface and Underground Mining Regulations and the Commission's standard mining lease agreement. All other terms and conditions of the existing lease will remain unchanged.

The staff has reviewed this proposal and determined the total value of the coal royalty, timber, as well as the proposed reclamation is equal to or greater than the accumulated value for the lease.

The Executive Director and staff recommend this Anthracite Deep Mine Lease amendment be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

PRESIDENT BOOP: You've heard the reading of the agenda item. Is there a motion to approve?

MR. ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. SCHREFFLER: I'll second.

PRESIDENT BOOP: Commissioner Schreffler.

Is there discussion on the item?

MR. SCHREFFLER: I'd like to say something.

PRESIDENT BOOP: Yes, Commissioner Schreffler.

MR. SCHREFFLER: I'd like to just commend the staff for their work on this. I think they've done an excellent job and their negotiations.

PRESIDENT BOOP: I appreciate those comments.

Commissioner Isabella, anything to add?

MR. ISABELLA: Yes, this is in my region. We have a lot of coal mines and abandoned coal permits and I'm sure that the reclamation work that we're doing in that area, I did a tour of the game land and I forgot the number again, like east of Hegin's, Game Land No. 229.

It was a reclamation project and we are having outstanding regeneration in that game land. I'm sure our Land Management team and the Red, Gold team, the Red Team has got to get acknowledged, so I think this will be an excellent project and acquisition for us.

PRESIDENT BOOP: Thank you, Commissioner Isabella for those comments.

If there's no other commentary, we're prepared to vote. All those in favor of the agenda item indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to the next item.

MR. POUSS: I believe this is the final item, at least on the prepared agenda, and it can be found on page 58.

It involves a surface stone removal lease, State Game Lands No. 217, Lehigh County, Southeast Region.

Delaware Quarries, Inc., of New Hope, PA, has requested a lease to remove surface stone from a portion of a 17-acre tract of State Game Lands No. 217 in Lynn Township, Lehigh County, Exhibit OGM-2, which is on page 59 of your agenda. The Commission is considered to be the owner of the mineral rights on this tract of land.

The proposed stone removal operation will have a total surface impact of approximately 13.3 acres for the actual mining and additional 3.7 acres for support activities. The initial phase of the project allows for removal of stone incidental to the construction of a 2,300-foot administrative road to be constructed to the Commission's specifications. The Commission intends to use the new administrative road for future timber sale access and other administrative functions.

The administrative road will be completed by April 15, 2007, and stone removal will be limited to the immediate road corridor until such time as the road is complete. Additionally, the reclamation and habitat enhancement plan will require Delaware Quarries, Inc., to create several small vernal pond and wetland areas at locations designated by the Commission.

In exchange for the lease from the Commission, Delaware Quarries, Inc., will pay the Commission on a monthly basis, a royalty rate of \$5.50 or 12 percent of the then current F.O.B. pit price, whichever is greater, for each and every

marketable ton of stone removed from the lease area. All royalty revenues generated from the proposed operation will be deposited directly into the Game Fund. The proposed lease has a potential royalty value of approximately \$110,000.

The project will be regulated by the Commonwealth's Small Non-Coal Surface mining regulations and the Commission's standard lease agreement. The five-year lease will include the standard \$10,000 performance bond and environmental protection measures. In addition, the lease will include a wildlife habitat reclamation and revegetation plan developed by the local Land Management Group Supervisor.

The staff has reviewed this proposal and determined the total value of the stone royalty, timber, as well as the proposed wildlife enhancement projects is equal to or greater than the accumulated value for the lease.

The Executive Director and staff recommend the proposed lease be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

PRESIDENT BOOP: You've heard the reading of the agenda item. Is there a motion?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

Is there discussion on the agenda item?

(No response.)

PRESIDENT BOOP: Hearing none, we'll vote by voice.

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

As indicated by Mr. Pouss, those are all of the formal agenda items for the October business meeting.

I would like today, I see we have all six of them with us. We'd like to recognize the six Regional Directors that are here today with us, always available for comment. We have Regional Directors Warner, Killough, Dusza, Parr, Harbaugh and Hough. We appreciate your being here. It's always helpful to have you to refer to if there's questions that come up.

Since you're here in a group today, I'd like to recognize you. I appreciate the Bureau Director's help with the meeting today as well.

We're going to continue with our normal practice of having a press conference as soon as we can reorganize after we leave the stage here.

A couple other items that I'd like to note. I did make reference earlier this morning to Mr. Mohr's absence. This is Commissioner Riley's last official meeting. Of course, we had some recognition in June, but I would be remiss if I didn't note that he will be here. I think we want to present him with his parking plaques, so now you won't have to fight for a space at his hunting cabin if he puts that up.

I think I join with all the Commissioners and staff and the people here in saying that we will miss you and good hunting, John.

MR. RILEY: Thank you.

(Applause.)

PRESIDENT BOOP: Our next meeting, which will be our season and bag limits meeting, will be in January. We'll be meeting at 1 o'clock on Sunday, the twenty-first for public comment, and on Monday, the twenty-second, and our business meeting will be on Tuesday, the twenty-third. Sunday's session begins at 1:00. The other sessions begin at 8:30. We invite you all to come back for those meetings.

We appreciate your attendance here today and getting you out in good time. You can go back to work for a while and be in the woods by 5:00 with bows tonight. So, again, it's beautiful weather. We appreciate having you here.

The press conference will follow in the training room and then there will be a brief executive board meeting of the Commissioners, and all the Commissioners are welcome to attend and encouraged to attend that brief executive committee meeting.

At today's meeting I noted, there were a lot of times at the second -- excuse me, you have a new business item, Mr. Isabella?

MR. ISABELLA: Mr. President, I would like to ask staff to prepare a recommendation to extend legal shooting hours to one-half hour after sunset. Current shooting hours run from one-half hour before sunrise until sunset.

With our expanded deer seasons, I believe the antlered deer and in some cases the anterless deer have smarted up when rifle season arise. Other states have adopted this regulation. I believe now is the time for this regulation change in Pennsylvania.

PRESIDENT BOOP: I think, Commissioner Isabella, that is appropriately referred to committee for consideration. I believe that that involves probably two committees, both Commissioner Palone and Commissioner Schreffler's committees. We will be having committee meetings before the January meeting.

Hopefully, you will give due discussion to the request.

MR. ISABELLA: That's it.

PRESIDENT BOOP: Is that acceptable?

MR. ISABELLA: Yes.

PRESIDENT BOOP: Again, is there any other new business?

MR. SCHLEIDEN: Mr. President, I think properly under the circumstances we should also recognize that seat down here to the right. It seems like it's always in danger. Commissioner Hill is actually officially done today, too, as I understand it; is that correct, Commissioner? Your name was sent over.

MR. HILL: Conceivably, I guess I still have six months ticking, some portion would remain, so I guess if we had a special meeting I'd still be entitled. This could very well be my last meeting.

MR. SCHLEIDEN: So I just wanted to comment on that for the record just in case.

I certainly, Commissioner, I'm sure the rest of the Board appreciated you coming on board and learning so quickly, getting up to speed and giving us some sane advice. You played a very important role as we transitioned on the Executive Director's position. I wanted to personally thank you for that and in the case I don't have the opportunity to do that later on.

Thank you, sir.

PRESIDENT BOOP: I hope you'll all talk to your Senators, because if Commissioner Hill is not here in January, we're going to have a quorum issue, unless there's a new appointee. Certainly, Commissioner Hill has contributed and we'll hope he'll continue to be with us.

Yes, Commissioner Palone?

MRS. PALONE: Thank you, Mr. President.

On behalf of the Commission, I just wanted to thank Director Klinger for all his service to the Bureau of Wildlife Habitat Management and we all do appreciate it.

Thank you very much.

PRESIDENT BOOP: Any other items?

Again, I did want to note for the Commissioners that today in particular there have been a number of what I thought were simultaneous seconds to motions, so I've used a little discretion. I tried to be fair in terms of recognizing who I thought made the second, but I certainly didn't mean to slight anybody by making that judgment.

We do appreciate the attention and attendance of all the Commissioners and appreciate the attendance and attentiveness of the audience.

So if there's nothing further, we will entertain a motion to adjourn.

MR. RILEY: So moved.

PRESIDENT BOOP: Commissioner Riley.

Is there a second?

MR. ISABELLA: Second.

PRESIDENT BOOP: We're adjourned.

(Meeting adjourned 9:46 A.M.)

C E R T I F I C A T I O N

I hereby certify that the proceedings taken by me in the within matter are fully and accurately indicated in my notes and that this is a true and correct transcript of same.

Notary Public