

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

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QUARTERLY COMMISSIONERS MEETING

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BEFORE: GREGORY J. ISABELLA, President
James J. Delaney, Jr., Vice President
Ron A. Weaner, Secretary
Thomas E. Boop, Commissioner
David W. Scheffler, Commissioner
David J. Putnam, Commissioner
Robert W. Schlemmer, Commissioner
Ralph A. Martone, Commissioner

HEARING: Tuesday, October 6, 2009
8:38 a.m.

LOCATION: Holiday Inn Philadelphia Stadium
900 Packer Avenue
Philadelphia, PA 19148

WITNESSES: Jim Grace, Bill Capouillez

Reporter: Gina M. Brower

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PRESIDENT ISABELLA:

Good morning, ladies and gentleman, and welcome to the Quarterly Commissioners meeting. We just want to have --- just offer an opportunity for public comment again one more time. And at this time, I'd liked call Jim Grace. He's the Deputy Secretary for Parks and Forestry for DCNR; Jim. Jim, there's no time limit, so you can talk as long as you want.

MR. GRACE:

I'll be very quick. I'm here just to reinforce or encourage approval of one your pieces of business this morning, which is the land exchange between DCNR and the Game Commission involving lands at Pymatuning State Park, which will be going to the Game Commission lands along the Clarion River, which will be coming over to DCNR.

I think this is a win-win for both agencies. Staff from both agencies have been working over the last year. I think we've interacted well and come up with a very positive agreement. Since the Pennsylvania Fish and Boat Commission also has a facility in the area, we've included them in part of their discussions, although they're not formally part

1 of it. But we have interacted with their staff, and
2 we think we've met all of their needs as well. And
3 the University of Pittsburgh also has a facility at
4 the Pymatuning site, and I think we've taken care of
5 their needs. So I think this is a very, very positive
6 thing for both agencies. I think we've been working
7 cooperatively at Pymatuning for over 60 years. I
8 think this change in ownership just makes sense in the
9 proper management of that area.

10 And more recently, we've been working
11 very cooperatively along Clarion River. We see that
12 site as one with increased recreation and access to
13 the river, and I think we both agree that it probably
14 make more sense for us to manage that along with the
15 State Park and the State Forest system. So I will be
16 here to answer any questions that you have when you
17 bring up that piece of business. But I very much hope
18 you'll endorse it, and it's been a pleasure working
19 with your staff to get to this point.

20 PRESIDENT ISABELLA:

21 Any questions for the Secretary,
22 Commissioners?

23 NO RESPONSE

24 PRESIDENT ISABELLA:

25 Thank you. Any other public comment?

1 NO RESPONSE

2 PRESIDENT ISABELLA:

3 All right. With that, we're going to
4 call to order the business meeting for the
5 Pennsylvania Game Commission. And with that, let's
6 stand for the Pledge of Allegiance.

7 PLEDGE OF ALLEGIANCE RECITED

8 PRESIDENT ISABELLA:

9 Mr. Secretary, roll call, please?

10 MR. WEANER:

11 Mr. President, all eight Commissioners
12 are present.

13 PRESIDENT ISABELLA:

14 Thank you, Mr. Secretary. At this time,
15 I would like to --- I'd like a motion for approval of
16 the minutes.

17 MR. SCHLEMMER:

18 So moved.

19 MR. DELANEY:

20 So moved.

21 PRESIDENT ISABELLA:

22 Commission Schlemmer, seconded by
23 Commissioner Delaney; any discussion? All in favor
24 signify by saying aye.

25 AYES RESPOND

1 PRESIDENT ISABELLA:

2 Opposed?

3 NO RESPONSE

4 MR. WEANER:

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

7 PRESIDENT ISABELLA:

8 Thank you, Mr. Secretary. At this time,
9 I would like to call on Agency Counsel, Brad.

10 ATTORNEY BECHTEL:

11 Yes, sir. Your first item today comes
12 from the Bureau of Information and Education. It's on
13 page two of your Agenda. It concerns Prize Money for
14 Working Together for Wildlife and Waterfowl Management
15 Stamp Art Contest.

16 In addition to their high visibility and
17 the attention and goodwill they create, sales from the
18 Working Together for Wildlife and Waterfowl Management
19 Stamp programs now generate annual revenues, monies
20 the Agency uses to help fund important land
21 acquisition and habitat management programs.
22 Continued success of both fine-art print programs is
23 very much dependent on the availability of top quality
24 wildlife paintings from Pennsylvania's finest wildlife
25 artists.

1 In the past, only those artists whose
2 paintings were selected as first place winners, and
3 whose paintings became the property of the Commission
4 received compensation. More than ten years ago, fees
5 were added for first --- or for second through fifth
6 places. The fees have not been adjusted since then.
7 If we are to continue receiving saleable, quality
8 entries in the Working Together for Wildlife and
9 Waterfowl Management Stamp fine-art programs, then we
10 need to continue to provide reasonable financial
11 incentives.

12 After careful study on the wildlife fine-
13 art market, and in consultation with recognized
14 artists and gallery operators, the Staff recommends
15 that on an annual basis for one-time publication
16 rights only, the following cash awards be made to
17 other placing entries in both contests; specifically
18 Second Place Award, \$750; Third Place Award, \$500;
19 Fourth Place Award, \$400; and Fifth Place Award, \$250.
20 Thank you.

21 PRESIDENT ISABELLA:

22 Thank you, Brad. You heard the reading
23 of the commentary. Is there a motion?

24 MR. BOOP:

25 So moved.

1 MR. SCHREFFLER:

2 So moved.

3 PRESIDENT ISABELLA:

4 Commissioner Boop, seconded by
5 Commissioner Schreffler. Discussion? There's no
6 discussion. All in favor signify by saying aye.

7 AYES RESPOND

8 PRESIDENT ISABELLA:

9 Opposed?

10 MR. WEANER:

11 Mr. President, the vote is unanimously
12 yes.

13 PRESIDENT ISABELLA:

14 Thank you, Mr. Secretary.

15 ATTORNEY BECHTEL:

16 The next item to come before the
17 Commission is Adopted Rule Making. The adoption of
18 proposed amendments to Chapter 143 by adding Section
19 413.203a.

20 To effectively manage the wildlife
21 resources of this Commonwealth, the Game Commission,
22 at its July 9, 2009 meeting proposed the following
23 changes. Amend Chapter 143 by adding Section 143.203a
24 relating to the special elk conservation license
25 auction and license issuance process.

1 The Executive Director and Staff
2 recommend Final Adoption of this amendment to 58 Pa.
3 Code as shown in Exhibit A on page four of your
4 agenda.

5 PRESIDENT ISABELLA:

6 Thank you, Brad. You heard the reading
7 of the commentary; is there a motion?

8 MR. WEANER:

9 So moved.

10 PRESIDENT ISABELLA:

11 Commissioner Weaner? Second?

12 MR. SCHREFFLER:

13 Second.

14 PRESIDENT ISABELLA:

15 Commissioner Schreffler. Discussion?

16 All those in favor signify by saying aye.

17 AYES REPSOND

18 PRESIDENT ISABELLA:

19 Opposed?

20 MR. WEANER:

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

23 PRESIDENT ISABELLA:

24 Thank you, Mr. Secretary.

25 ATTORNEY BECHTEL:

1 The next item proposed on page five of
2 your Agenda, and it is also an adoption of proposed
3 new amendments to Chapter 141, Section 141.20, and
4 Chapter 147, Sections 147.101 through 147.112a.

5 To effectively manage the wildlife
6 resources of this Commonwealth, the Game Commission,
7 at its July 9th, 2009 meeting proposed the following
8 changes. Amend Section 141.20 relating to protective
9 material required for falconry, and Sections 147.101
10 through 147.112a relating to falconry, to meet the new
11 Federal standards, as well as simplify, reorganize and
12 enhance current state regulations pertaining to
13 falconry. The Executive Director and Staff recommend
14 Final Adoption of these amendments to 58 Pa. Code as
15 shown on Exhibit B, on page 6 through 19 of your
16 Agenda.

17 PRESIDENT ISABELLA:

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

20 MR. DELANEY:

21 I'll make that motion.

22 PRESIDENT ISABELLA:

23 Commissioner Delaney. Is there a second?

24 MR. WEANER:

25 Second.

1 PRESIDENT ISABELLA:

2 Commissioner Weaner. Discussion?

3 Commissioners, at this time, I'd like to introduce an
4 amendment. It's been passed out as Exhibit B. It's
5 in the blue flyer that we had passed out. I want to
6 make sure everybody has that. Any discussion on the
7 amendment? Okay. Can I have a Second? Second,
8 Commissioner Schreffler. Any discussion?

9 NO RESPONSE

10 PRESIDENT ISABELLA:

11 With that vote, all those in favor of the
12 amended motion, signify by saying aye.

13 AYES RESPOND

14 PRESIDENT ISABELLA:

15 Opposed?

16 MR. WEANER:

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

19 PRESIDENT ISABELLA:

20 Okay. Thank you, Mr. Secretary. Now,
21 we're going to vote on the amended motion. All those
22 in favor signify by saying aye.

23 AYES RESPOND

24 PRESIDENT ISABELLA:

25 Opposed?

1 MR. WEANER:

2 The vote is unanimously yes.

3 PRESIDENT ISABELLA:

4 Thank you, Mr. President (sic).

5 ATTORNEY BECHTEL:

6 The next item appears on page 20 of your
7 Agenda. It concerns the adoption of proposed
8 amendments to Chapter 147 by adding Section 147.558a.

9 To effectively manage the wildlife
10 resources of this Commonwealth, the Game Commission,
11 at its July 9th, 2009 meeting, proposed the following
12 change. To Amend Chapter 147, by adding Section
13 147.588a relating to political subdivisions as
14 applicants to authorize political subdivisions to make
15 application for an agricultural deer control permit
16 for the limited purpose of managing the agricultural
17 deer control activities occurring on a conglomeration
18 of separate, but otherwise individually eligible
19 properties located within the jurisdictional
20 boundaries of the political subdivision.

21 The Executive Director and Staff
22 recommend Final Adoption of this amendment to 58 Pa.
23 Code as shown on Exhibit C on page 21 of you Agenda.

24 PRESIDENT ISABELLA:

25 Thank you, Brad. Commissioners, you

1 heard the reading of the commentary; is there a
2 motion?

3 MR. SCHREFFLER:

4 So moved.

5 PRESIDENT ISABELLA:

6 Commissioner Schreffler. Second?

7 MR. WEANER:

8 Second.

9 PRESIDENT ISABELLA:

10 Commission Weaner. Discussion? If no
11 discussion, all in favor signify by saying aye.

12 AYES RESPOND

13 PRESIDENT ISABELLA:

14 Opposed?

15 MR. WEANER:

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

18 PRESIDENT ISABELLA:

19 Thank you, Mr. Secretary.

20 ATTORNEY BECHTEL:

21 The next item concerns Proposed Rule
22 Making. This rule would amend 58 Pa. Code, Section
23 137.1. Currently, Section 137.1 prohibits the
24 importation of certain species of exotic and native
25 wildlife determined to be dangerous or injurious to

1 the public, native wildlife or native wildlife
2 habitat, such as nutria, bears and primates.

3 This prohibition applies to all persons,
4 including those currently possessing exotic wildlife
5 dealer permits, exotic wildlife possession permits and
6 menagerie permits. The Commission has recently been
7 approached by a number of menagerie permit holders who
8 have alleged that these importation restrictions
9 unnecessarily restrict their ability to import and
10 possess certain popular wildlife, and thus limit their
11 ability to gain a livelihood. These menagerie permit
12 holders have formally requested relief from these
13 importation and possession restrictions.

14 To this end, the Commission is proposing
15 to amend Section 137.1 to exempt menagerie permit
16 holders who possess a USDA Class C Exhibitor permit
17 and who operate their menagerie facilities as their
18 primary means of gaining a livelihood from the
19 possession and importation prohibitions of this
20 section. The text is shown on page 22. The Executive
21 Director and Staff recommend the Commission approve
22 this change to 58 Pa. Code, Section 137.1

23 PRESIDENT ISABELLA:

24 Thank you, Brad. Commissioners, you
25 heard that reading of the commentary. Do I have a

1 motion?

2 MR. SCHLEMMER:

3 So moved.

4 PRESIDENT ISABELLA:

5 Commissioner Schlemmer. Second?

6 MR. WEANER:

7 Second.

8 PRESIDENT ISABELLA:

9 Commissioner Weaner. Discussion?

10 Commissioner Boop?

11 MR. BOOP:

12 I just would like to commend Staff for
13 resolving this issue. I know that this was a concern
14 that a number of people felt very passionately about.
15 And I'm just pleased that it's been resolved,
16 apparently to the satisfaction of all of the
17 interested parties.

18 PRESIDENT ISABELLA:

19 Thank you, Commissioner. Any other
20 comments? With that, all in favor signify by saying
21 aye?

22 AYES RESPOND

23 PRESIDENT ISABELLA:

24 Opposed?

25 MR. WEANER:

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

3 PRESIDENT ISABELLA:

4 Thank you, Commissioner.

5 ATTORNEY BECHTEL:

6 The next item also concerns proposed
7 rulemakings to amend 58 Pa. Code, Section 141.22.

8 In recent years, the Commission has been
9 moving towards a comprehensive restructuring of the
10 regulations attending the Code. The goals of the
11 restructuring of the regulations are primarily focused
12 on simplifying and making the language more
13 understandable to its users.

14 In January 2009, the Commission completed
15 its efforts to rewrite the regulatory structures
16 relating to the big game seasons. The Commission
17 intends to carry the theme set forth in these changes
18 to other chapters of the regulations to establish
19 clear correlations between related seasonal
20 information.

21 In an effort to promote consistency and
22 clarity in the regulations pertaining to small game
23 seasons, as well as expand opportunity and increase
24 participation in small game hunting within this
25 Commonwealth, the Commission is proposing to amend

1 Section 141.22 as shown on pages 23, 24 and 25 of your
2 Agenda. The Executive Director and Staff recommend
3 the Commission approve these changes to 58 Pa. Code,
4 Section 141.22.

5 PRESIDENT ISABELLA:

6 Thank you, Brad. Commissioners, is there
7 a motion?

8 MR. WEANER:

9 So moved.

10 PRESIDENT ISABELLA:

11 Commissioner Weaner. Second?

12 MR. SCHREFFLER:

13 Second.

14 PRESIDENT ISABELLA:

15 Commissioner Schreffler. Any discussion?

16 MR. DELANEY:

17 President Isabella, I'd like to make a
18 motion to amend this proposal.

19 PRESIDENT ISABELLA:

20 All right, Commissioner. We have an
21 amendment on the floor. Is there a Second?

22 MR. BOOP:

23 I'll second.

24 MR. DELANEY:

25 It should read the amendment is to change

1 the references on page 24, to .22 caliber under
2 permitted devices, subparagraph One and prohibitions
3 subparagraph One to reflect .23 caliber.

4 COMMISSIONER BOOP:

5 I'll second Commissioner Delaney's
6 amendment.

7 PRESIDENT ISABELLA:

8 Seconded by Commissioner Boop. Any
9 discussion? With that, all in favor of the amendment
10 signify by saying aye.

11 AYES RESPOND

12 PRESIDENT ISABELLA:

13 Opposed?

14 MR. WEANER:

15 Mr. President, the vote on the amendment
16 is unanimously yes.

17 PRESIDENT ISABELLA:

18 Thank you, Mr. Secretary. Now,
19 Commissioners, we're going to vote on the amended
20 motion. All in favor signify by saying aye.

21 AYES RESPOND

22 PRESIDENT ISABELLA:

23 Opposed?

24 COMMISSIONER WEANER:

25 Mr. President, the vote on the motion is

1 also unanimously yes.

2 PRESIDENT ISABELLA:

3 Thank you, Mr. Secretary.

4 ATTORNEY BECHTEL:

5 The next item concerns amendment of 58
6 Pa. Code, Sections 147.902 and 147.904.

7 In July 2009, the Commission added
8 Subchapter Y to Chapter 147 to relocate, consolidate
9 and more clearly define the permitting process for
10 persons interested in guiding other hunters or
11 trappers for certain designated species. The
12 Commission has recently been approached by a number of
13 houndsmen who have formally requested the expansion of
14 this newly created subchapter to authorize commercial
15 coyote guiding activities on State game lands.

16 The Commission is proposing to amend
17 Sections 147.902 and 147.904 to specifically authorize
18 property permitted individuals to engage in commercial
19 coyote guiding activities on State game lands. The
20 text appears on page 26 of your Agenda. The Executive
21 Director and Staff recommend the Commission approve
22 these changes to 58 Pa. Code, Sections 147.902 and
23 147.904.

24 PRESIDENT ISABELLA:

25 Thank you, Brad. Commissioners, is there

1 a motion?

2 MR. BOOP:

3 So moved.

4 PRESIDENT ISABELLA:

5 Commissioner Boop. Second?

6 MR. SCHLEMMER:

7 Second.

8 PRESIDENT ISABELLA:

9 Commissioner Schlemmer. Any discussion?

10 All in favor signify by saying aye.

11 AYES RESPOND

12 PRESIDENT ISABELLA:

13 Opposed?

14 MR. WEANER:

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

17 PRESIDENT ISABELLA:

18 Thank you, Mr. Secretary.

19 ATTORNEY BECHTEL:

20 The next item concerns hunting license
21 revocations for convictions. Proposed recommendations
22 to revoke the hunting and fur-taking privileges of the
23 individuals convicted of violating the Game and
24 Wildlife Code.

25 The Commission, under authority of the

1 Game and Wildlife Code, may revoke any hunting license
2 and fur-taker's license and deny any person the right
3 to secure a license or to hunt and fur-take anywhere
4 in the Commonwealth, with or without a license, if
5 said licensee or person has been convicted, or signed
6 an acknowledgement of violating any provision of the
7 Game and Wildlife Code. The Commission may revoke
8 such licenses for a period of not to exceed three
9 years for the first offense; for a second or
10 subsequent offense, for such period of time as the
11 Commission shall determine.

12 Persons denied the right to hunt or fur-
13 take in the Commonwealth through this action, are
14 notified by Certified Mail that revocation will
15 commence July 1, 2010, and continue for such period of
16 time as set forth following the individual's name.
17 The symbol RA means the revocation was added to an
18 existing revocation.

19 In accordance with the Administrative
20 Agency Law, the person placed on revocation have the
21 opportunity for an Administrative Hearing concerning
22 the hunting license revocation. If an Administrative
23 Hearing is requested, a petition for review must be
24 filed at the Commission Headquarters within 30 days
25 from the date of the notice. Unless deemed in the

1 best interest of the Commission by the Director or a
2 designee, hearings shall be conducted at the central
3 office. Hearings are conducted in accordance with the
4 General Rules of Administrative Practice and
5 Procedure, and the hearing itself is conducted in
6 accordance with Chapter 35 of the Rules and Chapter
7 145 of the Pennsylvania Code.

8 The Executive Director and the Wildlife
9 Protection Director recommend that the Commission
10 revoke the hunting and fur-taking license privileges
11 of the persons named by the Bureau of Wildlife
12 Protection. Such revocation shall become effective
13 July 1, 2010, and shall continue for such period of
14 time and under the conditions set forth following each
15 individual's name.

16 PRESIDENT ISABELLA:

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

19 MR. DELANEY:

20 So moved.

21 PRESIDENT ISABELLA:

22 Commissioner Delaney. Second?

23 MR. WEANER:

24 Second.

25 PRESIDENT ISABELLA:

1 Commissioner Weaner. Any discussion?
2 This item here also includes this supplemental that
3 we've received, the blue copy. Does every
4 Commissioner have it?

5 MR. WEANER:

6 Yes.

7 MR. DELANEY:

8 Yes.

9 PRESIDENT ISABELLA:

10 Okay. Any discussion on that?

11 NO RESPONSE

12 PRESIDENT ISABELLA:

13 All in favor signify by saying aye.

14 AYES RESPOND

15 PRESIDENT ISABELLA:

16 Opposed?

17 MR. WEANER:

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

20 PRESIDENT ISABELLA:

21 Thank you, Mr. Secretary.

22 ATTORNEY BECHTEL:

23 The first item to come before the
24 Commission with regard to real estate is the report on
25 an Executive Session that was held September 3rd,

1 2009. The Board of Commissioners met on September 3rd
2 of 2009 and discussed an auction of a tract of land
3 consisting of 71 plus or minus acres of land on State
4 Game Land Number 118 in Walker Township, Huntingdon
5 County offered by Beverly Beeper (phonetic). Staff
6 was approved to bid at the auction to purchase the
7 property.

8 The property is entirely forested over
9 gently rolling terrain and is accessed by a 16-foot
10 purported right-of-way into the property. Acquiring
11 this property would provide vital access into this
12 portion of the State game lands 118, which is
13 currently inaccessible due to physical constraints and
14 no legal access. The Bureau of Wildlife Habitat
15 Management attended the auction on September 30th,
16 2009, and was successful in acquiring the property for
17 \$250,000.

18 The next item for real estate concerns
19 acquisition. This would be Contract Number 3557,
20 State Game Lands Number 211, Dauphin County.

21 The Harrisburg Authority has offered the
22 Game Commission two easements across property owned by
23 the Authority in Rush Township, Dauphin County to
24 allow administrative and public access into State Game
25 Lands Number 211 as shown on Exhibit RED-1 on page 29

1 heard the reading of the commentary. Is there a
2 motion?

3 MR. BOOP:

4 So moved.

5 PRESIDENT ISABELLA:

6 Commissioner Boop. Second?

7 MR. SCHREFFLER:

8 Second.

9 PRESIDENT ISABELLA:

10 Commissioner Schreffler. Is there any
11 discussion?

12 NO RESPONSE

13 PRESIDENT ISABELLA:

14 Okay. All in favor signify by saying
15 aye.

16 AYES RESPOND

17 PRESIDENT ISABELLA:

18 Opposed?

19 MR. WEANER:

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

22 PRESIDENT ISABELLA:

23 Thank you, Mr. Secretary.

24 ATTORNEY BECHTEL:

25 The next item concerns a land exchange of

1 contract number 3558 involving State Game Lands Number
2 214 in Crawford County, Number 54 in Jefferson County,
3 Number 283 in Clarion County, Number 62 in McKean
4 County and Number 44 in Elk County.

5 For years, the Pennsylvania Game
6 Commission and the Department of Conservation and
7 Natural Resources, two of the largest landowners in
8 the Commonwealth, have acquired lands for public use,
9 but have differing primary objectives and uses for
10 these lands. As land has been acquired, situations
11 have arisen over the years in which contrasting land
12 use policies and regulations that cause confusion for
13 the general public, and a decreased ability for each
14 agency to meet its management and public recreational
15 goals.

16 As part of a decade-long discussion, the
17 two agencies have prepared the following series of
18 exchanges aimed at easing conflicts while enhancing
19 the two separate agencies' abilities to meet their
20 independent objectives. In fact, since 1987, the two
21 agencies have been working collaboratively through a
22 cooperative agreement on management of a large portion
23 of the Pymatuning Wildlife Management Area, in which
24 portions are designated as State Game Land Number 214
25 and Pymatuning State Park. Likewise, the two agencies

1 recently have been working collaboratively on the
2 management of DCNR surface ownership of State Game
3 Land Number 283 where the PGC has easement ownership
4 rights.

5 In addition to the two major exchanges
6 involving portions of Pymatuning State Park and the
7 State Game Land Number 283, the two agencies are
8 taking time to address other smaller exchanges that
9 will also enhance the ability of each agency to
10 address recreational infrastructure needs, which also
11 will benefit the general public's use of these lands.

12 A breakdown of each exchange is as
13 follows. DCNR agrees to cause to be conveyed to the
14 Game Commission, a tract of land, which is a portion
15 of Pymatuning State Park in North Shenango, Sadsbury
16 and Pine Townships, Crawford County, adjacent to State
17 Game Land Number 214, containing 4,248 acres as shown
18 on Exhibit RED-2 on page 32 of your agenda,
19 conditioned by DCNR and the Game Commission to allow
20 for potential trail use agreement on the abandoned
21 railroad grade located to the north of the property.

22 In addition, a two-acre tract of land
23 more or less adjacent to State Game Land Number 54 in
24 Heath Township, Jefferson County as shown on Exhibit
25 RED-3 on page 33 will also be conveyed to the Game

1 Commission. DCNR will retain currently-owned interior
2 infrastructure such as the septic sand mounds, the
3 house, the garage, the stowaway, the Spillway, the
4 bowl area, the sluice gates, the water well and the
5 picnic areas as shown on Exhibits RED-4 and RED-5, on
6 pages 34 and 35 of your Agenda.

7 The Game Commission and DCNR agree to a
8 shared use of the existing water well, septic sand
9 mound and related infrastructure. But each agency is
10 retaining a protective right for future use in the
11 event that either agency abandons their respective
12 future use. DCNR will retain ownership of the lands
13 currently leased to the University of Pittsburgh and
14 the Pennsylvania Fish and Boat Commission to include
15 the Linesville State Fish Hatchery and its affiliated
16 infrastructure, as well as the land 100 feet
17 perpendicular from the shore into the sanctuary water,
18 commencing at and including the Linesville Creek as
19 shown on Exhibit RED-6 on page 36.

20 In exchange, the Game Commission agrees
21 to cause to be conveyed to DCNR, five tracts of land
22 or surface easement rights constituting a part of
23 State Game Land Number 283 in Farmington, Highland and
24 Mill Creek Townships, Clarion County, containing 4,573
25 plus or minus acres, accepting a right-of-way 50 feet

1 in width to the Game Commission as shown on Exhibit
2 Red Seven on page 37. In addition to partaking number
3 54 in Heath Township, Jefferson County calculated that
4 181 acres shown on Exhibit Red Eight on page 38, a
5 part of state game land number 62 in Hamlin Township
6 in Keane County containing ten acres, accepting a
7 right-of-way of access into the Game Commission on
8 state game land number 62 through Kinzua Bridge State
9 Park, Exhibit Red Nine on page 39, and a part of state
10 game land number 44 in Spring Creek Township, Elk
11 County calculated at 52 acres shown on Exhibit Red 10
12 on page 40 will be conveyed to DCNR. The lands being
13 transferred to DCNR will remain open to public funding
14 and partaking in perpetuity to the extent allowed by
15 law. The Executive Director and Staff recommend the
16 contract listed above to be accepted and the
17 Commission authorize the Bureau of Wildlife Habitat
18 Management to proceed with these exchanges.

19 PRESIDENT ISABELLA:

20 Thank you, Brad. Commissioners, you
21 heard the reading of the commentary. Is there a
22 motion?

23 COMMISSIONER DELANEY:

24 Mr. President, I'll make that motion.

25 PRESIDENT ISABELLA:

1 Commissioner Delaney. Second?

2 COMMISSIONER MARTONE:

3 I'll second it.

4 PRESIDENT ISABELLA:

5 Commissioner Martone. Discussion? Bill,
6 can you just expand on what Brad said in the
7 commentary and just give a little historical of where
8 we are today?

9 MR. CAPOUILLEZ:

10 Sure, I'd be happy to. This exchange,
11 pontooning land at the park area, there's a water
12 fountain management project in the program that's gone
13 on here for years. We've worked cooperatively with
14 DCNR. A lot of the area is open water for water
15 fountain management. There are some draw down
16 opportunities there for water fountain management.
17 But there's other uses that are going on there, along
18 with the Linesville Hatchery or the wall, as well as
19 some of the recreational uses for DCNR. They have a
20 carp feeding station there that is well-known and
21 publicly prestigious in that area.

22 There's been a lot of opportunity with
23 regard to doing management. But having that land and
24 having that acquisition ability has been an issue both
25 with us and DCNR for our mission, as well as for

1 theirs. And Clarion River, where a lot of these lands
2 owned from the Game Commission go into DCNR; you heard
3 Jim Grace speak earlier as far as recreational uses,
4 there's canoeing, horseback riding, camping, those
5 types of things. A lot of stuff that are secondary
6 uses on game lands that in some instances aren't even
7 permitted with regard to Title 34.

8 Now there's an opportunity for the
9 general public to be able to reap those recreational
10 benefits, and for both agencies to actually meet their
11 objectives as far as management. The Kinzua Bridge
12 State Park area, that parcel allows for DCNR to drill
13 some water wells which are needed for some of that
14 infrastructure. And then Ford Island, which has been
15 a big issue and the opportunity, we have an I&E
16 building up on Ford Island. We don't own the land;
17 DCNR owns the land. Our ability to put more money
18 into preparing that and fixing that building up, you
19 know, again, is conducive that we own the land. So
20 just a lot of issues that have been ongoing for years,
21 just as lands have been acquired and management goals
22 have been in the area. This just cleans everything
23 up. And it's certainly a win-win and a benefit for
24 everyone.

25 PRESIDENT ISABELLA:

1 Commissioners, any other questions?
2 Commissioner Delaney?

3 COMMISSIONER DELANEY:

4 Bill, this land exchange, as far as I can
5 see, is probably one of the biggest land changes the
6 Game Commission has ever done. I have the Deputy
7 Secretary here with us today. I absolutely --- I'm
8 thrilled to see the cooperative effort that both
9 agencies have done on this to, first of all, create
10 better wildlife habitat and create more opportunities
11 for our sportsmen and sportswomen. So I commend DCNR
12 and your staff, the entire staff here for trying to
13 make this happen. I realize that this has been years
14 in the working, and it seems like it's finally coming
15 to some fruition. So I appreciate the work that you
16 have done, that your staff has done and the Deputy
17 Secretary with DCNR.

18 MR. CAPOUILLEZ:

19 Thank you.

20 PRESIDENT ISABELLA:

21 Commissioners, any further questions?
22 Commissioner Schlemmer.

23 COMMISSIONER SCHLEMMER:

24 I have one comment. And I'd just like to
25 for the benefit of sportsmen, reemphasize the fact

1 that all these lands that are being transferred to
2 DCNR will remain open to the public hunting and fur
3 taking in the future. So they're not losing any
4 rights.

5 MR. CAPOUILLEZ:

6 That's correct.

7 PRESIDENT ISABELLA:

8 Any more comments, Commissioners? With
9 that, let's end this long saga. All those in favor
10 signify by saying aye.

11 AYES RESPOND

12 PRESIDENT ISABELLA:

13 Opposed?

14 MR. WEANER:

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

17 PRESIDENT ISABELLA:

18 Thank you, Mr. Secretary.

19 ATTORNEY BECHTEL:

20 The next item also concerns an exchange
21 of contract number 3559, State game land number 40 in
22 Carbon County, some State game land number 221 in
23 Monroe County. MFT Real Estate, LLC has proposed a
24 land exchange of three acres of State game land number
25 40, the east side burough of Carbon County, for

1 expansion of their adjoining business as shown on
2 Exhibit Red 11 on page 42. This particular three
3 acres is detached from State game land number 40 by PA
4 Route 534.

5 In exchange for the aforesaid three
6 acres, MFT Real Estate, LLC has agreed to transfer 50
7 acres more or less of land located in Barrett
8 Township, Monroe County. The property is an indenture
9 into State game land number 221 and is shown on
10 Exhibit Red 12 on page 43. The gently sloping track
11 is forested with mixed oaks and low bush blueberries
12 in the understory. The Executive Director and Staff
13 recommend the contract listed above be accepted, and
14 the Commission authorize the Bureau of Wildlife
15 Habitat Management to proceed with this exchange.

16 PRESIDENT ISABELLA:

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

19 COMMISSIONER SCHLEMMER:

20 So moved.

21 PRESIDENT ISABELLA:

22 Commissioner Schlemmer. Second?

23 COMMISSIONER BOOP:

24 Second.

25 PRESIDENT ISABELLA:

1 Commissioner Boop. Any discussion? No
2 discussion. All in favor signify by saying aye.

3 AYES RESPOND

4 PRESIDENT ISABELLA:

5 Opposed?

6 MR. WEANER:

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

9 PRESIDENT ISABELLA:

10 Thank you, Mr. Secretary. Ladies and
11 gentlemen, that concludes our business end.
12 Commissioners, any new business?

13 MR. ROE:

14 I don't have any new business. I would
15 just like to say something if I could.

16 PRESIDENT ISABELLA:

17 Yes, Commissioner.

18 MR. ROE:

19 Are you about finished?

20 PRESIDENT ISABELLA:

21 Yes.

22 MR. ROE:

23 This isn't really new business but, you
24 know, it's the beginning of October; this is our time,
25 folks. I mean, it's a great year out there this year.

1 And I just would encourage everybody to get in the
2 outdoors; you know? As I have an opportunity to
3 travel around the country and in Canada, and we talk
4 to outfitters and we talk to guides, and they love
5 Pennsylvania hunters. I mean, we have --- we've got
6 one of the best hunting cultures certainly in the
7 lower 48, and a great agency. And we're not going to
8 get these days back for the next five months, so don't
9 miss out. You know, a friend of mine has a sign in
10 his hunting cabin; if you're too busy to go hunting,
11 you're just too busy. So let's get our Ned Smith is
12 gone for the day signs out, and let's get out there
13 and enjoy it this year. I hope everybody has a safe
14 and enjoyable hunting season.

15 PRESIDENT ISABELLA:

16 Thank you, Commissioner. I have some new
17 business. And since Cal is not here, I guess it ...
18 to you.

19 ATTORNEY BECHTEL:

20 Absolutely.

21 PRESIDENT ISABELLA:

22 What I would like is the Wildlife
23 Management and I guess Wildlife Protection Bureaus to
24 look into the feasibility of extending the late
25 archery season to end on January 23rd. That should

1 coincide with the ending of flintlock season, which
2 ends on January 23rd.

3 ATTORNEY BECHTEL:

4 You're talking about 2010-2011 season?

5 PRESIDENT ISABELLA:

6 Yes, Commissioner. Yes ---.

7 ATTORNEY BECHTEL:

8 I got it.

9 PRESIDENT ISABELLA:

10 Commissioners, any other new business?

11 MR. SCHLEMMER:

12 Just commentary.

13 PRESIDENT ISABELLA:

14 Commissioner.

15 MR. SCHLEMMER:

16 Thank you for hosting us here in
17 Philadelphia.

18 PRESIDENT ISABELLA:

19 Thank you. I'm glad nobody got mugged.

20 MR. SCHLEMMER:

21 And thank you most by the southeast
22 division for this treat --- the officers, so forth.

23 PRESIDENT ISABELLA:

24 Any other comments from the
25 Commissioners? That's it; adjournment. Oh, I'm

1 sorry. Yes, our next Commission meeting is January
2 24th, 25th and 26th, 2010 in Harrisburg. Is that date
3 okay with the Commissioners? Okay, that's --- we got
4 that squared away. So we will proceed with those
5 dates. Adjournment. Can I have a motion for
6 adjournment?

7 MR. BOOP:

8 So moved.

9 PRESIDENT ISABELLA:

10 Commissioner Boop, so moved. This
11 meeting is adjourned.

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HEARING CONCLUDED AT 9:08 A.M.

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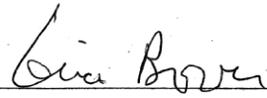
CERTIFICATE

17

18 I hereby certify that the foregoing
19 proceedings, meeting held before Gregory Isabella was
20 reported by me on 10/06/2009 and that I Gina M. Brower
21 read this transcript and that I attest that this
22 transcript is a true and accurate record of the
23 proceeding.

23

24



Court Reporter

25