APPEARANCES

BRADLEY C. BECHTEL, ESQUIRE
Pennsylvania Game Commission
Bureau of Wildlife Habitat Management
Harrisburg, PA  17110-9797

Counsel for the Pennsylvania Game Commission
P R O C E E D I N G S

PRESIDENT DELANEY:

Good morning. Welcome to the quarterly meeting of the Pennsylvania Game Commission Board of Commissioners meeting. If you'd be kind enough to stand and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT DELANEY:

A few things before we proceed. We had a very good day yesterday hearing public testimony and some really good staff reports. As we move through today, I ask everyone to stay --- to be very professional and courteous to each other no matter how the votes and the business proceeds today. And I ask you to consider to putting your telephones or your cell phones on vibrate to be respectful to the rest of the group here. Mr. Secretary, if I can have you call for the roll call of officers?

SECRETARY SCHREFFLER:

Yes, Mr. President. Commissioners, please indicate your presence as I call your name. Ralph Martone?

COMMISSIONER MARTONE:

Here.
SECRETARY SCHREFFLER:  
Robert Schlemmer?  
COMMISSIONER SCHLEMMER:  
Present.  
SECRETARY SCHREFFLER:  
David Putnam?  
COMMISSIONER PUTNAM:  
Here.  
SECRETARY SCHREFFLER:  
Thomas Boop?  
COMMISSIONER BOOP:  
Present.  
SECRETARY SCHREFFLER:  
Gregory Isabella?  
COMMISSIONER ISABELLA:  
Present.  
SECRETARY SCHREFFLER:  
David Schreffler, present. Ron Weaner?  
VICE-PRESIDENT WEANER:  
Here.  
SECRETARY SCHREFFLER:  
James Delaney?  
PRESIDENT DELANEY:  
Present.  
SECRETARY SCHREFFLER:
Mr. President, all Commissioners are present and accounted for.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. First order of business I’d like is an approval of the minutes of the previous meeting held January 26th, 2010.

COMMISSIONER BOOP:
So moved.

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Commissioner Boop, Commissioner Weaner. All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Mr. Secretary?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous to approve the minutes.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. At this time I’ll call on our Legal Counsel, Brad Bechtel, to begin with the proposed rulemaking.

ATTORNEY BECHTEL:
The first item to come before the
Commission today is an amendment of 58 Pa. Code by adding Section 131.9. It is the duty of the Pennsylvania Game Commission to propagate, manage and preserve the game or wildlife of the Commonwealth. To effectively manage the wildlife resources of this Commonwealth, the Commission participates in various reviews for development projects across the Commonwealth. The two most common types of records and reviews are those collected pursuant to the Voluntary Wind Power Cooperative Agreements and those collected through the screening process with the Pennsylvania Natural Heritage Program.

While some records may overlap, these are two distinct bodies of records. Many times the information gathered and shared is with regard to threatened and endangered species, and even more often, the information is with regard to species of special concern and greatest conservation need. In many cases it is developed by developers themselves and is proprietary with regard to the site, the protocol and the findings. In all cases, information gathered and shared during these reviews are necessary to formulate policy and recommendations regarding policy and actions, including regulations and decisions about legal actions with regard to various
types of developments.

In addition, the Commission keeps records regarding hunting and furtaking licenses in order to effectively manage the wildlife resources of this Commonwealth. Finally, many records contain personal identifying information, which is necessary to predeliberative action, proprietary or the disclosure of which carries substantial and demonstrable risk of physical harm.

The Commonwealth established a new Right-to-Know Law effective January 1st, 2009. Pursuant to that law, the definition of public record has changed and the list of exemptions to disclosure has grown. Whereas under prior law documents relating to reviews would not have been of the kind or character to be of public record, under current law they would be classified as such. In addition, hunting and furtaking license records were specifically exempt from disclosure by 34 Pa.C.S. Section 325. However, with passage of the new law, questions have again arisen with regard to these classes of sensitive information.

In order to clarify for the Commission staff and public how the Right-to-Law will be implemented with regard to the classes of records
indicated as those collected for review and those related to hunting and furtaking licenses, the Staff is proposing the amendment of 58 Pa. Code by adding a new section, 131.9, the text of which appears on page three of your agenda. The Executive Director and Staff recommend the Commission approve this addition.

PRESIDENT DELANEY:
Thank you, Brad. Do I hear a motion on this proposed rulemaking?

COMMISSIONER ISABELLA:
Motion.

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Who was the motion? Commissioner Isabella, second Commissioner Weaner. All those in favor of the vote signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous to carry the motion.

PRESIDENT DELANEY:
Thank you, Mr. Schreffler.
ATTORNEY BECHTEL:

The next item comes from the Bureau of Wildlife Management in terms of adopted rulemaking, the adoption of proposed amendments to Section 139.4. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed the following changes:
to amend Section 139.4 relating to seasons and bag limits for the license year, to provide updated seasons and bag limits for the 2010-2011 hunting license year. The effects of those changes appear on pages 5 through 12 of your agenda. The Executive Director and Staff continue to provide information to the Board.

PRESIDENT DELANEY:

Commissioners, you’ve heard the commentary. Do I have a motion?

COMMISSIONER SCHLEMMER:

I make a motion.

PRESIDENT DELANEY:

Motion Commissioner Schlemmer.

VICE-PRESIDENT WEANER:

I’ll second the motion.

PRESIDENT DELANEY:

Second Commissioner Weaner. Any
discussion, Commissioners? All those in favor of the motion, say aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
The vote is unanimous to carry the motion.

PRESIDENT DELANEY:
Thank you, Mr. Secretary.

VICE-PRESIDENT WEANER:
Mr. President?

PRESIDENT DELANEY:
Yes?

VICE-PRESIDENT WEANER:
With regard to this item, you announced that this did pass; correct?

PRESIDENT DELANEY:
Yes. What we’re going to do as far as the seasons and bag limits, we’re going to take it one page at a time.

VICE-PRESIDENT WEANER:
Oh. I think if that’s the way that you’re going to do this, you’re going to have to do some parliamentary change here. And you have a motion
that passed, and so if you’re going to go back and go through this and accept amendments, we’re going to have to rescind that motion or something similar to that, which our Counsel may suggest.

PRESIDENT DELANEY:
Well, I’m for that because it’s my understanding that there will be some adjustments with seasons and bag limits. So, Commissioners, if any one of you want to move forward in that direction, feel free to put a motion on the floor.

COMMISSIONER SCHLEMMER:
I’ll make a motion that we vacate the vote on the last motion for this for the season and bag limits.

PRESIDENT DELANEY:
Second?

COMMISSIONER BOOP:
Second.

PRESIDENT DELANEY:
We have a motion. We have a second. Discussion?

VICE-PRESIDENT WEANER:
Point of order. I think we ought to get a reading from our Solicitor on this. I’m not sure that this is the proper way to handle it. It might
be, but I think we ought to get a reading from him.

PRESIDENT DELANEY:
Okay, Mr. Vice-president. We’ll do that.

ATTORNEY BECHTEL:
I believe there are probably several choices, but what I hear is that you would like to reconsider the approval and you’ll offer amendments. If I’m correct --- and I know some folks have other experience, but if I’m correct, it would be easier to vote to reconsider and basically reopen the discussion to take amendments and take a second vote.

SECRETARY SCHREFFLER:
Should I restate the amendment?

PRESIDENT DELANEY:
Well, we had a motion, we had a second, we had discussion, and I’ll follow the advice of our legal Counsel from this point.

SECRETARY SCHREFFLER:
Do you want me to restate the motion?

ATTORNEY BECHTEL:
That would be appropriate.

PRESIDENT DELANEY:
Yes. Our legal Counsel thinks that that’s appropriate, so go ahead.

SECRETARY SCHREFFLER:
Okay. My motion is that we reconsider the previous motion on the seasons and bag limits.

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Commissioner Schreffler, Commissioner Weaner second. Again, any discussion? All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
The vote is unanimous to reconsider.

PRESIDENT DELANEY:
Thank you, all Commissioners. So now we’ll go to Exhibit A, page five of seasons and bag limits. And I will ask Commissioners if there are any concerns or amendments to be added to page five? Commissioners, page six?

SECRETARY SCHREFFLER:
There were no changes for page five. Page six, I have an amendment for Bobwhite quail, which is about three-quarters of the way down, page six, to read, Bobwhite quail, the hunting and taking of Bobwhite quail is permitted in all WMUs except in
WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed. The portion that said about the first and last day in open season and so on is to be eliminated.

PRESIDENT DELANEY:
Do we have a motion ---?

SECRETARY SCHREFFLER:
And the dates --- the first day will be October 23rd to --- the last day is November 27th. The daily limit of four, and field possession limit after the first day is eight.

PRESIDENT DELANEY:
We have a motion on the floor. Do we have a second?

COMMISSIONER MARTONE:
There's more on the page.

PRESIDENT DELANEY:
While we're on page six, Commissioner, there should be a second page there that should address hares, rabbits and woodchucks.

SECRETARY SCHREFFLER:
There's woodchuck and groundhogs also --- the amendment on that page should read, there is no closed season except during regular firearm hare season and during legal hunting hours of the spring gobbler turkey season. This would eliminate the
phrase, until noon. And the bag limit is unlimited.

COMMISSIONER WEANER:
I second the motion to amend.

PRESIDENT DELANEY:
Motion made. Motion seconded. Any
discussion, Commissioners? All those in favor signify
by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the ayes were unanimous
and the motion is passed.

PRESIDENT DELANEY:
Okay. With regard to the seasons and bag
limits, I would ask all to turn now to page ten and
we’ll go directly to the black bear season. I’ll give
you a chance to get to that page. And you can see
black bear any age and what the season is as listed
there on page ten. It’s just a point to start page
ten. Is there any other concerns on page ten with
regard to seasons and bag limits other than black
bear?

SECRETARY SCHREFFLER:
Mr. President, I would like to make an
amendment to black bear.

PRESIDENT DELANEY:
Certainly. That’s your motion. Do we have a second?

COMMISSIONER WEANER:
Let’s hear the motion.

PRESIDENT DELANEY:
Go ahead.

SECRETARY SCHREFFLER:
I’d like to make a motion to change the statewide bear, black bear season to November 22nd to November 24th with the following extensions: black bear any age in WMU 3C and that portion of WMU 3B east of Route 14 from Troy to Canton, east of Route 154 from Canton to Route 220 at LaPorte and east of Route 42 from LaPorte to Route 118 and that portion of 4E east of Route 42. Portions of WMU 2G in Lycoming and Clinton Counties, and 3B in Lycoming County that lie north of the west branch of the Susquehanna River, from Route 405 Bridge west to Route 15 at Williamsport, Route 15 to Route 220 and north of Route 220 to the Mill Hall Exit, north of State Route 2015 to Route 150, east of Route 150 to Lusk Run Road, and south of Lusk Run Road to Route 120, Route 120 to Veterans Street Bridge to State Route 1001, east of
State Route 1001 to Croak Hollow Road, south of Croak Hollow Road to Route 664 at Swissdale, south of Route 664 at Little Plum Road, the intersection of State Route 1003, south of State Route 1003 to State Route 1006, south of State Route 1006 to Sulphur Run Road, south of Sulphur Run Road to Route 44, east of Route 44 to Route 973, south of Route 973 to Route 87, west of Route 87 to Route 864, south of Route 864 to Route 220, and west of Route 220 to Route 405, and west of Route 405 to the west branch of the Susquehanna River. Also, taking bear at any age in Wildlife Management Units 3A, 3D, 4C, 4D, 4E, 5B and 5C from December 1st to December 4th. That is my motion.

PRESIDENT DELANEY:
Commissioners, is there a second?

COMMISSIONER ISABELLA:
Second.

PRESIDENT DELANEY:
Discussion?

SECRETARY SCHREFFLER:
Yes, I’d like to discuss that. The changes to a Saturday opener, at first appearance, looked slightly uneven, a non-work day, a non-school day and so on. As I thought things through, I’d like to express some concerns that I had.
First of all, our policy is to stabilize the bear population, and in doing this, we will need to remove approximately 20 percent of that population each year. We have an exemplary bear management program. We know how to effectively control bear population and increase and decrease it and take care of a lot of our problem. We have one of the largest populations of black bears and harvest some of the largest trophies in the United States. In my view, we are not fixing a problem. We don’t have any idea what will result from these changes. It’s been indicated that the number of licenses for gaming on Saturday opener would be a wash with those purchasing a bear license in the extended season during deer season.

My next concern is expenditures, staff overtime for the weekend duty as new arrangements must be made for bear check stations. The low harvest --- if we have a low harvest, of course, whether to implement an extended season would be a problem. Of course, there will be no infrastructure to do bear checks and it would cause an additional burden on the conservation officers in the regional office and officers who have other duties. With no extended season in the problems areas, this will result in added expenses for trap and transfer and additional
complaints for bear damage.

Then there is the other important issue, and that’s the other big game animal, the turkey. Saturday, November 20th is the biggest day of all season, and then there is the Hen Turkey Survival Study, which is already done. The turkey plan is being implemented according to the plan. The funds for the Hen Survival Study are in the works. The study design is done. The birds have been trapped and tagged, some with reward tags. And the study seems to be critical to improving management decisions for more hunter opportunity. The last day of that fall turkey season, November 20th, which is scheduled to be the opening of the bear season, or is desired to be the opening of the bear season, is the biggest harvest day, 45 percent of that week's take. And when groups go to camp for bear, they often do the turkey hunting.

If we dramatically redesign this turkey plan, the study must get the approval from the federal provider of funds, Pittman-Robertson funds. Not only that, hunter success for turkey is about ten percent, whereas hunter success for bear is about three percent. And the argument for recruiting more youth is going to be much harder with the bear than it would be with the turkey.
Lastly there’s a social issue. Six to one hunters have expressed a desire for the traditional season, and so therefore, I encourage my fellow Board members not to vote for a Saturday opening day, and to accept this amendment, and send any proposal for a Saturday opening day for further study and a more measured approach to the Staff for further study.

PRESIDENT DELANEY:
Commissioners, discussion?

COMMISSIONER ISABELLA:
Mr. President?

PRESIDENT DELANEY:
Commissioners Isabella?

COMMISSIONER ISABELLA:
Thank you. I understand the intent of the proposal that is up for final adoption, but I believe that was conceived too quickly, and here are my reasons. Number one, I have much concern that we may not reach our 20 percent harvest targeted by our bear team in the three-day season. Two, the target harvest can be hindered by inclement weather. And any type of species management cannot be held hostage by inclement weather.

Three, the Turkey Hen Study is in
jeopardy due to a loss of that Saturday, which would be the proposed opening day of bear season. Four, the hen study has already cost the Game Commission $250,000 in purchases of collars, tracking of birds. Money doesn’t grow on trees, at least where I come from.

Five, the PGC comments were six to one against the proposal. And at the sport show when I was there, it was running like four to one against. And hunters do not know what is being voted for because they don’t know what’s going on in our working groups. Six, this can also have a reverse effect financially in license sales for people who purchase their bear stamps because there's no extended season. Lastly, the bear team and staff were against that proposal. So in my opinion, these are serious concerns and I intend to support this amendment.

Thank you, Mr. President.

PRESIDENT DELANEY:
Commissioners, other discussion?

Commissioner Boop?

COMMISSIONER BOOP:
With respect to this proposal, we are trying something and there are some risks. I would have been more comfortable if we had gone Saturday,
Monday, Tuesday, Wednesday, but there were some concerns about the length of time for the check stations on a Wednesday, so the proposal was scaled back. I’m also concerned about not having the extended seasons in some of the WMUs, but the thought was we would take a conservative approach. I fully expect that next year we’ll be looking at extending the bear season either to Wednesday or to some days during the rifle deer season. But to avoid the possibility of over-harvest with the Saturday, which we really are not quite sure what the participation will be, I think this is a measured and conservative approach for this coming year.

As far as the people that are opposed to it, we have over 120,000 bear hunters in the state. I’m not terribly concerned when we had 47 write in opposed to it. We’ve all had as commissioners anecdotal experience. This has generated a tremendous amount of excitement across the north central. There’s a lot of people, because of work and vacation plans, that never had a chance to really participate in this season. I think we’re going to see this become a very popular opening Saturday. I think participation will be increased before long. We’ll be back here next year and we’ll change it, but I don’t
think that it’s that much of a gamble. I have a lot of faith in the bear team and their estimates. And I think this will work well. And I encourage my fellow Commissioners to defeat the amendment.

PRESIDENT DELANEY:

One point I’ll offer as President to Commissioner Schreffler, if you can provide the stenographer with your amendment, I think that would be helpful. There was a lot that was discussed there. Secondly, as an individual commissioner from northeastern Pennsylvania, someone who has bears regularly in their downtown areas, I’m thankful that our biologists and staff here recognize --- we’re going to be doing a bear study in the Wyoming Valley. We have bears that are trapped in downtowns. We have WCOs that are getting hurt transferring bears from one location to another. At Hickory Run State Park we had bears breaking into tents that there were Boy Scouts in.

So I’m deeply concerned that we’re at the top end of our social carrying capacity for bears of Pennsylvania. It’s my opinion. And there’s been too many conflicts that I’ve been seeing. And I support the proposal, not the amendment, to be able to move forward in a direction where we provide some safety,
not just for the sportsmen, but for the 12.8 million people who live in Pennsylvania. On that note, any other discussion, Commissioners? All those in favor of the Commissioner Schreffler’s amendment, that are in support of that amendment, signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:

I believe I have an accurate vote, Mr. President. It was two ayes from Mr. Schreffler and Mr. Isabella, and the remainder was nays in opposition to the vote, so it would have been six to two.

PRESIDENT DELANEY:

Thank you, Secretary Schreffler. The amendment fails. Moving on to page ten, are there any other concerns on page ten, Commissioners? Okay. If we can revert back now to page seven. And we’ll start at the top of the page with turkey, male or female.

COMMISSIONER MARTONE:

Mr. President, I’d like to propose an amendment for this page.

PRESIDENT DELANEY:

Go ahead, Commissioner.
COMMISSIONER MARTONE:

Starting with the first line, WMU 1A, 1B and 2A, I would like to change the first date, October 30th, change to November 13th, the last day November 27th, and the footnote closed 11/20 through 11/24. On the second line, WMU 2B, first day November 6th, last day November 27th, and again footnote closed 11/20 to 11/24. Third line WMU 2C, 2D, 2B, 4A, 4B, 4D, first day November 13th, last day November 27th, closed 11/20 to 11/24. Fourth line WMU 2F, 2G, 3A, 3B, 3C, 3D, 4C, 4E, first day November 6th, last day November 27th, closed 11/20 to 11/24. Fifth line WMU 5A, first day November 16, last day November 18. And the last line, WMU 5B, 5C, 5D, closed to fall turkey hunting.

Below that under turkey spring gobbler statewide, I’d like to propose first day April 30th, last day May 14th, 2011 with the shooting hours half hour before sunrise until noon. The second part, dates May 16, 2011 to May 31st, 2011 with the shooting hours one half hour before sunrise to one half hour after sunset. That is all, Mr. President.

VICE-PRESIDENT WEANER:

I second the motion.

PRESIDENT DELANEY:

Motion by Commissioner Martone, second by
Commissioner Weaner. Do we have a discussion on the amendment? If not, all of those in favor of the amendment, signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:

Mr. President, the vote was six in favor, two opposed.

PRESIDENT DELANEY:

Okay. The motion to the amendment passes by a vote of six to two to amend the turkey season.

SECRETARY SCHREFFLER:

Mr. President?

PRESIDENT DELANEY:

Yes, Mr. Secretary?

SECRETARY SCHREFFLER:

May I have the floor for an additional amendment?

PRESIDENT DELANEY:

Certainly.

SECRETARY SCHREFFLER:

I would like to make an amendment to change previous --- some of the items in the previous
amendment to the following. I would move that the fall turkey season actually begin one week earlier, beginning on October 23rd, which means that WMU 2C, 2D, 2E, 4A, 4B, 4D would be from October 23rd to November 6th, and WMU 2F, 2G, 3A, 3B, 3C, 3D, 4C and 4E be from October 23rd to November 13th.

PRESIDENT DELANEY:
Okay. Do we have a second on Commissioner Schreffler’s amendment?

COMMISSIONER ISABELLA:
Second.

PRESIDENT DELANEY:
Discussion on the amendment?

SECRETARY SCHREFFLER:
Yes. I’d like to give my reasoning ---.

PRESIDENT DELANEY:
One second before we go any further. The court stenographer is really trying hard to keep up with all of these changes. I think we have to give her some supporting documentation so that we have really good clarification on all these changes that we have. So if we could make sure she gets that too. I’m sorry. Go on.

SECRETARY SCHREFFLER:
The reason for this is, one, this follows
a Staff-recommended option to the end of season proposal. Secondly, it maintains the integrity of the Hen Survival Study. Third, it allows consecutive days and three to four Saturdays to be utilized for a more accurate and effective analysis.

Four, it allows a closer compliance with the Turkey Management Plan adopted in 2006. In that plan on page 36, there’s an implementation schedule, which is being followed and which it mentions under Objective 1.9 of the Hen Survival Study to begin in 2010. On page 29 it also notes the fall harvest rate information represents the most important area of research deficiency. On page 23 it states the need to determine if the fall hen harvest exceeds ten percent, which will impact the population maintenance of turkey. On page 23, to evaluate the additive effect of the spring and fall harvest, we need this study because it will have a long-term effect two or three years down the road.

The fifth reason is that this will better comply with requirements of the funding agents, the PR and USF, WS Funding. Six, it better utilizes the tracking devices that have already placed on the turkeys in the study area. Seven, it completes the second half of the recently completed tri-state
gobbler study. Eight, as we gather more accurate data, it will improve decision-making in harvest management for maximum hunter opportunity. I'm finished.

PRESIDENT DELANEY:
Okay, Commissioners. Commissioner Schreffler, let me make sure I have this correct before we vote on this. Your vote then deals with a previous amendment to change Commissioner Martone’s amendment, and that’s what we’ll be voting on; correct?

SECRETARY SCHREFFLER:
That’s correct.

PRESIDENT DELANEY:
Okay. All those in favor ---.

COMMISSIONER ISABELLA:
Mr. President, I have some discussion.

PRESIDENT DELANEY:
Commissioner Isabella has the floor.

COMMISSIONER ISABELLA:
Thank you. The National Wild Turkey Federation is the largest conservation group in Pennsylvania, with over 35,000 members statewide. They put their money where their mouth is. They have been involved with hundreds of habitat projects since
I have been a Commissioner. I find it inconceivable that we should anger our largest conservation partner with today’s vote.

Here are my reasons why. One, we need to protect the integrity of the hen harvest rate study and the crossover design in which much money has been spent. Two, here is a recent history of fall turkey seasons from 1960 to present day. From 1960 to 1976, we had --- Pennsylvania had overlapping bear seasons plus Thanksgiving Day and weekend turkey hunting dates. Overlapping seasons ended in 1977 because the biologists determined turkey management principles did not support this late hunting season, and removed that weekend before Turkey Management Units were formed in 1982. The proposed overlapping turkey seasons were rejected by our biologists in 1977.

Three, the National Wild Turkey Federation, through their surveys, have concluded that fall turkey hunting has the greatest potential to recruit and maintain young hunters. And approximately 180,000-plus hunters take advantage of the opportunity to hunt fall turkey that last day of the season.

Four, up to 14 percent of the fall harvest occurs on that last Saturday in the three-week Wildlife Management Unit. Elimination of that last Saturday
could change the fall harvest substantially. Five, sample sizes for the study were designed to examine harvest rates in traditional seasons that were structured since 1981.

Lastly, I support this amendment because I believe it is acceptable to fall turkey hunters who value maintaining the current season structure with 15 week days and four Saturdays, also to protect the integrity of all ongoing turkey studies. Thank you, Mr. President.

PRESIDENT DELANEY:

Thank you, Commissioner Isabella. Any other discussion on the amendment by Commissioner Schreffler? Commissioner Putnam?

COMMISSIONER PUTNAM:

I would just like to offer one comment. And Commissioner Isabella pointed out how popular the last day of turkey season is, especially with our younger hunters. One concern that I have is we’ve lost more turkey --- more fall turkey hunters than probably any other group in the last 20 years. In the 1980s we had almost 450,000 fall turkey hunters. Now we’re down to, as Commissioner Isabella said, 186,000. There is quite a bit of excitement about the addition of those days later in the season after
the archery season is closed. It will create some
unknowns as far as how popular it is, but I think that
we should look at the potential popularity of that
season not as a concern that we’re going to hurt the
turkey population, but that we’re going to serve our
customers and give them some of the most exciting fall
turkey hunting they’ve seen in a long time.

PRESIDENT DELANEY:
Commissioners, additional discussion?

Commissioner Martone?

COMMISSIONER MARTONE:

When they ran the fall turkey season back
in the late '60s, early '70s, those seasons were often
four weeks long and were immediately after trap and
transfer that occurred to move turkeys around. Right
now we have excellent turkey populations. It’s the
second most popular game animal in Pennsylvania, and
yet we are losing fall turkey hunters every year.
That tells me there’s something wrong, something
broken when you have a popular game animal, and less
and less people are participating. This looks to
address that. And I think with the excellent turkey
populations, it’s a good time to make this move.
Thank you.

PRESIDENT DELANEY:
Commissioner Weaner?

VICE-PRESIDENT WEANER:

After listening to the discussion on both sides of the argument here, I think both sides do make very valid points. One point that I would like to address is the talk that we’ve had about the surveys. And we all think that the surveys are very important. We all want the surveys to continue. We’ve heard that from both sides of the argument. I’m confident that our staff here in the Game Commission can make the survey --- or make the research happen with whatever framework we have for the season. It might have to be tweaked a little bit, but I feel confident they can do that. And because I think they can do that, and that’s the reason I supported Mr. Martone’s initial amendment, and therefore, I urge us to vote no on this amendment.

PRESIDENT DELANEY:

Any other additional commentary? Okay. We will be voting on Commissioner Schreffler’s amendment to change Commissioner Martone’s amendment. All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?
CHORUS OF NAYS

PRESIDENT DELANEY:
Commissioner ---?

SECRETARY SCHREFFLER:
Show of hands. Commissioners, would you please show of hands?

PRESIDENT DELANEY:
Okay. This will be in support of the amendment.

COMMISSIONERS RAISE HANDS

PRESIDENT DELANEY:
Those opposed to the amendment?

COMMISSIONERS RAISE HANDS

SECRETARY SCHREFFLER:
Mr. President, the vote was two in favor of the amendment and six opposed to the amendment.

PRESIDENT DELANEY:
Thank you, Secretary. The amendment fails. Commissioners, any other discussion on page seven? If no discussions on page seven, we will go to page eight.

SECRETARY SCHREFFLER:
Mr. President, I have some amendments for that page.

PRESIDENT DELANEY:
We’ll have amendments then for page eight.

SECRETARY SCHREFFLER:

Mr. President, my amendment concerns the starlings, English sparrows, and the Bobwhite quails section on page eight. Under starlings and English sparrows, it should read, no closed season except during the regular firearm deer season and during legal hunting hours of the spring gobbler turkey season. And the limit is unlimited.

Under Bobwhite quail, the amendment is to eliminate the statements beginning with no open season, except captive raised birds or propagated Bobwhite quail taken on regulated hunting grounds and public and private land by permit. My amendment is to eliminate that statement. The first day of the season will be September 1st to March 31st, 2011, the daily limit four and the field possession limit after the first day eight.

VICE-PRESIDENT WEANER:

I second the motion.

PRESIDENT DELANEY:

Motion by Commissioner Schreffler, second by Commissioner Weaner. On the amendment, do we have any discussion from the Commissioners? If no
discussion, all those in favor signify by saying aye
to support the amendment.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote was unanimous in
favor of the motion.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. Moving along
to page nine, any concerns on page nine?

SECRETARY SCHREFFLER:
Mr. President, I would like to offer a
motion. The motion is to amend --- under deer,
regular firearms, I would like to change the WMUs.
Currently it says 1A, 1B, 2A, 2B, 2F, 3A, 3B, 3D, 4A,
4C, 4A --- 5A, excuse me, 5B, 5C and 5D. I would like
to add to that regular firearms, antlered and
antlerless, WMU 2C, 2E, 4B and 4E, and continue with
the same days, November 29 to December 11. Under the
deer, regular firearms, antlered only, I would like to
remove WMU 2C, 2E, 4D and 4E, leaving WMU 2D, 2G, 3C,
4B. And under the deer, regular firearms, antlered
and antlerless, I would like to remove 2C, 2E, 4D and
4E and let remain WMU 2D, 2G, 3C, 4B, continuing with
the same first day of December 4th, last day December 11th.

**PRESIDENT DELANEY:**

Thank you, Commissioner Schreffler. Is there a second on the proposed amendment?

**COMMISSIONER ISABELLA:**

Second.

**PRESIDENT DELANEY:**

Second, Commissioner Isabella.

Discussion on the issue?

**SECRETARY SCHREFFLER:**

Mr. President, I make this amendment for the following reasons. First of all, the population trends in the Wildlife Management Units 2C, 2E, 4D and 4E are stable as reported by our staff. Secondly, it’s our policy to stabilize the deer herd. Thirdly, the study in 2D, 2G, 3C, 4B is not finished and analyzed in a manner that would justify adding any more WMUs to this category of unlimited first five days.

The next thing is that changing the season length for doe could have a detrimental effect on deer management. Preliminary results of first years of our study areas in 2D, 2G, 3C and 4B have shown that there was approximately a 20-percent
increase in antlerless hunter success. And the
hunters surveyed in that study area indicate that
hunters are still not satisfied. In fact, I surmise
that many hunters are not returning for the second
week doe harvest.

Fourthly, we should retain the concurrent
12-day season to continue our policy of herd
stabilization for quality deer in a self-sustaining
habitat. The two-week concurrent season has proven to
be a very successful deer management tool that has
reduced the impact of weather on doe harvest. And the
fifth reason is that we should be cognizant of other
stakeholders, especially private landowners who own
approximately 80 percent of the Pennsylvania land and
who also share hunting opportunities on their land
when asked.

Six, the addition of four more WMUs to
the bucks-only first five days category takes
opportunity away from our rifle hunters, especially
those youth who are off school on the first day.
Rifle hunters have told me that they believe they
provide considerable revenue to the Game Commission
and perceive that the opportunity for them is
declining. And they perceive this as the best
opportunity to shoot deer during the deer season.
That’s my comment.

PRESIDENT DELANEY:
Thank you, Commissioner. Any other discussion?

COMMISSIONER ISABELLA:
Mr. President?

PRESIDENT DELANEY:
Commissioner Isabella?

COMMISSIONER ISABELLA:
Well, I agree with most of my --- what my colleague from the southwest has just mentioned. Let me add just a few more reasons. This is definitely going to be loss of opportunity for hunters. In the five-county metropolitan area of Philadelphia, everyone is busy trying to make a living, so when you have spare time, if a person wants to go out that first week and harvest a buck or doe, that is his choice, and most of the time these hunters do it.

The second reason is the integrity of our ongoing study, which has been going on for two years in WMUs 2D, 2G, 3C and 4B will be compromised. I believe the problem was a social argument for this change. I can tell you I was at our deer open house in Schuylkill County, and I can tell you that a good portion of hunters have no clue as to what we’re doing
as far as deer management. The hunters that did get into that, you just spot a trend. They were single hunters coming in, talking to our people in the booths. And I realized that, you know, they had a good or a fairly good understanding to what we were doing. Some of the old hunters do not.

And I listened to comment from hunters in 4C. We would not have had the change in habitat from poor to fair, and most likely the next couple years, that habitat may be changed to good. Also, we had fences up in game lands in 5C and 4C. Those fences are down. So I mean, there is a social side to this. And I know we addressed it four years ago when we reduced antlerless allocations in 2G from close to 60,000 to 19,000, and then for two years we had to raise our antlerless allocations from 19,000 to, I think in the 20,000s now because they are starting to get more deer there. So I will support Commissioner Schreffler’s amendment. Thank you, Mr. President.

PRESIDENT DELANEY:
Thank you. Commissioners, any other discussion? Okay. All of those in favor of Commissioner Schreffler’s amendment signify by saying aye.

CHORUS OF AYES
PRESIDENT DELANEY: Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:
May I see a show of hands?

PRESIDENT DELANEY:
Please do the aye votes first.

COMMISSIONERS RAISE HANDS

PRESIDENT DELANEY:
No votes?

COMMISSIONERS RAISE HANDS

SECRETARY SCHREFFLER:
Mr. President, those in favor two, those opposed six.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. The amendment fails. Any other discussion on page nine? Back to page ten. I know we talked about black bear. Just so we’re comfortable here, any other concerns on page ten? Page 11?

VICE-PRESIDENT WEANER:
Mr. President?

PRESIDENT DELANEY:
Commissioner Weaner, go ahead.

VICE-PRESIDENT WEANER:
I have an amendment to offer here. In light of the previous amendment that extended turkey season into a full day the second half of the season, we need to drop down here to opossum, skunks and weasels. And I offer an amendment here. The new language in the middle will read, no closed season. These species may not be hunted during legal hunting hours of the spring gobbler season.

PRESIDENT DELANEY:

Thank you, Commissioner Weaner. Do we have a second?

COMMISSIONER SCHLEMMER:

Second.

PRESIDENT DELANEY:

Second, Commissioner Schlemmer.

Discussion on the issue? No discussion. All of those vote in favor of aye, raise your hands, please.

COMMISSIONERS RAISE HANDS

PRESIDENT DELANEY:

Opposed?

SECRETARY SCHREFFLER:

Mr. President, the vote is unanimous.

PRESIDENT DELANEY:

Thank you, Mr. Secretary. No other concerns on page 11? Page 12, I think we will get
into the elk allocations first, followed by the antlerless deer allocations. Yesterday we were briefed by Dr. Rosenberry on the elk allocations. Do you all have copies of the recommendations in front of you? Does any Commissioner want to make a motion in support of the elk recommendations?

COMMISSIONER ISABELLA:
Motion.

PRESIDENT DELANEY:
Motion by Commissioner Isabella.

COMMISSIONER MARTONE:
Second.

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

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote was unanimous in favor of the allocation.

PRESIDENT DELANEY:
Thank you, Commissioner Schreffler.

Okay. We will move on to the antlerless deer
allocations. And what I would like to do is ask for --- we were briefed yesterday by Dr. Rosenberry on the antlerless allocations, so we know what the recommendations are. What I would like to do is have a motion on that recommendation, and under discussion we’ll talk about individual WMU allocations if we can do that, Commissioners. So I will look for a vote from --- yes, Commissioner Weaner?

VICE-PRESIDENT WEANER:
So moved.

PRESIDENT DELANEY:
Second?

SECRETARY SCHREFFLER:
I’ll second.

PRESIDENT DELANEY:
Motion by Commissioner Weaner, second by Commissioner Schreffler. Discussion? I’m going to start with WMU 1A. Any discussion on WMU 1A?

Discussion with WMU 1B?

COMMISSIONER MARTONE:
Mr. President?

PRESIDENT DELANEY:
Commissioner Martone?

COMMISSIONER MARTONE:
On WMU 1B I would like to see a five-
percent decrease, which amounts to 1,500 licenses. That would give an allocation of 28,500 as the new number.

PRESIDENT DELANEY:
Do we have a second?

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Second, Commissioner Weaner. Discussion?

All those in favor signify by saying aye in support of the amendment.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:
Mr. President, the vote was six in favor, two opposed.

PRESIDENT DELANEY:
Thank you, Mr. Secretary. We will move on to WMU 2A. Any concerns? WMU 2B? WMU 2C?

COMMISSIONER SCHLEMMER:
Mr. President, I’d like to make some comments on 2C. I’m the new boy on the block here, but I’ve been working for the past ten months
listening and working with our customers in area 2C.

I’ve been there and I’ve been on the ground. I see the recommendations and I respect the recommendations made by our deer committee. And I also see that the CAC comments were to increase the deer situation although the management recommendation has showed a stable habitat.

I think we’re touching on a social issue here on this particular WMU. And I respect Commissioner Schreffler’s comments he made on the eastern edge, and I do understand that you have several arms out there with a lot of deer. And I’m recommending possibly giving them some DMAP coupons in that particular area. With that in mind, I would seek a ten-percent reduction in the allocations down to 4,900 in reduction in allocations in that particular WMU. Thank you.

PRESIDENT DELANEY:
Is there a second to Commissioner Schlemmer’s motion?

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Second, Commissioner Weaner. Discussion?

All those in favor of the amendment signify by saying
aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:

Mr. President, the vote was six in favor.

Mr. Schreffler and Mr. Isabella opposed.

PRESIDENT DELANEY:

Thank you, Commissioner. We’ll move on to WMU 2D.

COMMISSIONER MARTONE:

Mr. President?

PRESIDENT DELANEY:

Commissioner Martone?

COMMISSIONER MARTONE:

After discussing this with Commissioner Schlemmer since we share 2D, the consensus was we would like to reduce the allocation in 2D by ten percent, which would make a new allocation of 50,400 as the proposed allocation for 2D. Thank you.

PRESIDENT DELANEY:

Thank you, Commissioner. Do we have a second?

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Second Commissioner Weaner. Discussion?

All of those in favor of the amendment signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

CHORUS OF AYES

SECRETARY SCHREFFLER:
Mr. President, the vote was in six favor.

Mr. Schreffler and Mr. Isabella opposed.

PRESIDENT DELANEY:
Thank you, Commissioner. Moving on to WMU 2E. 2F?

COMMISSIONER MARTONE:
Mr. President?

PRESIDENT DELANEY:
Commissioner Martone?

COMMISSIONER MARTONE:
I would like to propose again a ten-percent decrease for 2F. Ten percent would leave an allocation of 25,200 in wildlife management unit 2F.

Thank you.

PRESIDENT DELANEY:
Do we have a second?

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Second, Commissioner Weaner. Discussion?

All those in favor of the amendment signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:
Mr. President, the vote was six in favor, two opposed, Commissioner Isabella and Commissioner Schreffler.

PRESIDENT DELANEY:
Thank you, Commissioner. Move on to WMU 2G. Next, WMU 3A? Next, WMU 3B? Next, WMU 3C? Next, WMU 3D? I’ll make an amendment for WMU 3D. And my amendment is to decrease the allocations by ten percent. That would be my amendment. And I’ll offer commentary under discussion.

COMMISSIONER BOOP:
Second.

PRESIDENT DELANEY:
Motion by Commissioner Delaney, second by Commissioner Boop. Discussion? I’d like to offer my commentary for 3D and give an explanation why. WMU 3D had an 11.3-percent decrease in the harvest this past year. The deer team gives us trend models, and I try to follow the lead with that to see what the trend was. And the six-year trend --- we started in 2004 with an antlered harvest of 4,496 --- 4,496. Last year we harvested 3,096. Our antlerless harvest in 2004 was 9,844. This past year in 2009, it was 6,265. The antlered harvest estimate and antlerless, there are other things I looked at, like the antlered hunter success rate went from .20 to .17. The SKA model index values went from .34 to .19. So in my eyes, we’re not --- we didn’t do anything to stabilize the herd. The FIA data, I’m not sure I’m very comfortable with that and I hope that we are going to finish that in the future.

One of the things that did concern me was the deer health. The deer health measure. And if I look at the trend for the last six years, it was below target, it was at target, it was below target. I am very comfortable talking to our WCOs and our land managers and Pennsylvania Game Commission field people to try to help make these decisions. So that is my
commentary on why I want to lower the allocations by
ten percent in WMU 3D. Other discussion,
Commissioners? All of those in favor of the amendment
signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:
Mr. President, the vote is six in favor,
two opposed, Mr. Schreffler and Mr. Isabella.

PRESIDENT DELANEY:
Thank you, Commissioner. Moving on to
WMU 4A. 4B? 4C? 4D?

COMMISSIONER BOOP:
Mr. President, I’d like to offer an
amendment with respect to 4D. I’d like to move that
the allocations in 4D be reduced by 20 percent, which
would be an 8,000 reduction, which would bring the new
number to 32,000. I’d like to speak to the amendment
under discussion.

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Motion by Commissioner Boop, second by
COMMISSIONER BOOP:

Yes, Mr. President. With respect to 4D, I would make several observations. We have an ongoing dissatisfaction particularly with respect to the eastern half of 4D. It’s my personal belief that that management unit is too large, and until we address that problem, I think we have to address the situation incrementally.

I also think we have a problem with the private tag/public tag issue there, but I spent a great deal of time in the eastern half of 4D both on private land when I owned property, and hunting on the public land for the eastern half. I’ve never seen conditions like they are in the eastern half of 4D in my 50-year hunting career. There are virtually no deer on the public land in the eastern half of 4D. I think that the allocation reduction should be significantly higher than 20 percent, but I am cognizant of the fact that much of the rest of 4D does not have the same situation that’s being experienced in the eastern half. So for that reason, I would like to ask for support for this motion. I also note that the CAC also requested an increase in the deer herd in that management unit.
PRESIDENT DELANEY:

Commissioners, any other discussion on 4D? Commissioner Weaner?

VICE-PRESIDENT WEANER:

Yes. I also concur with Mr. Boop. 4D is part of the territory that I represent. And I agree with virtually everything that he said. And therefore, I urge us to vote yes on this amendment.

PRESIDENT DELANEY:

Commissioners, any other discussion on WMU 4D?

COMMISSIONER PUTNAM:

Since I also share part of 4D, I guess I should say that I've heard from people out in my part of 4D that they extremely agree with these guys that the deer herd is down. And I have another batch of constituents that would extremely disagree with them. So in 4D we have some very disparate habitats. Our farmland habitats seem to still have plenty of deer. And our forested habitats are the ones that are generating the complaints.

PRESIDENT DELANEY:

Thank you, Commissioner Putnam. Any other discussion? If not, we will vote on Commissioner Boop’s amendment. All of those in favor
signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:

Mr. President, the vote was six in favor, two opposed.

PRESIDENT DELANEY:

Thank you, Commissioner Schreffler.

We’ll move on to WMU 4E.

COMMISSIONER BOOP:

Mr. President, with respect to 4E, the unit management that you and I share a portion of, this is immediately to the east of 4D. It’s also an area where I live and spent a lot of time, and spent a lot of time speaking to hunters. Habitat is indicated as being fair, although that’s --- I had a great deal of concern about the emergent (phonetic) level that leads us to that conclusion. The CAC suggested an increase in that without the limiting factor concerning the habitat. And I would just like to move for a ten-percent reduction there, which would take it from 30,000 to 27,000 in that WMU.

PRESIDENT DELANEY:
Thank you, Commissioner Boop. Your motion is on WMU 4E and I will second that motion. Any discussion? All of those in favor of Commissioner Boop’s amendment signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:

Mr. President, the vote was six in favor and two opposed, Commissioner Schreffler and Commissioner Isabella.

PRESIDENT DELANEY:

Thank you, Mr. Secretary. We’ll move on to WMU 5A. WMU 5B? WMU 5C? WMU 5D? From this point I think we need to vote on the proposed total package as amended.

VICE-PRESIDENT WEANER:

So moved.

PRESIDENT DELANEY:

Commissioner Weaner. Do we have a second?

COMMISSIONER BOOP:

Second.

PRESIDENT DELANEY:
Commissioner Boop. Discussion?

COMMISSIONER ISABELLA:

Mr. President?

PRESIDENT DELANEY:

Commissioner Isabella?

COMMISSIONER ISABELLA:

Mr. President, I’m going to support the entire package. I just wanted to go on record on those seven or eight WMUs, I was just in opposition today. Thank you.

PRESIDENT DELANEY:

Thank you, Commissioner Isabella.

VICE-PRESIDENT WEANER:

Mr. President?

PRESIDENT DELANEY:

Commissioner Weaner?

VICE-PRESIDENT WEANER:

Yes. I'm rising to a point of order here. I just realized I screwed up and I had a motion. There was an initial motion and then we made amendments, so I didn’t need to make another motion, so therefore, I withdraw my motion.

PRESIDENT DELANEY:

Okay. We’re going to follow ---.

SECRETARY SCHREFFLER:
Can I add some additional?

PRESIDENT DELANEY:
Okay. Let’s follow through with Commissioner Schreffler’s discussion before we go further.

SECRETARY SCHREFFLER:
I want to also comment that as such, I will probably vote for entire package here, but I also am in opposition to most all of these reductions in the allocations. I think it’s important to work with our deer team and so on, and I think they're doing a wonderful job. But I'm especially in opposition to those that exceed ten percent on a reduction, although I realize the reasons why those recommendations were made.

PRESIDENT DELANEY:
Thank you, Commissioner. Any other discussion? Commissioner Boop?

COMMISSIONER BOOP:
Just briefly, and I realize people in the audience probably don’t necessarily have the totals, but I just would like to note that the recommendation from the deer team was for a total of 871,000 allocations in the 22 units with the reduction, which they approved, which reduces that total by 29,500,
which is a reduction of less than four percent. So I
don’t think that the reductions are significant. And
I think they target some areas where we have some
particular concerns. And none of them exceed 20
percent. Thank you.

PRESIDENT DELANEY:
Thank you, Commissioner Boop. Any other
discussion? Okay. We’re going to vote on the
original motion as amended. All of those in favor
signify by saying aye.

PRESIDENT DELANEY:
Opposed?

COMMISSIONER SCHLEMMER:
Opposed. Withdraw that.

PRESIDENT DELANEY:
Okay. So the final tally is?

SECRETARY SCHREFFLER:
The final tally is unanimous, eight to zero.

PRESIDENT DELANEY:
Thank you, Commissioner Schreffler.
Thank you, Commissioners.

ATTORNEY BECHTEL:
The next item to come before the
Commission concerns the adoption of proposed amendments to Section 141.1. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed the following changes: to amend Section 141.1 relating to special regulations areas to authorize the continued use of bait to hunt deer in the southeast special regulations areas by deleting the sunset provision. The Executive Director and Staff do not recommend the final adoption of this amendment to 58 Pa. Code, as shown on Exhibit B on page 14.

VICE-PRESIDENT WEANER: So moved.

PRESIDENT DELANEY: Motion by Commissioner Weaner.

COMMISSIONER BOOP: Second.

PRESIDENT DELANEY: Second by Commissioner Boop. Discussion?

VICE-PRESIDENT WEANER: Mr. President?

PRESIDENT DELANEY: Commissioner Weaner?

VICE-PRESIDENT WEANER: This may sound somewhat confusing, but we
had a recommendation yesterday that we discontinue baiting. The technicalities of discontinuing baiting means that we have to vote no on this motion. Even though I made the motion to bring it onto the floor, I urge us all to vote no, and a no vote will discontinue baiting.

PRESIDENT DELANEY:

Thank you, Commissioner Weaner.

Commissioner Isabella?

COMMISSIONER ISABELLA:

Thank you, Mr. President. I remember three, four years ago when we sat down in a room downstairs whether we would be using a machine or not. You know, I was hoping that the baiting would make some type of an effect in the southeast. I probably talked to some of the same groups that --- I know I talked to the urban deer team, and the comments I got from these guys was whitetail deer are very elusive and they adapt very quickly. I was hoping that would make an effect, but you know, according to the data, it was just a minor effect, so it’s unfortunate that this experiment did not work out. Thank you, Mr. President.

PRESIDENT DELANEY:

Thank you, Commissioner Isabella. So all
of those in favor of this amendment signify by saying 
aye. Opposed?

CHORUS OF NAYS

SECRETARY SCHREFFLER:
Mr. President, the vote was no one in 
favor. It was unanimous opposed.

PRESIDENT DELANEY:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item concerns the adoption of 
proposed amendments to Sections 141.48 and 143.206. 
To effectively manage the wildlife resources of this 
Commonwealth, the Game Commission, at its January 
26th, 2010 meeting, proposed the following changes. 
Amend Section 141.48 relating to elk management area 
and elk hunt zones and 143.206 relating to validity of 
license to define important geographical terms and 
authorized use of unfilled elk licenses to be used to 
harvest elk anywhere within the Commonwealth outside 
of the elk management area during any extended off-
season following the regular elk season. The 
Executive Director and staff recommend final adoption 
of these amendments to 58 Pa. Code as shown on Exhibit 
C on page 16 of your agenda.

COMMISSIONER SCHLEMMER:
So moved.

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Commissioner Schlemmer had the motion, seconded by Commissioner Weaner. Discussion? All of those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote was unanimous in favor.

PRESIDENT DELANEY:
Thank you.

ATTORNEY BECHTEL:
The next item concerns adoption of proposed amendment Section 141.62. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed the following change; to amend Section 141.62 relating to beaver trapping to remove the applicability of the two body gripping traps per trapper limitation to WMU 1B. The Executive Director and staff recommend final adoption of this amendment
to 58 Pa. Code, as shown on Exhibit D on page 18 of your agenda.

PRESIDENT DELANEY:
Commissioners, do we have a motion from the floor?

COMMISSIONER ISABELLA:
Motion.

PRESIDENT DELANEY:
Commissioner Isabella. Second?

COMMISSIONER SCHLEMMER:
Second.

PRESIDENT DELANEY:
Second Commissioner Schlemmer.

Discussion? All of those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous in favor of the amendment.

PRESIDENT DELANEY:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item is the adoption of the
proposed amendment of Section 141.66. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed to amend Section 141.66 relating to cable restraints to establish December 26th as the opening day for the use of cable restraints. The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit E on page 20 of your agenda. Commissioners, motion from the floor?

SECRETARY SCHREFFLER:
So moved.

PRESIDENT DELANEY:
Commissioner Schreffler. Second?

COMMISSIONER MARTONE:
Second.

PRESIDENT DELANEY:
Commissioner Martone. Discussion? With no discussion, all those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous in
favor of the amendment.

PRESIDENT DELANEY:
Thank you.

ATTORNEY BECHTEL:
The next item is the adoption of the proposed amendment to Section 147.701. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed to amend Section 147.701, relating to general, to update and implement the restructured permitting process for bobcats and fishers. The Executive Director and staff recommend final adoption of this amendment 58 Pa. Code shown on Exhibit F on page 22 of your agenda.

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

COMMISSIONER ISABELLA:
Motion.

PRESIDENT DELANEY:
Commissioner Isabella.

VICE-PRESIDENT WEANER:
Second.

PRESIDENT DELANEY:
Commissioner Weaner. Discussion?
COMMISSIONER MARTONE:
Mr. President?

PRESIDENT DELANEY:
Commissioner Martone?

COMMISSIONER MARTONE:
I know when we changed the bobcat season we had a lot of comments from the people using dogs to run bobcats and that this season wasn't their first choice. I just want, you know, to go on record in saying that this is a conservative first step. I think it's a very good first step and it's very conservative and hopefully in the future we can offer more options for those hunters, but we have to start somewhere. Thank you.

PRESIDENT DELANEY:
Thank you, Commissioner Martone. Any other discussion? All those in favor of the motion signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

COMMISSIONER SCHREFFLER:
Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item is proposed rulemaking, to amend 58 Pa. Code Section 141.28. The ring-necked pheasant management plan calls for restoring self-sustaining and huntable ring-neck pheasant populations in suitable habitats in this Commonwealth by establishing at least four Wild Pheasant Recovery Areas or WPRAs by 2015. Wild trapped pheasants will be released to WPRAs in an effort to establish populations of at least ten hens per square mile in the spring. While WPRAs remain closed to game farm pheasant stocking and pheasant hunting and dog training and small game hunting is restricted in critical periods during the population establishment phase, three WPRAs were listed in 2009 and one additional area, the Hegins-Gratz Valley WPRA is proposed at this time to prepare for pheasant releases in 2011. This new WPRA, in protection of wild trapped pheasants released in WPRAs, can be accomplished through the regulations amendment as outlined on the text on pages 23 and 24 of your agenda. The Executive Director and staff recommend the Commission approve this change.

PRESIDENT DELANEY:
Commissioners, you heard the commentary.

Is there a motion from the floor?

COMMISSIONER SCHLEMMER:

Motion.

PRESIDENT DELANEY:

Commissioner Schlemmer.

COMMISSIONER MARTONE:

Second.

PRESIDENT DELANEY

Commissioner Martone. Discussion from the floor? I guess I'll ask for commentary here.

Everyone in the room, I think, understands the financial blights of the Pennsylvania Game Commission and yet we and the Executive Director and our staff found a way to have a fourth wildlife recovery area in Pennsylvania. There's a lot of dedication on behalf of the agency, I think, to make this happen and our Executive Director. There also will be a lot of sacrifice on behalf of the sportsmen. When we do these wildlife recovery areas, it takes six years; three years to get the wild birds and three years to study them. So while I'm personally excited about the fourth WPRA, we all understand that some sacrifice comes with that and we cannot hunt in that area for six years. But I would encourage my fellow
 Commissioners to join in the enthusiasm of the pheasant hunters across the state and support this issue. Additional discussion? All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

SECRETARY SCHREFFLER:

Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:

Thank you, Commissioner.

ATTORNEY BECHTEL:

The next item comes from the Bureau of Wildlife Protection and concerns adopted rulemaking, the adoption of proposed amendments to Section 141.4. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, in its January 26th, 2010 meeting, proposed to amend Section 141.4 relating to hunting hours to update the tables of hunting hours for the 2010/2011 hunting year to reflect the annual change in days and subsequent hunting hours. The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit A on pages 26 through 28 of
1 your agenda.

2 VICE-PRESIDENT WEANER:

3 So moved.

4 PRESIDENT DELANEY:

5 Commissioner Weaner had the motion. Do we hear a second?

6 COMMISSIONER SCHLEMMER:

7 Second.

8 PRESIDENT DELANEY:

9 Second, Commissioner Schlemmer.

10 Discussion?

11 VICE-PRESIDENT WEANER:

12 Mr. President, I would like to offer a couple of amendments to this. The first one, which I'll pass out here, deals with page 26. And again, this is clean-up stuff for the all-day hunting and turkey season; that's what this affects. But on page 26 below what's written there, item number two will read raccoon, fox, skunk, opossum, coyote, bobcat and beaver may be hunted any hour, day or night, except during the restricted periods in paragraph one. And woodchuck, opossum, skunk, and weasel may not be hunted during the legal hours of spring gobbler season.

13 And number three would read turkey may be
hunted one half hour before sunrise to 12 noon from
the opening day of the spring gobbler season through
the third Saturday or the remainder of the season from
one half hour before sunrise to one half hour after
the sunset. That would be Exhibit A and then over on
page 27, rolling this all into one amendment, 27 and
eight, apparently there was an error in plotting when
daylight savings time changes and ends. And so in the
left column, the asterisk would change the ---
daylight savings time ends on November 7th. In the
second column it begins on March 13th. On page 28,
under migratory game bird hunting hours, those same
two changes would be affected.

PRESIDENT DELANEY:
Thank you, Commissioner Weaner. Do we
have a second?

COMMISSIONER ISABELLA:
Second.

PRESIDENT DELANEY:
Was that Commissioner Isabella?

COMMISSIONER ISABELLA:
Yes.

PRESIDENT DELANEY:
Second Commissioner Isabella.

Discussion? All those in favor of the proposed
amendment signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:
Okay, now the next --- I believe we need to vote on a proposal as amended. Do we have a motion from the floor on the proposal to the amendment? Okay. All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous in favor of the amendment.

PRESIDENT DELANEY:
Thank you, Commissioner Schreffler.

ATTORNEY BECHTEL:
The next item is proposed rulemaking, which appears on page 29 of your agenda; to amend 58 Pa. Code Section 141.20. At its April 18th, 2007 Commission meeting, the Commission adopted amendments
to Section 141.20 that permitted the posting of protective material within 15 feet of a blind, meeting the requirements of Section 2308 A3 of the Act in lieu of wearing the required protective material on their person while hunting during any firearms season for deer, elk or bear.

These amendments were made in response to concerns raised by hunters regarding the then-current requirement that protective material be worn only on the person inside a manufactured blind where its visual effectiveness is severely diminished did not afford adequate safety for hunters. Upon further reflection of this issue, the Commission had determined that the mandatory posting of protective material outside a manufactured blind for all hunters who choose to utilize them while hunting during any firearm season for deer, elk or bear will better protect their safety rather than the current voluntary alternative.

To this end, the Commission is proposing to amend Section 141.20 to eliminate the voluntary posting of protective material outside of manufactured blinds and, in the alternative, require that all hunters hunting during any firearm 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 to meet the requirements of 2308 A3 of the Act in a manner that is visible within a 360 degree arc, in addition to the requirement of the wearing of protective material on their persons. The text of this change appears below on pages 29 and 30. The Executive Director and staff recommend that the Commission approve this amendment.

PRESIDENT DELANEY:

Commissioners, you've heard the commentary. Is there a motion?

COMMISSIONER MARTONE:

Motion.

VICE-PRESIDENT WEANER:

Second.

PRESIDENT DELANEY:

Commissioner Martone on the motion, second Commissioner Weaner. Discussion? Commissioner Martone?

COMMISSIONER MARTONE:

I know the legal language may be confusing, but basically what this does is we have the ability for a hunter wearing fluorescent orange to get inside a blind and that was all the orange they had to display, which effectively was none to hunters outside
the blind. And so all we did was add the requirement
to display orange outside the blind during deer, bear
and elk season. Thank you.

PRESIDENT DELANEY:
Other discussion?

SECRETARY SCHREFFLER:
Yes.

PRESIDENT DELANEY:
Commissioner Schreffler?

SECRETARY SCHREFFLER:
Yes, I am in concurrence with Mr. Martone
and I also had the same take as you, where blinds were
permitted and no orange was visible outside, but I
also notice that in tree stands now that they're fully
closed also and of you may be wearing orange there and
you don't see it because they're enclosed with
camouflage. I wanted to make a point that this is any
fully enclosed blind that it's required so other
hunters know that you are there.

PRESIDENT DELANEY:
Thank you, Commissioner. Additional
discussion? With that, all those in favor signify by
saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:

Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:

Thank you, Commissioner.

ATTORNEY BECHTEL:

The next item concerns adopted rulemaking, the adoption of Section 143.45. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed to amend Section 143.45 relating to completing and submitting applications to authorize county treasurers to begin selling antlerless licenses over-the-counter on the first Monday in October. The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit A on page 32 of your agenda.

VICE-PRESIDENT WEANER:

So moved.

PRESIDENT DELANEY:

Commissioner Weaner. Second?

COMMISSIONER SCHLEMMER:

Second.

PRESIDENT DELANEY:
Commissioner Schlemmer. Any discussion?
If not, all those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:
Thank you.

ATTORNEY BECHTEL:
The next item comes from the Bureau of Wildlife Habitat and concerns the adoption of proposed amendment to Section 135.1 and by adding subchapter M to chapter 135. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its January 26th, 2010 meeting, proposed to change or to amend Section 135.1 relating to scope and add subchapter M relating to purchase of properties at auction and tax sales to Chapter 135 to authorize the Executive Director to bid on real estate, oil, gas or mineral rights at auction or tax sales. The Executive Director and staff recommend final adoption of these amendments to 58 Pa. Code as shown on Exhibit A on page 34 of your agenda.
PRESIDENT DELANEY:
Commissioners, is there a motion from the floor?

COMMISSIONER ISABELLA:
Motion.

PRESIDENT DELANEY:
Commissioner Isabella. Second by Commissioner Weaner. Any discussion? Commissioner Boop?

COMMISSIONER BOOP:
This is a motion that I'm very much in favor of, and I would encourage my fellow Commissioners to support this. I know there's been some comment about it and it's been before us for a while, but this is an area that I deal with quite a bit in my professional life and I think when these opportunities become available we have to have the ability to move on the opportunity in a timely manner, and certainly I think the threshold amount that we've set is appropriate. It's very common to await proper notice in other quasi-public entities who authorize Executive Director or the comparative individual to have this authority. I think it's much needed and I totally support it.

PRESIDENT DELANEY:
Thank you, Commissioner Boop. Any additional discussion? If not, all those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

SECRETARY SCHREFFLER:

Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:

Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item concerns two acquisitions. The first is Contract Number 3565, State Game Land Number 331, Clearfield County. The Conservation Fund is offering a tract of land totaling 359 plus or minus acres in Huston Township, Clearfield County adjoining State Game Land Number 331 as shown on Exhibit Red One on page 36 of your agenda. The option price is $323,100 lump-sum payment, with $137,200 being paid to the Game Fund and the balance shall be paid from the Blanche Pollum Estate whose bequest to the Game Commission stipulated the land be purchased within 15 air miles of DuBois and by third party commitments for compensation of habitat and recreational losses from
previously-approved Commission actions.

The option excepts and reserves and all timber and timber rights for 15 years from the date the deed is transferred to the Commission. Specific timber harvesting provisions have been agreed to which follow best management practices for Pennsylvania forests and allow the timber to be harvested in close coordination with the Commission. No conifers shall be cut unless mutually agreed to by both parties.

This tract is an indenture into the northwest boundary of State Game Land Number 331 and is predominantly forested with mixed northern hardwoods. Wetlands are located along the low-lying areas associated with the upper reaches of the Bennett Branch of Sinnemahoning Creek.

The second contract is Contract Number 3566 Howard Nursery, Centre County. The Estate of Louise P. Leathers is offering a tract of land totaling 85 plus or minus acres in Howard Township, Centre County adjacent to the Game Commission's Howard Nursery as shown on Exhibit Red Two on page 37 of your agenda. The option price is a $386,000 lump sum to be paid by third party commitments for compensation of habitat and recreational losses from previously-approved Commission actions. There is a
reservation of one inch waterline from an existing springhouse to the property of one of the heirs of the Louis P. Leathers Estate. This property also adjoins U.S.A. Army Corps of Engineers property at the Corps' Foster Joseph Sayers Dam flood control project. The property has approximately 45 acres in tillage agricultural fields with the remaining 40 acres in mixed northern hardwoods. The property is easily accessible by way of State Route 150 along the northern border of the property and Dowdy Hole Road, a township road which bisects the property to the south. The Executive Director and staff recommend the options listed above be accepted and the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the acquisition of these tracts.

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

COMMISSIONER MARTONE:
So moved.

PRESIDENT DELANEY:
Commissioner Martone.

COMMISSIONER SCHLEMMER:
Second.

PRESIDENT DELANEY:
Commissioner Schlemmer. Is there any discussion? If not, all those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote was unanimous in favor of the motion.

PRESIDENT DELANEY:
Thank you.

ATTORNEY BECHTEL:
The next item concerns a land exchange, contract number 3567, State Game Land Number 169 in Cumberland County. The Pennsylvania Turnpike Commission desires to expand and upgrade an area along Interstate 76 that bisects the northern portion of State Game Land Number 169 situated in Upper Mifflin Township, Cumberland County. This turnpike expansion project will include the taking of approximately 2.2 acres of State Game Land Number 169 as shown on Exhibit Red Three on page 39.

The property is under restrictions by the Commonwealth of Pennsylvania due to being acquired with funding under the Project 70 Act, such that a
conveyance to the Turnpike Commission shall require approval of the General Assembly. The Turnpike Commission shall be the lead agency in seeking approval from the General Assembly for conversion of the land.

In exchange, the Turnpike Commission has offered the Game Commission approximately 2.2 acres of land adjacent to State Game Land Number 169 situated in Upper Mifflin Township, Cumberland County. There is a restriction on this property regarding objections or challenges to the adjoining landfill and its operations. The Turnpike Commission has agreed to obtain a release from the restrictions. If this release is not obtained, the Game Commission shall be under no obligation to acquire title to the property. The tract is an indenture into State Game Lands Number 169 and has the Conodoquinet Creek as its southern boundary. The tract is forested with common bottom land species found along riparian corridors.

The Executive Director and staff have reviewed this request for a land exchange and has determined it to be of equal or greater value for the benefit of wildlife and requests that the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the exchange.
PRESIDENT DELANEY:

Commissioners, you've heard the commentary for land exchange. Is there a motion from the floor?

COMMISSIONER ISABELLA:

Motion.

PRESIDENT DELANEY:

Commissioner Isabella.

COMMISSIONER MARTONE:

Second.

PRESIDENT DELANEY:

Second Commissioner Martone. Is there any discussion? All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:

Opposed?

SECRETARY SCHREFFLER:

Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:

Thank you, Mr. Schreffler.

ATTORNEY BECHTEL:

The next item is on Contract Number 3568, State Game Land Number 93, Somerset County. Waste
Management, Inc., through the Wildlife for Everyone Endowment Foundation, is offering to donate 46 plus or minus acres of land in Shade Township, Somerset County located near State Game Land Number 93 as shown on Exhibit Red Four on page 41. Waste Management, Incorporated will reserve the oil and gas; however, they have agreed to not utilize any surface for any oil/gas-related activities including the exploration, access, development and transportation of oil or natural gas. Gas extraction will require horizontal drilling from neighboring properties. A mining permit exists with a Stage Three bond being held by the Department of Environmental Protection. The deed to the Commission will contain language acceptable to the Executive Director such that the Commission will not be accepting any liability connected to the acid mine drainage, AMD discharge that is being actively treated and occurs on the property from past surface mining activities.

Approximately 18 acres are wetlands including open water, emergent and riparian habitat associated with Miller Run that runs through the tract. A conifer plantation and mixed northern hardwoods cover 14 acres. The remaining 14 acres are equally split between grassland and agricultural
fields. Access to the property is provided by Burinda Road, which is a township road. The Executive Director and staff recommends that the donation listed above be accepted and the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the acquisition of this tract once the liability issues have been removed.

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

VICE-PRESIDENT WEANER:
So moved.

PRESIDENT DELANEY:
Commissioner Weaner.

COMMISSIONER MARTONE:
Second.

PRESIDENT DELANEY:
Commissioner Martone on the second. Is there any discussion? All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous in
favor of the motion.

PRESIDENT DELANEY:

Thank you, Commissioner.

ATTORNEY BECHTEL:

The next item is coal refuse removal and reclamation lease, State Game Land Number 260, Luzerne County. Susquehanna Haul and Drilling, LLC of Exeter, Pennsylvania has requested a lease to mine and remove an abandoned anthracite coal refuse pile disposed on a portion of a 12-acre tract of land being part of State Game Land Number 260 as shown on Exhibit OGM 1 on page 43 of your agenda. The proposed refuse pile removal project will entail approximately 4.5 acres of abandoned and unreclaimed refuse pile containing approximately 1.8 million tons of refuse and waste rock material. The remaining lease acreage will be utilized for access to the coal refuse removal site construction of erosion and sedimentation controls and operational support.

The accumulated royalty value of this proposed project has been calculated at approximately $200,000. Removal and reclamation of the refuse pile will eliminate an abandoned mine hazard and restore the area to its natural condition. Reclamation will be regulated by the Commonwealth's Surface Coal Mining
regulations and the Commission's coal refuse removal and reclamation lease agreement. The seven-year lease will include a $15,000 performance bond and environmental protection standards. Further, Susquehanna Haul and Drilling will be obligated to carry out a site-specific wildlife habitat and reclamation plan as per the direction of the Local Land Management Group Supervisor. No merchantable timber is to be affected by this reclamation operation.

In exchange for the coal refuse removal and reclamation lease, Susquehanna Haul and Drilling will pay the Commission a minimum advanced royalty payment of $10,000 per year for the first two years. Susquehanna Haul and Drilling will also compensate the Commission at a royalty rate of 10 percent FOB pit price or a minimum of $1.00 per ton, whichever the greater, for each and every ton of coal refuse mined and removed from the site. The lease will also provide a wheelage provision in which Susquehanna Haul and Drilling will pay the Commission 25 cents per ton or one percent FOB pit price, whichever the greater, for coal refuse removed from adjacent property and hauled through the Game Lands. All revenues generated from this project shall be deposited into the Game
The Executive Director and staff recommend the proposed lease be approved and the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement listed above.

VICE-PRESIDENT WEANER:
So moved.

PRESIDENT DELANEY:
Commissioner Weaner. Second?

COMMISSIONER MARTONE:
Second.

PRESIDENT DELANEY:
Commissioner Martone. Discussion? All those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote is unanimous in favor of the motion.

PRESIDENT DELANEY:
Thank you, Commissioner. We will now move on to the new business part of our meeting, and I would ask any Commissioners if there any new business
I have a resolution I would like to offer concerning Marcellus Shale. The resolution is as follows; this is a resolution regarding the development of Marcellus Shale gas resources on Pennsylvania Gaming Commission. Whereas there has been previous activity in the exploration of gas in the Marcellus Shale area of the Commonwealth and whereas a portion of the Marcellus Shale area falls under the State Game Lands under the control of the Pennsylvania Game Commission. And whereas the Pennsylvania Game Commission does not own all the oil, gas and mineral rights on some State Game Lands and whereas there is increased pressure for the development of the gas rights on public lands generating increased revenues. And whereas the Pennsylvania Game Commission as an independent agency that receives no appropriated funds from the State General Fund and whereas the Pennsylvania Game Commission's funding is primarily based on licensees,
federal grants and revenue generated from natural resources on the State Game Lands. And whereas the long-term affordability of the Pennsylvania Game Commission/Wildlife Commission is predicated on long-term, sustainable funding and now, therefore, if involved --- that's the development of Marcellus Shale gas resources on the State Game Lands system will be accomplished with great prudence, minimum disruption to State Game Lands and replacement of disturbed land and long-term sustainability of revenue for the Wildlife Commission.

PRESIDENT DELANEY:
Thank you, Commissioner. I take it that you're putting that in the form of a motion?

SECRETARY SCHREFFLER:
Motion or resolution, yes.

PRESIDENT DELANEY:
As a resolution. Do we have a second?

COMMISSIONER ISABELLA:
Second.

PRESIDENT DELANEY:
Commissioner Isabella. Discussion? I would like to comment on that, coming from Northeastern Pennsylvania where we have an awful lot of Marcellus Shale drilling going on. Particularly in
Susquehanna County we had a gas company just get banned from drilling for at least the next calendar year. So when Commissioner Schreffler brought this to the Board, I was just so much in support of sending a message to the public what our concerns are with the Marcellus Shale. I think we have some of the best people in the business here in the Pennsylvania Game Commission that are looking out for our interests with drilling on our State Game Lands for the leases that we have in place. So, Commissioner, thank you for that. Commissioner Putnam?

COMMISSIONER PUTNAM:
I'd like to add a little additional commentary. The Game Commission has a very, very good record of their land dealings and I think we heard yesterday there are some reclamation projects that are going on in the north central where we're getting large amounts of very high-quality habitat at very low costs or no costs to the Commission. Our oil and gas leases, the track records are unmatched by any other agency. Some of that came out in the audit that was done for the State Legislative Budget Finance Committee.

The Game Commission doesn't do the oil and gas dealings the same way as the other state
agencies do it. I think the important part of this is that we are in this for the long haul. We have some very, very significant resources out there, but we want to develop those over the next hundred years, 200 years, 500 years, not before the end of the current administration in Harrisburg. I think it's an important statement for us to make. We're often --- you know, we'll point to the Commission and say you've got a lot of resources up there, why don't you cut all your trees? If you'd cut all your trees, you'd have enough money; you wouldn't need to worry. Well, we're in it for the long haul, we're in it for the fish and wildlife resources that are out there on the land and I think it's an important statement that we need to differentiate the Game Commission from other agencies.

PRESIDENT DELANEY:
Thank you, Commissioner. Other discussion?

COMMISSIONER BOOP:
Mr. President?

PRESIDENT DELANEY:
Commissioner Boop?

COMMISSIONER BOOP:
Yes, under new business I would like to address several issues related to the recent WMI
PRESIDENT DELANEY:
Commissioner Boop, one second. If we could, we were on discussion of Marcellus. If we could just back up a moment?

COMMISSIONER BOOP:
I'm sorry. I withdraw that. I'll be happy to ---.

PRESIDENT DELANEY:
So is there any additional discussion on Commissioner Schreffler's discussion on the Marcellus Shale and the resolution? If not, all those in favor signify by saying aye.

CHORUS OF AYES

PRESIDENT DELANEY:
Opposed?

SECRETARY SCHREFFLER:
Mr. President, the vote was unanimous in favor of the resolution.

PRESIDENT DELANEY:
Thank you, Commissioner Schreffler. Commissioner Boop, you now have the floor.

COMMISSIONER BOOP:
Thank you, and I apologize. I would like to address several issues related to the WMI report.
We had Mr. Williamson present yesterday and many of the people in the room were here for that. I'd like to ask the Executive Director and staff to investigate and report back to the Board with some recommendations for the 2011/2012 season as to how we have, within our available means, the ability to improve our reporting rate, particularly with respect to the criticism in that report related to the low reporting rate.

And I know we have fiscal restraints, but I'd like to see what our options are. I'd like to see what the costs are so that we can make some informed decisions as a Board as to whether --- how we can move forward in implementing that recommendation that we improve our reporting rate. So that's the first part that I would like to ask for.

And at the January meeting I had made a motion, and I think it's timely relative to the WMI report. I'd just like to pass out a proposed motion that I have at this point. The WMI report addresses the issue with respect to our allocations for our antlerless tags for our management units and we've been under some criticism because they're not included in our allocation numbers, so I have a proposed motion under new business which will read as follows, which would address this concern that the antlerless
allocations that's approved for each WMU for the 2010/2011 seasons shall automatically be reduced by the number of DMAP permits issued in that WMU for the 2009/2010 seasons. And that the DMAP permits issued for the 2010/2011 seasons shall not exceed the 2009/2010 totals in each WMU without further action by this Board. This would have the effect of whatever the DMAP allocations were for last year, those would be set aside for DMAP for this year coming forward and with the provision that they not exceed last year as well. And I'd offer that as a motion under new business.

**ATTORNEY WEANER:**

Second.

**PRESIDENT DELANEY:**

Thank you, Commissioner Boop for the motion and Commissioner Weaner for the second. Will there be discussion on the motion? Commissioners?

**SECRETARY SCHREFFLER:**

I think this is not an appropriate move here because it removes flexibility and the ability to adapt to the large population of the deer in certain areas. There are certain hot spots. And a lot of private land owners are doing an excellent job, a lot
of the section coordinators are doing an excellent job here and this removes that flexibility to get additional permits as needed as they monitor their deer population.

The regulation has application criteria in it as to the number of permits being limited, and I think we should follow that rather than change it. It's a really valuable, viable way of managing the deer where we do have hot spots in certain wildlife management units. It provides flexibility and we often are talking about making --- well, reducing the size of wildlife management units. Oftentimes that yard size requires credible data to monitor our deer management. But we can manage certain smaller areas within that wildlife management unit by using the DMAP permit. The deer really don't distinguish between public land or private land and, you know, a lot of the public agencies have professional staff that monitor deer and habitat and deal with surveys and so on, and I get complaints --- just earlier today we talked about allocation. Some areas of wildlife management, one does not see many deer in. Other areas the farmers and the forest land owners were telling me there were tens --- lots of deer on their property. They have 45, 50 deer in a field sometimes
and they show me pictures and I think they should have
the ability to use that DMAP to reduce the allocation
in some of the units. And in those same units, there
are hotspots where other people will have their
property and be unable to use a DMAP to manage the
deer on their private property.

The ability here to strategically target
those hotspots is very important in limiting the
number of allocations, in order to limit that in some
fashion. So my position is that we shouldn't change
the DMAP program at all; it's one of the most useful
tools that we have. It was also mentioned in the
Wildlife Management report that it is a very effective
and very useful tool.

PRESIDENT DELANEY:

Thank you, Commissioner. Just as a point
of clarification, Commissioner Boop, before we go on
and have further discussion about the DMAP, these are
two separate incidents. We merely asked the Executive
Director --- or often it's some director --- with
regards to the WMI report. That was totally different
---

COMMISSIONER BOOP:

Right.

PRESIDENT DELANEY:
--- from your DMAP motion?

COMMISSIONER BOOP:
Correct.

PRESIDENT DELANEY:
Okay. On to Commissioner Putnam, on your discussion.

COMMISSIONER PUTNAM:
To follow-up on what Commissioner Schreffler said, the DMAP program I think is critical to our deer program as we go forward. My concern would be, with the DMAP program, that we may not have been as precise as we could be with some of the plans. I think that's where some of the criticism comes from. I think it's important to point out that DMAP really is a very small percentage of our harvest. Most of our WMUs, it makes up less than three percent. One WMU we have four percent, one we have seven, and one we have 27. 2G is the unit that has the most significant impact of the DMAP program. DMAP is very important to our large forest landowners in 2G. They need that as a tool to manage their deer resources --- and most importantly, timber resources. I think as we go forward, we're going to have to do all that work together, come up with a little better plan that's acceptable to everyone. I think a lot of the concerns
with DMAP are misplaced, in that we have units where we have a lot of complaints, like 4D with a --- the total DMAP harvest size on 4D is 237 animals, relatively small percentage of the harvest. That's all I have.

PRESIDENT DELANEY:

Thank you, Commissioner Putnam. Any other discussion? Commissioner Isabella?

COMMISSIONER ISABELLA:

Thank you, Mr. President. Regarding the DMAP, as the criticism came in months ago, we had the hearing from the hunters that they had information that DMAP was being abused tremendously. I have still yet to see a unit where it has been forced down on the individual forester or private land. So you know, a lot of these allegations, I have found, have been unfair. Thank you.

PRESIDENT DELANEY:

Thank you, Commissioner Isabella.

Additional Commissioners? Director Roe, do you have a comment?

DIRECTOR ROE:

Yes, this is a matter of point of order. We've just approved the allocation by a regulatory process. So if, in fact, we're going to do this, we
probably need to reopen the seasons and bag limits and
go back in and make those changes if, in fact, it's
going to be passed. If not, it comes in as a separate
regulatory action and we have to figure out how to do
that.

PRESIDENT DELANEY:
Commissioner Boop, in light of that
information and recommendation from legal counsel,
what are your thoughts on that?

COMMISSIONER BOOP:
Well, we're not changing the allocation
number. We're just saying that we're going to set
aside from DMAP a portion of the allocation. But I'm
not sure that that's the case, such that I would ---
we have legal counsel and that's why we have legal
counsel, and I would defer to his judgment on the
matter. But ultimately, all the motion says is if you
have --- in a particular WMU you've got 30,000
allocations that were already approved and if last
year there was a thousand DMAP in that WMU, a thousand
this year gets set aside for DMAP and we issue 29,000.
It's pretty straightforward, and that's the impending
motion. It's not changing the allocation number.

DIRECTOR ROE:
Well, if the motion says allocations can
automatically be reduced ---?

COMMISSIONER BOOP:
Which is the DMAP number for last year.

PRESIDENT DELANEY:
I would advise Counsel if we need to take a recess to discuss this further, we can do that. If not, your concurrence with Commissioner Boop's motion has to be in place legally.

ATTORNEY BECHTEL:
The motion is perfectly fine, but I'm saying that procedurally --- and I think he's right; it doesn't have to reopen and re-change the allocation. But if he failed to reopen or re-change the allocation, the problem is the motion appears to be --- to require some sort of regulatory change, whether it's the DMAP program itself in the way the permits are issued or for the allocation, one or the other. And maybe that's what you wanted, but if you don't go back and reopen it, then it just becomes a proposal as opposed to a final adoption. And I understand it wasn't meant to be that. I think it was meant to be exactly what he said. The easiest way to do that is finally adopt it now with the package as everything else was proposed.

PRESIDENT DELANEY:
Well, we're under new business and, Commissioner ---.

ATTORNEY BECHTEL:
Well, let me reconsider that any time left on the winning side could ---.

PRESIDENT DELANEY:
Commissioner Boop, do you need a recess to consider this or are you prepared to offer some additional language or would you rather reopen seasons and bag limits?

COMMISSIONER BOOP:
I think this is where we were in January. The intent is, it's recommended by WMI that DMAP not be added to our allocation numbers. Now, it seems to me that the motion as I've stated accomplishes that result. Now, if someone can suggest some other language they feel clears up Mr. Bechtel's problem, I'm certainly willing to consider that.

PRESIDENT DELANEY:
I'd rather keep it between Commissioner Boop and legal counsel for right now.

DIRECTOR ROE:
I'm not so concerned about the language as how to enter it into the regulatory process.
Commissioner Boop, if you cannot come to some terms with that in the next two or three minutes, I think we're going to --- we'll either take recess and discuss it or we'll allow further new business to happen.

COMMISSIONER WEANER:
Mr. President?

PRESIDENT DELANEY:
Yes, sir?

COMMISSIONER WEANER:
I vote we take a five-minute recess.

PRESIDENT DELANEY:
Five-minute recess.

SHORT BREAK TAKEN

PRESIDENT DELANEY:
The issue under new business is very complicated and we had to consult with our legal counselors to get the right direction to move forward. And I believe we have that, so we will reconvene this business being under new business and we will move forward from there.

COMMISSIONER WEANER:
Mr. President, I move to reconsider the motion which establishes seasons, bag limits and allocations.
Okay. On that note, do we have a second from the floor?

I'll second that.

Commissioner Martone on the second. Do we have discussion on that? Okay. We will then take a vote, and all those in favor of Commissioner's Weaner motion signify by saying Aye.

The vote is seven in favor and ---.

There's a discrepancy. Show of hands and let's put the names down for the stenographer. All of those in favor of the motion signify by saying aye and raise your right hand.

AYES RESPOND
Opposed?

NAY RESPONDS

COMMISSIONER SCHLEMMER:
I'd like to abstain.

SECRETARY SCHREFFLER:
So, Mr. President, the vote is six votes in favor, one vote opposed, Commissioner Isabella, and one abstention, Commissioner Schlemmer.

PRESIDENT DELANEY:
Okay. With that said, I believe we can move forward then and put Commissioner Boop back on the floor with his amendment.

COMMISSIONER BOOP:
Yes, I amend this in the form of the motion that I passed out and this would be to include the antlerless allocations, the DMAPs and the manner as it's stated I would suggest for the upcoming 2010/2011 season.

PRESIDENT DELANEY:
Thank you, Commissioner Boop. Is there a second on the motion? I apologize, Commissioner Weaner on the second. Is there any discussion? All of those in support of Commissioner Boop ---. You want to discuss something? Go ahead.

COMMISSIONER SCHREFFLER:
Yes, I just wanted to point out that my take on this --- I'm in favor of including allocation, but my take is that this will actually cap the number of DMAPs that we have this year and some might argue that where there are DMAPS, there is a need for more, and there won't be any more available under this.

PRESIDENT DELANEY:
Thank you, Commissioner. Any other discussion? Commissioner Weaner?

VICE-PRESIDENT WEANER:
With respect to that concern, I think the very last statement says that we not exceed these totals unless the Board takes further action, so I would suggest that if it becomes a problem and issues were brought to us that we could take action to extend that if it becomes necessary, so I think that contingency is taken care of with this motion.

Therefore, I vote yes.

PRESIDENT DELANEY:
Thank you, Commissioner Weaner.

Additional discussion? With that said, all of those in favor of Commissioner Boop's motion signify by saying aye.

AYES RESPOND

PRESIDENT DELANEY:
Opposed?

OPPOSED RESPOND

SECRETARY SCHREFFLER:

Mr. President, the vote is six in favor and two opposed, Mr. Isabella and Mr. Schreffler.

PRESIDENT DELANEY:

Thank you, Commissioner. Okay, we're back into seasons and bag limits. We have an amended motion on the floor. Do we have any discussion on that? If not, we will vote again. All those in favor signify by saying aye.

AYES RESPOND

PRESIDENT DELANEY:

Opposed?

OPPOSED RESPOND

SECRETARY SCHREFFLER:

Mr. President, the vote is six in favor, two opposed. Mr. Schreffler and Mr. Isabella were opposed.

PRESIDENT DELANEY:

Thank you. I believe we concluded that. Is our legal counsel comfortable with that?

ATTORNEY BECHTEL:

Yes.

PRESIDENT DELANEY:
Thank you. Is there any additional new business?

COMMISSIONER MARTONE:
Here.

PRESIDENT DELANEY:
Commissioner Martone?

COMMISSIONER MARTONE:
Under new business, while I fully and wholeheartedly support antler restrictions and the resulting age class in bucks that it creates, I would like the Executive Director and the Bureau Chief of Wildlife Management to prepare a report for this Board's June meeting on options to eliminate the use of brow tines in determining antler restriction. This has generated a lot of discussion from sportsmen. I think it's something that we've heard --- the whole Board has heard a lot about and, you know, if we can effectively do this without creating harm to the age class of the bucks --- we know it's going to have some effect. But whether we can do it without radically changing that, I think it's something the Board would like to see. So we'd like to address that at the June meeting. Thank you.

PRESIDENT DELANEY:
Thank you, Commissioner Martone. It's my
understanding then that you're asking the staff to research that and report back to us?

COMMISSIONER MARTONE:

Yes.

PRESIDENT DELANEY:

Thank you. Any other new business? On that note, I'd just like to check with the addition of meeting dates with the Board to make sure we're comfortable with them. As written, the following Commission meeting dates were approved for 2010 and January of 2011. Does the Commission wish to proceed with these dates and locations, January 28th and 29th, 2010 in Harrisburg, October 4th and 5, 2010 in Wilkes-Barre, in January 23, 24 and 25 in Harrisburg? Are we all okay with those dates and locations? If not, I'd like a motion to adjourn the meeting.

VICE-PRESIDENT WEANER:

So moved.

COMMISSIONER PUTNAM:

Second.

PRESIDENT DELANEY:

Commissioner Weaner, followed by Commissioner Putnam. Thank you.

* * * * * *

MEETING CONCLUDED AT 11:30 A.M.
CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before President Delaney, was reported by me on 04/20/2010 and that I Cynthia Piro Simpson read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

[Signature]
Court Reporter