COMMONWEALTH OF PENNSYLVANIA
GAME COMMISSION
* * * * * * * *
IN RE: COMMISSIONERS' MEETING
GENERAL BUSINESS MEETING
* * * * * * * *
BEFORE: James J. Delaney, PRESIDENT DELANEY
Ronald A. Weaner, Vice-PRESIDENT DELANEY
David W. Schreffler, SECRETARY SCHREFFLER
Carl G. Roe, Executive Director
Matthew Hough, Dept. Executive Director
Bradley Bechtel, Counsel
Ralph A. Martone, Commissioner
Gregory J. Isabella, Commissioner
Robert W. Schlemmer, Commissioner
Thomas E. Boop, Commissioner
David J. Putnam, Commissioner
HEARING: Tuesday, June 29, 2010, 8:30 a.m.
LOCATION: Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797
WITNESSES: Ray Bilger, Bill Capouillez
Reporter: Richard J. Lipuma
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PRESIDENT DELANEY:

We will now start the business meeting of the Board of Commissioners for our June meeting. And if you'd be kind enough to stand and join with me in the pledge of allegiance?

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT DELANEY:

A couple of things before we start, and these are just normal things we mention to all folks in attendance. We had a very good day yesterday hearing public testimony, hearing some very good staff reports, and everyone that was here was very cordial and understood each other's opinions. I ask in that regard that we do the same thing today and consider turning your cell phones off, or at least putting them on vibrate, so there are no interruptions. With that said, Mr. Secretary, if we could have the roll call of commissioners?

SECRETARY SCHREFFLER:

Yes, Mr. President. Will those individuals whose names are called please indicate their presence by saying present? Ralph Martone?

COMMISSIONER MARTONE:
Present.

SECRETARY SCHREFFLER:
Robert Schlemmer?

COMMISSIONER SCHLEMMER:
Present.

SECRETARY SCHREFFLER:
David Putnam?

COMMISSIONER PUTNAM:
Present.

SECRETARY SCHREFFLER:
Thomas Boop?

COMMISSIONER BOOP:
Present.

SECRETARY SCHREFFLER:
Greg Isabella?

COMMISSIONER ISABELLA:
Present.

SECRETARY SCHREFFLER:
David Schreffler? Present. Ron Weaner?

COMMISSIONER WEANER:
Present.

SECRETARY SCHREFFLER:
James Delaney?

PRESIDENT DELANEY:
Present.
SECRETARY SCHREFFLER:
Mr. PRESIDENT DELANEY, all members are present and accounted for.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. Our first order of business, I'd like an approval of the minutes of the previous meeting held April the 20th, 2010.

COMMISSIONER PUTNAM:
So moved.

COMMISSIONER MARTONE:
Second.

PRESIDENT DELANEY:
Any discussion? All those in favor, vote by saying aye.

ALL:
Aye.

PRESIDENT DELANEY:
No?

SECRETARY SCHREFFLER:
Mr. President, the motion passes unanimously.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. At this time, I would like to call on our legal counsel, Brad Bechtel to begin with the proposed rulemaking.
MR. BECHTEL:

Thank you, Mr. President. Actually, the first thing that comes from the Executive Office concerns adopted rule making is the adoption of the proposed amendment to Chapter 131 by adding Section 131.9. To effectively manage the wildlife resources of the Commonwealth, the Game Commission, at its April 20th, 2010 meeting, proposed to amend Chapter 131 by adding Section 131.9 (relating to disclosure of certain records) to establish and define the manner that the Commission will respond to certain types of record requests.

The Executive Director and staff recommend final adoption of this amendment to 58 PA Code as shown on Exhibit A on page three of your agenda.

PRESIDENT DELANEY:

Thank you, Brad. Is there a motion on the floor?

COMMISSIONER MARTONE:

Motion.

COMMISSIONER WEANER:

Second.

PRESIDENT DELANEY:

Commissioner Martone, seconded by
Commissioner Weaner. All those in favor, signify by saying aye.

**ALL:**

Aye.

**PRESIDENT DELANEY:**

No?

**SECRETARY SCHREFFLER:**

Mr. President, the motion passes unanimously.

**PRESIDENT DELANEY:**

Thank you, Mr. Secretary.

**MR. BECHTEL:**

The next item is adopted rule making from the Bureau of Wildlife Management for the adoption of proposed amendments to Section 141.28. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 20th, 2010 meeting, proposed to amend Section 141.28 (relating to the wild pheasant recovery area) to create and define the geographic location of the Hegins-Gratz Valley wild pheasant recovery area and prohibit the hunting of small game and dog training activities from the first Sunday in February through July 31st within any area designated as a wild pheasant recovery area.

The Executive Director and staff
recommend final adoption of this amendment to 58 PA Code as shown on Exhibit A on page five of your agenda.

PRESIDENT DELANEY:
Commissioners, you've heard the commentary. Is there a motion from the floor?

COMMISSIONER ISABELLA:
Motion.

COMMISSIONER WEANER:
Second.

PRESIDENT DELANEY:
Commissioner Isabella on the motion, Commissioner Weaner on the second. Is there any discussion? All those in favor of the motion signify by saying aye

ALL:
Aye.

PRESIDENT DELANEY:
No?

SECRETARY SCHREFFLER:
Mr. President, the motion passes unanimously.

PRESIDENT DELANEY:
Thank you, Mr. Secretary.

MR. BECHTEL:
The next item also concerns adopted rulemaking from the Bureau of Wildlife Protection. It is the adoption of proposed amendments to Section 141.2. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 20th, 2010 meeting, proposed to amend Section 141.20 (relating to protective material required) to require that all hunters hunting during any firearms season for deer, elk or bear post a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of a blind meeting the requirements of Section 2308(b)(3) of the code (relating to unlawful devices and methods) in a manner that is visible within a 360 degree arc in addition to requirement of the wearing of protective material on their persons.

The Executive Director and staff recommend final adoption of this amendment to 58 PA Code as shown on Exhibit A on page seven of your agenda.

PRESIDENT DELANEY:
Commissioners, is there motion from the floor?

COMMISSIONER SCHLEMMER:
Motion.
PRESIDENT DELANEY:
Commissioner Schlemmer.

COMMISSIONER MARTONE:
Second.

PRESIDENT DELANEY:
Second, Commissioner Martone. Any discussion on the issue? All those in favor signify by saying aye.

ALL:
Aye.

PRESIDENT DELANEY:
No?

SECRETARY SCHREFFLER:
Mr. President, the motion passes unanimously.

PRESIDENT DELANEY:
Thank you, Commissioner.

MR. BECHTEL:
The next item concerns proposed rulemaking. These are amendments to 58 PA Code, Sections 147.101 and 147.103. On October 6th, 2009, the Commission finally adopted comprehensive changes to the various standards and conditions concerning falconry permits within this Commonwealth. These amendments were primarily intended to bring
Pennsylvania into compliance with new Federal permitting standards concerning falconry that becomes fully effective January 1st, 2014. Since the adoption of these amendments, the Commission has come to the recognition that the standards concerning whom is eligible to sponsor new falconers are insufficient to ensure that sponsors themselves have had enough experience to properly guide new falconers. To this end, the Commission is proposing to amend Section 147.101 to require that a sponsor for a new falconer be a general or master class falconer having at least two years experience as a general class falconer. The Commission is also proposing to amend Section 147.103 to expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered under the Migratory Bird Treaty Act.

The text of the amendment appears on pages eight through nine of your agenda.

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

PRESIDENT DELANEY:

Commissioners is there a motion from the floor?

COMMISSIONER ISABELLA:
Motion.

PRESIDENT DELANEY:
Commissioner Isabella.

COMMISSIONER WEANER:
Second.

PRESIDENT DELANEY:
Commissioner Weaner on the second. Any discussion on the matter? If not, all those in favor signify by voting aye.

ALL:
Aye.

PRESIDENT DELANEY:
No?

SECRETARY SCHREFFLER:
Mr. President, the motion passes unanimously.

PRESIDENT DELANEY:
Thank you, Commissioner Schreffler.

MR. BECHTEL:
The next item comes from the Bureau of Wildlife Habitat Management. It concerns two donations. The first is Contract Number 3570, State Game Land Number 301 in McKean County. Jeffrey K. Young has offered to donate a .53-acre, more or less, tract of land in Eldred Township, McKean County,
adjoining State Game Land Number 301 (as shown on Exhibit RED One on page 11 of your agenda). The tract is forested with aspen, maple, silky dogwood and arrow wood. The property lies north of Larabee and west of Township Road T-386, known as Larabee Road. The owner excepts and reserves all oil and gas rights, together with the right to explore for, produce and remove said oil and gas, providing that no surface use occurs by way of the exploration, development, storage production and/or removal or oil and gas.

The second donation is Contract Number 3571, State Game Land Number 158 in Blair County. Sandy Ridge Wind, LLC has offered to donate a seven-acre, more or less, tract of land in Snyder Township, Blair County, adjoining State Game Land Number 158 (as shown on Exhibit RED Two on page 12 of your agenda). The property borders Route 453 and this acquisition will secure access through an existing access road to portions of State Game Land Number 158 and State Game Land Number 60. The property is forested with northern hardwood in pole to young saw timber. The previous owners reserved the subsurface oil, mineral and gas rights, without the right to ingress and egress. Sandy Ridge Wind, LLC will retain a non-exclusive access easement over the property with
rights for ingress, egress and regress on, over, across and through the property to their adjacent wind farm facility.

The Executive Director and staff recommend the donations listed above be accepted and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the acquisition of these tracts.

PRESIDENT DELANEY:
Commissioners, is there a motion from the floor to accept the two land donations?

COMMISSIONER MARTONE:
So moved.

COMMISSIONER WEANER:
Second.

PRESIDENT DELANEY:
Commissioner Martone, second by Commissioner Weaner. Is there any discussion on the land donations? If not, all those in favor signify by voting aye.

ALL:
Aye.

PRESIDENT DELANEY:
Any no's?

SECRETARY SCHREFFLER:
Mr. President, the motion passes unanimously.

PRESIDENT DELANEY:
Thank you, Commissioner Schreffler.

MR. BECHTEL:
The next item concerns an acquisition, Contract Number 3572, State Game Land Number 301 in McKean County. Land Management Systems, Inc. is offering a 37.5 acre, more or less, tract of land in Eldred Township, McKean County adjoining State Game Land Number 301 (as shown on Exhibit RED Three on page 14 of your agenda). The option price is $400 per acre. Approximately 15 acres of the property is forested with silver maple and swamp white oak and has willows, arrowwood, and alders in the understory. There is an acre of reverting old fields and another acre of grassland. The remainder of the property is comprised of wetlands and riparian habitat associated with the Allegheny River that borders the property on the southwest corner. The property lies north of Larabee and west of State Route 0446 and Township Road T-386, known as Larabee Road. Land Management Systems, Inc. excepts and reserves all oil and gas rights, together with the right to explore for, produce and remove said oil and gas, providing that no
surface use occurs by way of the exploration, development, storage, production and/or removal of oil and gas.

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

PRESIDENT DELANEY:
Commissioners, is there a motion on this land acquisition?

COMMISSIONER SCHLEMMER:
Motion.

PRESIDENT DELANEY:
Commissioner Schlemmer. Is there a second?

COMMISSIONER WEANER:
Second.

PRESIDENT DELANEY:
Second, Commissioner Weaner. Is there any discussion on the item? If not, all those in favor signify by voting aye.

ALL:
Aye.

PRESIDENT DELANEY:
Is there any no's?

SECRETARY SCHREFFLER:
President Delaney, the motion passes unanimously.

PRESIDENT DELANEY:
Thank you, Commissioner.

MR. BECHTEL:
The next item concerns a land exchange, Contract Number 3573, State Game Land Number 153, Indiana County. PennDOT is offering three tracts of land totaling 53.8 acres, more or less, in exchange for replacement lands for a highway easement. PennDOT is requesting 39.65 acres from State Game Land Number 276 to realign, widen and correct a dangerous stretch of SR 22, Section 491 in Burrell, West and East Wheatfield Townships, Indiana County. The tracts that are being conveyed from PennDOT are an indenture into State Game Land Number 153 in West Wheatfield Township, Indiana County (as shown on Exhibit RED Four on page 16 of your agenda). The tracts are mostly forested with mixed hardwoods and include one acre of wetlands.

The Executive Director and staff recommend the land exchange listed above be accepted and the Commission authorizes the Bureau of Wildlife
Habitat Management to proceed with the exchange of these tracts.

PRESIDENT DELANEY:

Commissioners, is there a motion on this land exchange?

COMMISSIONER MARTONE:

I move.

PRESIDENT DELANEY:

Commissioner Martone. Is there a second?

COMMISSIONER ISABELLA:

Second.

PRESIDENT DELANEY:

Commissioner Isabella. Is there any discussion on the item? If not, all those in favor signify by saying aye.

ALL:

Aye.

PRESIDENT DELANEY:

No?

SECRETARY SCHREFFLER:

Mr. President, the motion passes unanimously.

PRESIDENT DELANEY:

Thank you, Mr. Secretary.

MR. BECHTEL:
Mr. President, the next item is a Report of Notational Vote on Non-Surface Use Oil and Gas Agreement-Land Exchange. The following item was voted on notationally and was unanimously approved: Contract Number 3569, State Game Land Number 135, Lackawanna County.

Chesapeake Appalachia, LLC of Oklahoma City, Oklahoma requested the Commission offer its oil and gas ownership under a portion of State Game Land Number 142 and all of State Game Land Number 237 for production. The proposed tract, containing a total of 439.53 acres, is located in Asylum and Terry Townships, Bradford County, and is more clearly shown on the attached Exhibits OGM-One and OGM-Two on pages 19 and 20 of your agenda.

The terms of the agreement are a paid up, five year Non-Surface Use Oil and Gas Agreement, a $5,500 per acre bonus payment and a 21 percent royalty. Chesapeake Appalachia, LLC has already initiated a well drilling/development program on privately owned grounds adjacent to State Game Lands and has the ability to unitize all portions of the PGC's gas ownership by directional drilling without disturbing the Game Lands surface. The staff has expeditiously negotiated with Chesapeake Appalachia,
LLC in an effort to safeguard the prudent development of the Commissions oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land Number 142 and 237. Further, Chesapeake Appalachia, LLC currently has a privately owned oil/gas lease on a 90.9 acre portion of State Game Land Number 142. Although Chesapeake could utilize the surface acreage of the Game Lands via the privately owned oil/gas rights, they have also agreed to restrict their surface use on this 90.9 acres of Game Lands.

In exchange for the Agreement, Chesapeake Appalachia, LLC shall cause to convey to the Pennsylvania Game Commission an approximately 95, more of less, acre tract of land known as the Abraham tract as shown on Exhibit OGM-Three on page 21 of your agenda and/or other tracts of land acceptable to the Commission providing that this conveyance shall come in the form of direct payment to the Grantors of these tract(s) for the purchase of land as directed by the Commission, and further providing that such total accumulated purchase price of the land(s) does not exceed $450,000. The total value of the bonus payment made by Chesapeake for the purchase of the Abraham tract and/or other lands shall be subtracted from the
total bonus payment.

The total bonus payment/land value is $2,417,415, of which $450,000 will be used for the conveyance of lands acceptable to the Commission and $1,967,415 will be directly deposited into the Game fund. Oil/gas development will be regulated by the Commonwealth's oil and gas regulations and the Commissions standard oil/gas agreement.

The Executive Director and staff recommended the proposed Non-Surface Use Oil and Gas Agreement be approved and for the Commission to authorize the Bureau of Wildlife Habitat Management to proceed with the agreement as listed above.

The Board voted unanimously to approve this item by way of notational vote upon May 11th, 2010.

PRESIDENT DELANEY:

Thank you, Brad. With regard to this item, I'm going to offer some discussion. The public, in most instances, does not understand how and why the Commission does notational votes. This was a very time-sensitive issue for the Agency to work this issue out, but it leaves little time for debate amongst the Board of Commissioners on the issue, and I certainly had some concern. With that, I'll offer my fellow
Commissioners any chance to comment prior to my comment. Commissioner Putnam?

COMMISSIONER PUTNAM:

Bill, the Commission staff does a very good job on all of these leases and I think it's unmatched in either the private or public sector in managing our oil and gas resources. Would you tell us, in this case, what are the consequences of not drilling this? There are people who oppose any drilling on State lands. Tell us what would have happened in this case, had we not gone forward.

MR. CAPOUILLEZ:

I'd be glad to. This particular item was the best case scenario for us as far as how we could react to what's going on out there from an industry prospective and also protect the recreational uses of the Game Lands. If you look at page 19, where the actual larger tract of Game Lands was, the 277 acres, Chesapeake Energy already owned, and had leased the oil and gas rights under a portion of the State Game Lands because we did not own them, and they had full right to go in on that 90-some acres and drill, in which case, they would have put in a pad, a multiple-well pad, which could have been as many as six wells, and affected 10 to 12 acres of surface, plus the
pipeline, on the Game Lands where we would not have
had any say with regard to that use of the property
because they already retained those rights.

What they effectively did then was in
negotiating with us, and certainly Mike DiMatteo
deserves a lot of the credit with regard to this item,
but they went and decided to drill in the private
lands underneath the Game Lands to avoid the actual
surface impact on the Game Lands.

Had they not done that, had they drilled
on the particular Game Lands, they could have
effectively oriented the laterals of those wells to be
on both sides of the Game Lands, crack underneath the
Game Lands, withdraw portions of the oil and gas that
the Game Commission owned, and not pay us for that
value under the rule of capture.

So by them allowing for this lease to go
forward and for the Commissioners approving that in
that timely frame that we were dealing with, they
avoided putting the well there, and were able then to
go ahead and propose putting wells on private land and
avoid the actual surface impact on the Game Lands.

And in light of that, I would tell you
without making anybody embarrassed by it, we got the
higher royalty, we got the higher value of anybody
else out there, which would include some of the other parties that were negotiating for that, and we got a tract of land back to the sportsmen which is extremely valuable from a recreational standpoint and asset. And this is the absolute best case scenario for us where we protected everything as well as got our reserves.

COMMISSIONER PUTNAM:
So we've already read what the royalty was. But would you say it one more time?

MR. CAPOUILLEZ:
It was 21 percent. Twenty-one (21) percent royalty where the State average is one-eighth, or 12 and a half percent, is the minimum. Most of the Marcellus shale that we're seeing on the outside is anywhere from 15 to 18 percent on, you know, as far as royalty demands. For us to get 21 percent on an area that was a Non-Surface Use Lease --- and I stress that fact, it was --- in this lease, they will not physically come on the Game Lands and they've agreed not to physically come on a portion of the Game Lands where they have rights to. So it's extremely good.

COMMISSIONER PUTNAM:
Thank you.

PRESIDENT DELANEY:
Other commissioners? One of the things that the public --- I'm sorry. Commissioner Isabella?

COMMISSIONER ISABELLA:

I have to --- Bill, I have to agree with Commissioner Putnam. This was the right move and we moved --- the decision we made was on our terms, so it was a big win for us. Good work. Thank you.

PRESIDENT DELANEY:

Other commissioners? Okay. One of the things that the public needs to know, if one commissioner votes no at a notational vote, it becomes --- we can't do it. And this was a very timely vote to make this happen. So in that regard, my response to our legal Counsel on May the 11th was I'm going to vote yes with regards to notational vote, tract 142-237 A-10 with some serious reservations. While I respect the Agency's stand to protect some surface rights to State Game Lands 132, there are areas of concern.

First, the Board of Commissioners had little time to react to the lease proposal, yet the Agency had a much longer time to put the proposed package together. Second, the area is a hotbed of activity with infrastructure and road concerns, some private water well systems have been contaminated, the
slurry of chemicals pumped back up from the hydro-
cracking, it is leaking in some spots, causing
contamination.

State Game Lands 237 are comprised of
three islands in the Susquehanna River. While the
Department of Environmental Protection says that under
a river path exploration poses no risk, residents of
northeast Pennsylvania have a long memory of what
happened with the Knox Mine Disaster, drilling so
close to the river.

With that said, DEP recently suspended a
gas drilling company for the next year due some
serious environmental concerns in nearby Susquehanna
County. I am in agreement that Chesapeake Appalachia,
LLC, of Oklahoma City, Oklahoma has been an excellent
partner to the Pennsylvania Game Commission to
restrict the surface use of privately owned oil/gas
rights on the 90.9 acres of State Game Lands 142.

Other commentary, Commissioners, before
we move on? Thank you, Mr. Capouillez. We'll now
move on to see if there is any other old business ---
I'm sorry, Commissioner Weaner?

COMMISSIONER WEANER:

A point of order, but I don't think we
voted on that.
PRESIDENT DELANEY:
We did, we did a notational vote.

COMMISSIONER WEANER:
Don't we need to vote again? Okay.

PRESIDENT DELANEY:
Okay. Getting back to other old business. Commissioners, is there anything that we need to discuss, other old business?

COMMISSIONER ISABELLA:
Mr. President?

PRESIDENT DELANEY:
Yes, Commissioner Isabella?

COMMISSIONER ISABELLA:
I have a motion I'd like to forward. I've got some commentary first. The DMAP program was designed to decentralize deer management and is not tied to any antlerless allocations, but instead is an addition to antlerless allocations. DMAP is a permit system covered under Title 58 and doe licenses are established by the General Assembly under Title 34 and Title 58. The original DMAP passed during the April 2003 Commission staff meeting states that it is an additional tool besides known licenses.

DMAP is a safeguard. It's a safeguard for landowners who want less deer on their properties,
against the very thing that happened at the April
meeting, a drastic reduction and the doe license
allocations.

Under the program, deer hunters provide a
free service to landowners to better manage deer herds
on their land. Deer hunters benefit through accessing
hunting areas and potentially harvesting additional
deer on DMAP properties. DMAP has facilitated and
approved relationships between landowners and hunters
for the benefit of both parties.

According to the PGC DMAP program
description published in 2002, DMAP has three
benefits. One, it allows landowners and hunters the
ability to control excessive concentrations of deer.
Two, it minimizes the amount of damage deer cause to
the Pennsylvania's economy, environment and people.
Three, it approves the relationship between
landowners, hunters and the Pennsylvania Game
Commission.

Now, this Board is telling the landowners
that they might not have access to this valuable deer
management program because of quotas and other
restrictions. In the past, the Game Commission was
not able to meet its deer management objectives, so
this program was designed to empower landowners and
hunters to control deer management on specific properties.

And here's my motion, Mr. President. I make a formal motion that the Board restores DMAP to its original purposes and benefits. Specifically, I move that in accordance with Title 58, Sections 147.673 and 147.674 that, number one, the deadline for participation in the 2011 DMAP season be revised after July 1st. Two, DMAP harvest permits be made available without regard to quota limitations. Specifically, I move we lift the prohibition on the issuance of more DMAP permits for the 2010-2011 seasons that were issued for the 2009-2010 seasons for each WMU. Three, we repeal the regulation made under seasons and bag limits that states antlerless deer license allocations approved by the Board will be reduced by a number of DMAP antlerless deer permits issued in each WMU for the 2009-2010 seasons. Four, we also repeal the regulation that this reduced number of DMAP permits will be set aside as a maximum number of DMAP permits that will be made available for landowners through the 2010-2011 seasons. Five, we do not tie the DMAP with the license allocations. Six, we repeal the stipulation that permits will be processed by priority tiers. In other words, any landowner who qualifies
and submits the proper forms will be eligible. That's my motion, Mr. President.

PRESIDENT DELANEY:
Thank you, Commissioner Isabella. Is there a second?

SECRETARY SCHREFFLER:
Second.

PRESIDENT DELANEY:
Second, Commissioner Schreffler. Is there any discussion on the item?

SECRETARY SCHREFFLER:
Yes.

PRESIDENT DELANEY:
Commissioner Schreffler?

SECRETARY SCHREFFLER:
Commissioners, many landowners and farmers have been voicing opposition to the changes we've previously made on DMAP to me. They want the ability to manage deer on their own lands. Complaints of loss of income and property damage dominate. Also, when it came to the allocations, some of the farmers expected to be able to use DMAP on their individual farms, and then found out that they couldn't get those DMAP permits or not the number that they need.

To some, this wildlife damage on their
properties makes a difference in these tough financial times. As a Commissioner, I've been encouraging landowners with deer problems to increase hunter access and to use DMAP. This gives the Pennsylvania Game Commission greater flexibility in how it manages deer across the State and increases hunter opportunity. I therefore encourage my fellow Commissioners to support this effective program.

Thank you.

PRESIDENT DELANEY:

Thank you, Commissioner Schreffler.

Commissioner Weaner?

COMMISSIONER WEANER:

Mr. President, I urge you to vote no on the motion. I think that we need to look at the whole DMAP program in some detail before the next season. I agree with Commissioner Isabella on that regard, but I'm not prepared to support making all of these changes right now. If this motion does not prevail, I'm prepared to offer a motion that will reinstate some of these private landowner DMAP coupons that they would not be eligible for under our current policies and that would address Commissioner Schreffler's point. I do think it's important that we give the private landowners the DMAP coupon if they want it.
But for those reasons, I urge you to vote no on this particular motion.

PRESIDENT DELANEY:

Thank you, Commissioner Weaner. Other commissioners? Commissioner Putnam?

COMMISSIONER PUTNAM:

Thank you. I agree with Commissioner Isabella on about 98 to 99 percent of what you said. I still have some concerns that the Commission doesn't have adequate criteria in place for reviewing every DMAP permit. What I would like to see as we go forward is --- believe me, the DMAP program is essential to our deer management, it is a very good program. I'd like to see us get to the point where every proposal is reviewed, approved, and would meet criteria that would stand the straight face test, and primarily the complaints we've had have been regarding these specific public lands, and that if there are any bad DMAP plans out there, they're the responsibility of the Game Commission, they will not be the responsibility of DCNR or anyone else.

When we get to that point, and I don't believe we're very far from it, then I would propose that we go back to the way that it was before.

PRESIDENT DELANEY:
Other thoughts, commissioners? The only commentary that I would add is that I think that the good thing that came out of all of this is that there is better discussions between the Pennsylvania Game Commission and DCNR. With that said, if there is no other discussion, all those in favor of Commissioner Isabella's motion, signify by putting up your right hand.

COMMISSIONERS ISABELLA AND SCHREFFLER RAISE HAND

PRESIDENT DELANEY:
Those voting no for Commissioner Isabella's motion, signify by voting with your right hand.

ALL OTHERS RAISE HAND

PRESIDENT DELANEY:
The vote, Commissioner?

SECRETARY SCHREFFLER:
Mr. President, the motion fails with those in favor two, those opposed six.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. Is there any other additional old business? Commissioner Weaner?

COMMISSIONER WEANER:
Mr. President, in follow up to what I just said before, we have the results from the DMAP
application and it appears that there --- that this year's criteria was --- first priority was given to people in our public access program for private individuals. Second priority for public land, third priority to private land that was not enrolled in our program. And I'm not sure that that was really the intent of our motion whenever we made it back in April. But having said that, it appears that there are 2,761 coupons that will not be eligible --- will not be issued under our current policy to people who are private landowners not enrolled in our public access program.

I agree with Mr. Schreffler that it's important that these landowners be given the DMAP coupons. And so therefore, my motion is to reinstate the 2,761 DMAP coupons to private landowners not enrolled in our program because all those enrolled in our program, they got all of theirs. But, all private landowners will get all of the DMAP coupons they requested for this year.

PRESIDENT DELANEY:
Thank you, Commissioner Weaner. Is there a second?

SECRETARY SCHREFFLER:
Second.
PRESIDENT DELANEY:
Second, Commissioner Schreffler. Is there any discussion? Commissioner Boop?

COMMISSIONER BOOP:
Yes. I was the one, of course that made the motion in April. And it was never my intent by that motion, and as I said in April, to preclude the farmer/private landowner who wanted 8 to 15 coupons to deal with a specific situation. We now have the information that Commissioner Weaner alluded to. And across all the WMUs, we had 629 applications from private landowners who are not enrolled in our public access program, asking for 6,855 coupons, which is a little over ten per application.

And although I still have real concerns with how our DMAP program, and I think as Commissioner Putnam indicated, I think we’re going to be addressing those. I'm hoping that we will also move forward with my request to take a serious look at having antlerless applications issued on a public and private basis in the future. But, I will support Commissioner Weaner's motion for those private landowners who were not eligible for those 2,761 coupons. I think that will go a long way to solving the situation Mr. Groves spoke about yesterday during the public comment, and
which Commissioner Scheffler alluded to today. So, I
will support the motion.

PRESIDENT DELANEY:
Commissioner Putnam?

COMMISSIONER PUTNAM:
One more thing I'd like to add as well. This is referencing the private lands. We've talked
about the public lands and the public lands we're
really talking about are owned by Department of
Conservation and Natural Resources. And I would
encourage anyone who wants more information about this
issue to look at the DCNR website. They have done a
huge amount of work on this and it is very well
explained on their website.

You can look down to the individual DMAP
unit to see how many deer have been harvested up until
at least 2008. In many instances, we're talking about
five deer, six deer, seven deer, we're not talking
about very large numbers of deer. But, they have done
a lot of work on it. And I think they should be
recognized that they are making extremely good
progress towards using the DMAP program properly.

PRESIDENT DELANEY:
Thank you, Commissioner Putnam.

Commissioner Schreffler?
SECRETARY SCHREFFLER:
Thank you. I would like to just reemphasize my statement in the previous motion and encourage my fellow commissioners to support the issuance of DMAP permits as proposed by this motion.

PRESIDENT DELANEY:
Thank you, commissioner. Commissioner Weaner, I will give you the floor again and ask, too, that you re-clarify your long motion into something that is understandable.

COMMISSIONER WEANER:
Thank you. My motion is to reinstate the 2,761 DMAP coupons to private landowners who would be denied them under the current policy.

PRESIDENT DELANEY:
Thank you. Did you have additional comments?

COMMISSIONER WEANER:
Yes, one other additional comment that I wanted to make is that in going back and looking at the transcript of our April meeting, the original motion that got us to where we are right now indicated that we would make these changes without further --- but --- and this was the maintenance plan, unless there was further action by the Board. This is the
further action by the Board that was alluded to. And so, rather than, you know, I don't want to hear people say, well you guys are rolling over or changing course again. We anticipated that this might be the case, that we might have to make some adjustments to this, and Mr. Boop's motion alluded to that back in April, and this is the result. So therefore, I still encourage you to vote yes on this motion.

PRESIDENT DELANEY:
Thank you, Commissioner Weaner. We've all had discussion on the item and I will --- Commissioner Weaner has made the motion. Is there a second?

SECRETARY SCHREFFLER:
I seconded it already.

PRESIDENT DELANEY:
Commissioner Schreffler had seconded it. We had discussion. All those in favor of the motion signify by voting with your right hand, if you're in favor.

ALL RAISE HAND

PRESIDENT DELANEY:
Those against the motion?

SECRETARY SCHREFFLER:
Mr. President, the motion passes
unanimously.

PRESIDENT DELANEY:

Thank you, Secretary Schreffler. Is there any additional old business to be discussed? Okay. We're going to move on to new business.

Commissioners, any discussion items on new business? Commissioner Martone?

COMMISSIONER MARTONE:

Thank you, Mr. President. Under new business, I would like to ask the Bureau of Wildlife Protection to develop regulatory language allowing the use of electronic decoys for use during the snow goose conservation order season and have it prepared for the next commissioner's meeting in October of 2010. Thank you.

PRESIDENT DELANEY:

Thank you, Commissioner Martone. Any other additional new business? Commissioner Weaner?

COMMISSIONER WEANER:

Mr. PRESIDENT DELANEY, I'd like to offer a resolution based on the testimony that we heard yesterday. And I'll read this, it's relatively brief. Whereas the Pennsylvania Game Commission Board of Commissioners generally supports the idea of allowing a leashed tracking dog to be used to track
white-tailed deer in an attempt to recover animals which have been legally killed or wounded during the open season, the white-tailed deer, and whereas this procedure is legal in most surrounding states and seems to be working satisfactorily, and whereas House Bill 2526 has been introduced in the Pennsylvania legislature and will allow such tracking dog activity, and whereas many hunters and dog handlers have requested that this Board support passage of House Bill 2526 by the legislature, therefore be it resolved that the Pennsylvania Game Commission Board of Commissioners supports and encourages the passage of House Bill 2526 by the Pennsylvania legislature and directs Game Commission staff to work with legislators toward that end.

And therefore, I move that we adopt this resolution.

PRESIDENT DELANEY:

Thank you, Commissioner Weaner. What we'll do from this point is ask if there's a second on Commissioner Weaner's motion.

COMMISSIONER MARTONE:

Second.

PRESIDENT DELANEY:

Commissioner Martone. Is there any
discussion on the motion? Commissioner Weaner?

COMMISSIONER WEANER:

I guess my follow-up will be that we have heard requests from hunters and dog handlers. Apparently this has been an issue that's been brought up repeatedly in the past. There were some details that had precluded the former Board of Commissioners from really supporting this. Apparently now the issues have been resolved. Everyone seems to be in agreement with what should be in the legal --- the details here. I think it's a good idea. I think if they're asking us simply to support this and ask the legislature to support it. I think we ought to do that.

PRESIDENT DELANEY:

Commissioners, other discussion? One other thing I would like to add is that these last two new business items are specifically gained from what we've heard here in public comment yesterday, so those sportsmen and sportswomen across the state that say, well the Board just doesn't listen, when you attend a meeting and you contact your commissioners, this is what the outcome could be. With that, I would ask that all those commissioners that are supportive of the motion to signify by saying aye.
ALL:
Aye.

PRESIDENT DELANEY:
No?

SECRETARY SCHREFFLER:
Mr. President, the resolution is passed unanimously.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. Is there any other additional new business? Commissioner Boop?

COMMISSIONER BOOP:
Yes. Thank you, President Delaney.

We've just, as all of you know, completed a spring turkey season here in Pennsylvania that for many of us was a great season. Unfortunately, the safety wasn't what we had hoped it would be. In my district alone, we had a fatality the first day, and we had a 50-some year old hunter who was blinded as a result of being shot in the face and neck during an HRSI. Those both occurred on the first day. On the last day of the season, we had a very serious injury where there was a shot to the face and neck. Interestingly enough, in all three of those cases, the victim was walking, he was moving, he was not seated, and was not calling. They all just happened to be men, that's why I'm
saying him. I'm not really sure what could or should be done, if anything. But we had several other serious HRSIs across the state. And as a serious turkey hunter, I know there were some differences this year. We had an early green-up, which made a visibility a bit of a problem right away. But I just would like to, under new business, ask the Bureau of Wildlife Protection and the Bureau of Wildlife Management to take a look at the HRSIs that we had this year from the spring season, just to see if there's anything that either Bureau would recommend that the Board might consider to make this wonderful sport safer. And I most certainly believe that we would want to talk to our partners at the Wild Turkey Federation to see about any recommendations they might have. I'm not really sure that anything can or should be done, but just in light of these serious accidents this spring, I think we at least ought to take a serious look at it. Thank you.

PRESIDENT DELANEY:

Thank you, Commissioner Boop. Are there any other additional new business items? I'll wrap up with one under new business. Basically, it's directed to the Bureau of Wildlife Management. And I will read
it so that we get it correct.

With the expansion of wild pheasants getting close to the central Susquehanna wild pheasant recovery area boundaries, I would ask the Bureau of Wildlife Management to consider the following for the next Board of Commissioners' work session,

Currently, wild pheasants are within a few miles of Wildlife Management Unit 4D for either sex pheasant hunting is legally permitted. One flight across the Susquehanna River and the wild pheasants have a chance to be legally harvested. Please consider options to protect the wild hen pheasants that enter into WMU 4D, where there is suitable habitat. If there were consideration for change, it would be for the 2011-2012 hunting season.

Commissioners, any other new business items? If not, we'll announce the time and place for our next Game Commission meeting. From the agenda, it reads, the Commission previously established October 4 and 5, 2010, starting at 8:30 a.m. on Monday and Tuesday to be held at the Quality Inn, 880 Kidder Street, Wilkes-Barre, Pennsylvania. Meeting adjourned.

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MEETING CONCLUDED AT 9:26 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before President Delaney, was reported by me on 06/29/2010 and that I Richard J. Lipuma read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

[Signature]
Court Reporter