

BEFORE THE PENNSYLVANIA GAME COMMISSION

* * * * *

BOARD MEETING

* * * * *

BEFORE: James J. Delaney, Jr., President
Ronald A. Weaner, Vice-President
David W. Schreffler, Secretary
Gregory J. Isabella, Commissioner
Thomas E. Boop, Commissioner
David J. Putnam, Commissioner
Robert W. Schlemmer, Commissioner
Ralph A. Martone, Commissioner
Cal DuBrock, Director
Rich Palmer, Director
Bill Capouillez, Director

HEARING: Tuesday, February 1, 2011
8:32 a.m.

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

WITNESSES: None

Reporter: Jolynn C. Prunoske

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

Sargent's Court Reporting Service, Inc.

(814) 536-8908

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Bradley Bechtel, Esquire
PA Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110
Counsel for the Commission

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OPENING REMARKS

By President Delaney

5 - 8

DISCUSSION AMONG PARTIES

8 - 103

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>Letter</u>	<u>Description</u>	<u>Page Offered</u>
A	Wildlife Grant Project	8
B	Deer Control Agricultural	
C	White-tail Deer Control	11
D	Land Management Plans	12
E	Snow Goose Conservation Hunt	
	Permits	13

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PRESIDENT DELANEY:

Good morning, and welcome to the February 1st, 2011 Pennsylvania Game Commission Board of Commissioners meeting. Thanks to all of you for attending today who weathered the storm to get here. And if you'd be kind enough to stand and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT DELANEY:

Before we begin these proceedings, I would ask you to join the Board of Commissioners for a moment of silence to reflect on the tragedy of November 11th, 2010 when WCO David Grove was killed in the line of duty and the ultimate sacrifice was made.

A MOMENT OF SILENCE

PRESIDENT DELANEY:

Thank you for that respectful showing. A few housekeeping things. Please turn your cell phones off or put them on vibrate. And again, I would ask that we have a very respectful meeting as we have the past two days. A lot of information. Just want to keep in mind that the respect that we have for each other's opinions in the room. And on that note, I

1 will call on our Secretary for a role call of
2 Commissioners present.

3 SECRETARY SCHREFFLER:

4 Ralph Martone?

5 MR. MARTONE:

6 Here.

7 SECRETARY SCHREFFLER:

8 Robert Schlemmer?

9 MR. SCHLEMMER:

10 Here.

11 SECRETARY SCHREFFLER:

12 David Putnam?

13 MR. PUTNAM:

14 Present.

15 SECRETARY SCHREFFLER:

16 Thomas Boop?

17 MR. BOOP:

18 Present.

19 SECRETARY SCHREFFLER:

20 Greg Isabella?

21 MR. ISABELLA:

22 Present.

23 SECRETARY SCHREFFLER:

24 David Schreffler? Present. Ron Weaner?

25 MR. WEANER:

1 Present.

2 SECRETARY SCHREFFLER:

3 James Delaney?

4 PRESIDENT DELANEY:

5 Present.

6 SECRETARY SCHREFFLER:

7 All present and accounted for, Mr.

8 President.

9 PRESIDENT DELANEY:

10 Thank you, Mr. Secretary. Do we now have

11 a motion for the approval of the minutes of the

12 meeting held October 5th, 2010?

13 MR. MARTONE:

14 So moved.

15 PRESIDENT DELANEY:

16 Is there a second?

17 MR. ISABELLA:

18 Second.

19 PRESIDENT DELANEY:

20 Is there any discussion of those minutes?

21 All those in favor signify by saying aye.

22 AYES RESPOND

23 PRESIDENT DELANAHEY:

24 Opposed?

25 SECRETARY SCHREFFLER:

1 The motion carried unanimously, Mr.
2 President.

3 PRESIDENT DELANEY:

4 Thank you, Commissioner Schreffler. At
5 this time, I'd like to turn to our agency counselor,
6 Brad Bechtel.

7 ATTORNEY BECHTEL:

8 Thank you, Mr. President. The first item
9 to come before the Commission is from the Bureau of
10 Wildlife Management that involves the approval of
11 State Wildlife Grants Program Projects. The
12 commentary is listed in your agenda. The executive
13 director and staff recommend approval of this latest
14 state wildlife grant projects listed in Exhibit A on
15 page three of your agenda.

16 (Deposition Exhibit A marked for
17 identification.)

18 PRESIDENT DELANEY:

19 Commissioners, is there a motion from the
20 floor?

21 MR. WEANER:

22 So moved.

23 PRESIDENT DELANEY:

24 Second.

25 MR. MARTONE:

1 Second.

2 PRESIDENT DELANEY:

3 Any discussion on that motion? All those
4 in favor signify by saying aye.

5 AYES RESPOND

6 PRESIDENT DELANEY:

7 Opposed?

8 SECRETARY SCHREFFLER:

9 Mr. President, the motion is carried
10 unanimously.

11 PRESIDENT DELANEY:

12 Thank you, Commissioner Schreffler.

13 ATTORNEY BECHTEL:

14 The second item concerns the Endangered
15 Species Great Lakes Restoration Initiative Grants
16 Program. Again, there's a commentary in the agenda.
17 A small portion of this grant will be used to
18 subsidize agency Staff work; however, the majority of
19 the grant funds will be used to restore habitat for
20 Great Lakes piping plovers, a federally endangered
21 species and other Pennsylvania species of greatest
22 conservation needs. The executive director and staff
23 recommend the approval of this piping plover project
24 and the work as described with Western Pennsylvania
25 Conservancy and the Pennsylvania Audubon.

1 PRESIDENT DELANEY:

2 Commissioners, you've heard the comments
3 here. Is there a motion from the floor?

4 MR. MARTONE:

5 So moved.

6 PRESIDENT DELANEY:

7 Commissioner Martone. Is there a second?

8 MR. SCHLEMMER:

9 Second.

10 PRESIDENT DELANEY:

11 Commissioner Schlemmer. Is there any
12 discussion on the motion? If not, all those in favor
13 signify by saying aye.

14 AYES RESPOND

15 PRESIDENT DELANEY:

16 Are there any opposed?

17 SECRETARY SCHREFFLER:

18 Mr. President, the motion is carried
19 unanimately.

20 PRESIDENT DELANEY:

21 Thank you, Mr. Secretary.

22 ATTORNEY BECHTEL:

23 The next item concerns adopted rule
24 making. Adoption of proposed amendments, Sections
25 147.552 and 147.556 to create a focus limited

1 authorization permitting the baiting of white-tail
2 deer in wildlife management units, 5C and 5D on
3 approved properties enrolled in the Red Tag Program.
4 The executive director and staff recommend final
5 adoption of these amendments to Pa.C as shown on
6 Exhibit C on page six of your agenda.

7 (Deposition Exhibit Six marked for
8 identification.)

9 PRESIDENT DELANEY:

10 Commissioners, you've heard the proposed
11 amendment. Is there any motion from the floor?

12 MR. ISABELLA:

13 Motion.

14 PRESIDENT DELANEY:

15 Commissioner Isabella. Is there a
16 second?

17 MR. WEANER:

18 Second.

19 PRESIDENT DELANEY:

20 Commissioner Weaner. Is there any
21 discussion? If not, all those in favor signify by
22 saying aye.

23 AYES RESPOND

24 PRESIDENT DELANEY:

25 Are there any opposed?

1 SECRETARY SCHREFFLER:

2 Mr. President, the motion is carried
3 unanimously.

4 PRESIDENT DELANEY:

5 Thank you, Mr. Secretary.

6 ATTORNEY BECHTEL:

7 The next item concerns adoption of
8 proposed amendments to the Section 147.673 to require
9 the public landowners to provide approved management
10 plans along with applications and also advance the
11 applications date one month. The executive director
12 and staff recommend final adoption of this amendment
13 to 58 Pa.C as shown in Exhibit D on page eight and
14 nine of your agenda.

15 (Deposition Exhibit D marked for
16 identification.)

17 PRESIDENT DELANEY:

18 Commissioners, is there a motion from the
19 floor?

20 MR. WEANER:

21 So moved.

22 PRESIDENT DELANEY:

23 Commissioner Weaner. Is there a second?

24 MR. MARTONE:

25 Second.

1 PRESIDENT DELANEY:

2 Commissioner Martone. Is there any
3 discussion? If not, all those in favor signify by
4 saying aye.

5 AYES RESPOND

6 PRESIDENT DELANEY:

7 Opposed?

8 SECRETARY SCHREFFLER:

9 Mr. President, the motion is carried
10 unanimately.

11 PRESIDENT DELANEY:

12 Thank you, Mr. Secretary.

13 ATTORNEY BECHTEL:

14 The next item is also an adoption of
15 proposed amendments. This is section 147.783 to
16 authorize the use of electronic decoys of hunting and
17 taking activities conducted under a snow goose
18 conversation hunt permit. The executive director and
19 staff recommend final adoption of this amendment to 58
20 Pa.C as shown on Exhibit E on page 11 of the agenda.

21 (Deposition Exhibit E marked for
22 identification.)

23 PRESIDENT DELANEY:

24 Commissioner's, you're heard the
25 commentary. Is there a motion from the floor?

1 SECRETARY SCHREFFLER:

2 So moved.

3 PRESIDENT DELANEY:

4 Commissioner Schreffler. Is there a
5 second?

6 MR. WEANER:

7 Second.

8 PRESIDENT DELANEY:

9 Commissioner Weaner. Is there any
10 discussion? If not, all those in favor signify by
11 saying aye.

12 AYES RESPOND

13 PRESIDENT DELANEY:

14 Opposed?

15 SECRETARY SCHREFFLER:

16 Mr. President, the motion is carried
17 unanimously.

18 PRESIDENT DELANEY:

19 Thank you, Commissioner.

20 ATTORNEY BECHTEL:

21 The next item today is proposed rule
22 making to amend 58 Pa.C, Section 141.28 to add a fifth
23 wild pheasant restoration area in Franklin County Wild
24 Pheasant Restoration area to prepare for pheasant
25 releases in 2012. This is outlined on pages 12 and 13

1 of your agenda. The executive director and staff
2 recommend the Commission approve this change.

3 PRESIDENT DELANEY:

4 Commissioners, you're heard the
5 commentary. Is there a motion from the floor?

6 MR. ISABELLA:

7 Motion.

8 PRESIDENT DELANEY:

9 Commissioner Isabella. Is there a
10 second?

11 SECRETARY SCHREFFLER:

12 Second.

13 PRESIDENT DELANEY:

14 Commissioner Schreffler. Is there any
15 discussion? If not, all those in favor signify by
16 saying aye.

17 AYES RESPOND

18 PRESIDENT DELANEY:

19 Is there any opposed?

20 SECRETARY SCHREFFLER:

21 Mr. President, the motion is carried
22 unanimously.

23 PRESIDENT DELANEY:

24 Thank you, Mr. Secretary.

25 ATTORNEY BECHTEL:

1 The next item concerns the amendment of
2 58 Pa.C, Section 139.4 the seasons and bag limits. The
3 commentary does appear in your agenda. The executive
4 director and staff recommend the Commission approve
5 the proposed 2011 through 2012 seasons and bag limits
6 amendments to Section 139.4 shown on pages 15 through
7 22 of your agenda.

8 PRESIDENT DELANEY:

9 Commissioners, if we can, I would like a
10 motion from the floor and we will handle pages 15
11 through 22 via floor amendments so if we could have a
12 motion to get started on that commentary, I'd like
13 that.

14 MR. WEANER:

15 Mr. President, I move we accept the
16 seasons and bag limits.

17 PRESIDENT DELANEY:

18 A motion made by Commissioner Weaner. Is
19 there a second?

20 MR. BOOP:

21 Second.

22 PRESIDENT DELANEY:

23 Commissioner Boop. Is there any
24 discussion? I will start on page 15 and offer an
25 amendment under Ruffed Grouse. If you would come

1 down, I would add that we will strike the closing date
2 as January 21st, 2012 and make that new date January
3 the 28th.

4 MR. WEANER:

5 Second.

6 PRESIDENT DELANEY:

7 Commissioner, if I could, we'll do the
8 whole page and then --- because there's two more on
9 this and then we'll go to Second. If you come down to
10 rabbits, cottontail, eligible junior hunters, instead
11 of the closing date being October 14th, that would be
12 October 15th. And then coming to Cottontail Rabbits,
13 strike the starting date of October 15 and make that
14 October the 22nd. And that would be page 15, the
15 amendments that I would offer on that particular page.
16 That's a motion that I will make. And is there a
17 second?

18 MR. WEANER:

19 I'll second.

20 PRESIDENT DELANEY:

21 Commissioner Weaner.

22 PRESIDENT DELANEY:

23 Is there any further discussion on page
24 15? All those in favor of the amendments offered
25 signify by saying aye.

1 AYES RESPOND

2 PRESIDENT DELANEY:

3 Opposed?

4 SECRETARY SCHREFFLER:

5 Mr. President, the motion for the
6 amendments is unanimous.

7 PRESIDENT DELANEY:

8 Thank you, Mr. Secretary. We'll move on
9 to page 16. And there will be a motion made by myself
10 on page 16 to --- we'll start at the top of page 16
11 under Ring-necked Pheasant, male only. If we go over,
12 we'll strike October 14th and make that October 15th.

13 Coming down to Ring-necked Pheasant, male
14 or female, the first day would be October the 8th, but
15 we would strike October 14th as the closing date and
16 make that October 15th.

17 If we come down to Ring-necked Pheasant,
18 male only, in WWM 2A, 2B, 2C and 4C, 4E, 5A and 5B, we
19 will strike October the 15th and make that October the
20 22nd. And immediately under that, Ring-necked
21 Pheasant, male or female, October 15th, October the
22 22nd.

23 And then we come down to Bobwhite Quail,
24 we'll strike October the 15th and make that October
25 the 27th. I'm sorry, October the 22nd, for

1 clarification. That is my motion. Is there a second?

2 MR. MARTONE:

3 Second.

4 PRESIDENT DELANEY:

5 Commissioner Martone, on the second.

6 Under discussion. Commissioners, any discussion?

7 MR. DUBROCK:

8 Mr. President.

9 PRESIDENT DELANEY:

10 Director DuBrock.

11 MR. DUBROCK:

12 For woodchucks and porcupines, there's
13 some language there that talks about no closed season.
14 It's during the regular firearms deer season and
15 during the legal hunting hours for spring gobbler or
16 turkey season. There are some other regulations
17 considerations that are going to come before you later
18 on in the agenda that we are recommending. In order
19 to move this language in compliance with that
20 language, we need to strike the reference to during
21 legal hunting hours of the spring gobbler turkey
22 season. That's undergone, I think, a fair amount of
23 discussion within Staff and we just realized here that
24 to bring these things together, it's necessary to make
25 this change in Title 58 in 139.4.

1 So the recommendation here or the change
2 that we need to see occur is the language should
3 reflect the following, no closed season except during
4 the regular firearms deer season, period. And that
5 will be a recurring change throughout 139 and I'll try
6 to point those out as we encounter them on various
7 pages.

8 PRESIDENT DELANEY:

9 Okay. Director DuBrock, we appreciate
10 your input to that on that information. With all the
11 amendments for page 16, the motion by Delaney, second
12 by Martone. All those in favor signify by saying aye.

13 AYES RESPOND

14 PRESIDENT DELANEY:

15 Opposed?

16 SECRETARY SCHREFFLER:

17 The motion is carried unanimously, Mr.
18 President, to amend page 16.

19 PRESIDENT DELANEY:

20 Thank you, Mr. Secretary. Now, moving on
21 to page 17. Is there any amendments on page 17?

22 MR. MARTONE:

23 Yes, I would like to present a motion to
24 amend page 17 as follows. Under Turkey, male or
25 female, WMU 1A, 1B, 2A, first day October 29th, last

1 day November 12th. For the rest of that stays the
2 same.

3 Under WMU 2B, first day October 29th
4 changes --- the rest of that remains the same.

5 Under WMU 2C, 2D, 2E, 4A, 4B and 4E, the
6 first day changes to October 29th, last day, November
7 12th. The rest of that will remain the same.

8 And under WMU 2F, 2G, 3A, 3B and 3C, 3D,
9 4C and 4E, the first day October 29th. The rest of
10 that will remain the same.

11 And under WMU 5A, the first day November
12 1st, the last day November 3rd. That is all the
13 changes I have for that page.

14 MR. WEANER:

15 Second.

16 PRESIDENT DELANEY:

17 Motion made by Commissioner Martone,
18 seconded by Commissioner Weaner. Is there any further
19 discussion with page 17? If not, all those in favor
20 signify by saying aye.

21 AYES RESPOND

22 PRESIDENT DELANEY:

23 Opposed?

24 SECRETARY SCHREFFLER:

25 Mr. President, the motion to amend page

1 17 is carried unanimously.

2 MR. WEANER:

3 Mr. President, I apologize. But I just
4 noticed an error. Following your vote --- just as you
5 were voting, I see that for the spring gobbler season,
6 if I'm reading this correctly, it says April 28th,
7 2012 to May 12th, 2010. I don't think that's
8 possible.

9 PRESIDENT DELANEY:

10 I appreciate your finding that at this
11 point. If we could possibly add a second amendment
12 for this page, Commissioner Martone or Commissioner
13 Weaner, you take the floor.

14 MR. WEANER:

15 I move to make the necessary changes to
16 reflect it here.

17 MR. BOOP:

18 Second.

19 PRESIDENT DELANEY:

20 Motion made by Commissioner Weaner,
21 seconded by Commissioner Boop. Under discussion, I
22 take just for the stenographer here, how about we put
23 on the record what that date should be.

24 MR. WEANER:

25 Okay. April 28th, 2012 to May 12th,

1 2012.

2 PRESIDENT DELANEY:

3 Thank you, Commissioner Weaner. Any
4 other discussion on that amendment? If not, all
5 those in favor signify by saying aye.

6 AYES RESPOND

7 PRESIDENT DELANEY:

8 Opposed? Thank you, Director DuBrock.

9 SECRETARY SCHREFFLER:

10 Mr. President, that motion carries
11 unanimously.

12 PRESIDENT DELANEY:

13 Thank you. Page 18, is there any
14 concerns for the amendments for page 18?

15 MR. DUBROCK:

16 Mr. President, again the language
17 concerning the hunting hours or taking for starlings
18 and English sparrows needs to be altered to reflect a
19 no closed season except during the regular firearms
20 deer seasons.

21 PRESIDENT DELANEY:

22 Duly noted for the record. Thank you,
23 Commissioner.

24 MR. ISABELLA:

25 Mr. President, I just noticed on page 18,

1 on the crows first day there's no year. It just says
2 July 1st.

3 PRESIDENT DELANEY:

4 Good point, Commissioner Isabella. Would
5 you be kind enough to straighten that date out for us
6 and possibly follow up with, if you would, with the
7 concern that Director DuBrock had regarding no closed
8 season except during the regular firearms deer season.

9 MR. ISABELLA:

10 Do you want me to make that amendment? I
11 motion that we, under crows first day for July 1st,
12 the date which was omitted should be 2012. And under
13 starlings, excuse me.

14 PRESIDENT DELANEY:

15 We'll get it right.

16 MR. ISABELLA:

17 2011. And on the starlings and English
18 Sparrows we keep the first two sentences. No closed
19 season except during the regular firearms deer season,
20 and we delete the rest of the sentences.

21 PRESIDENT DELANEY:

22 Thank you, Commissioner Isabella. Is
23 there a second to that motion on the amendment?

24 MR. SCHLEMMER:

25 Second.

1 PRESIDENT DELANEY:

2 Commissioner Schlemmer, is there any
3 further discussion?

4 SECRETARY SCHREFFLER:

5 Mr. President, looking down to falcons,
6 it looks like the date's missing for the first day.

7 PRESIDENT DELANEY:

8 Thanks, Mr. Secretary. That's noted,
9 also. So do you want to put that in a form of a
10 motion to add ---?

11 MR. DUBROCK:

12 Mr. President, if I may?

13 PRESIDENT DELANEY:

14 Yes, Director DuBrock.

15 MR. DUBROCK:

16 These are seasons for 2011 to '12. It's
17 implied, and historically, the way we've approached
18 this, is it's implied it's 2011 when no date is
19 included. And only when it goes to 2012, we actually
20 list a date. That's the process we've employed in the
21 past.

22 PRESIDENT DELANEY:

23 I'll defer to our legal counsel, Brad
24 Brechtel, if you're comfortable with that?

25 ATTORNEY BECHTEL:

1 Yes, there's no way it could be September
2 2012, so ---.

3 PRESIDENT DELANEY:

4 Okay. Duly noted. So we had a motion.
5 We had a second. We talked about discussion. On page
6 18, all those in favor signify by saying aye.

7 AYES RESPOND

8 PRESIDENT DELANEY:

9 Those opposed?

10 SECRETARY SCHREFFLER:

11 The motion carried to amend page 18. We
12 carried unanimously, Mr. President.

13 PRESIDENT DELANEY:

14 Thank you, Mr. Secretary. On page 19,
15 any concerns or amendments for page 19?

16 MR. MARTONE:

17 Mr. President?

18 PRESIDENT DELANEY:

19 Commissioner Martone.

20 MR. MARTONE:

21 I would like to make a motion for the
22 following changes on page 19. First of all, at the
23 top, under deer, archery, antlered and antlerless
24 state-wide, on the second line, season running from
25 December 26th and ending on January 16th, 2012 instead

1 of January 14th.

2 On the very last --- in the same vein, on
3 the very last line of that page, deer, flintlock,
4 antlered and antlerless state-wide changing from
5 December 26th to January 14th, the change would be
6 December 26th to January 16th, 2012.

7 In addition, on that page, under deer,
8 regular firearms, antlered and antlerless, the WMU
9 would list as 1A, 1B, 2B, 3A, 3D, 4A, 4C, 4A, under
10 5A, 5B, 5C and 5D. And under deer regular firearms,
11 antlered only, that list would read, I got to get it
12 right here, 2A, 2C, 2D, 2E, 2F, 3B, 3C, 4B, 4D, 4E.
13 And under deer regular firearms, antlered and
14 antlerless would also read, 2C, 2D, 2E, 2F, 2G, 3A,
15 3C, 4B, 4D, 4E. I'd like to submit those changes to
16 the motion.

17 PRESIDENT DELANEY:

18 Thank you, Commissioner Martone. There
19 is second on the motion?

20 MR. SCHLEMMER:

21 Second.

22 PRESIDENT DELANEY:

23 Commissioner Schlemmer. Is there any
24 discussion?

25 MR. ISABELLA:

1 Mr. President?

2 PRESIDENT DELANEY:

3 Commissioner Isabella.

4 MR. ISABELLA:

5 You know, I'm looking at the split
6 seasons scenario and in my opinion, if you want to see
7 more deer, you could adjust the allocations. This is
8 only causing more confusion to our sportsmen on the
9 outside. That's all I have to say.

10 PRESIDENT DELANEY:

11 Thank you, Commissioner Isabella for your
12 commentary. Commissioner Weaner.

13 MR. WEANER:

14 Just to clarify then, with regard to this
15 season change, 2A, 2F and 3B now becomes split seasons
16 as opposed to being concurrent; is that correct?

17 MR. ISABELLA:

18 Correct.

19 MR. WEANER:

20 Thank you.

21 MR. MARTONE:

22 Mr. President?

23 PRESIDENT DELANEY:

24 Commissioner Martone.

25 MR. MARTONE:

1 I would like to comment from yesterday's
2 discussion with the deer biologist, that we have the
3 ability to offer split season and make adjustments in
4 the antlerless allocations to accommodate that and
5 still meet whatever goals the Board would come up with
6 as far as deer population if it remaining stable,
7 increasing and decreasing. And we have been well
8 informed on the deer team's ability to make those
9 adjustments for the Board. Thank you.

10 PRESIDENT DELANEY:

11 Thank you, Commissioner Martone. Any
12 other Commissioner's commentary? Commissioner Boop.

13 MR. BOOP:

14 I assume it's probably obvious to people
15 in the audience, but as I understand Commissioner
16 Martone's amendment with respect to the late archery
17 and the late muzzleloader, that's just to include the
18 Martin Luther King holiday when people are off and
19 provide an extra day of opportunity. At least that's
20 my understanding is the reason for it.

21 PRESIDENT DELANEY:

22 Thanks for your commentary, Commissioner
23 Boop. Commissioner Martone.

24 MR. MARTONE:

25 Thank you, Commissioner Boop. That's an

1 excellent explanation of that.

2 PRESIDENT DELANEY:

3 The only other discussion I would add to
4 that is WMU 3B is in northeastern Pennsylvania and
5 although Commissioner Martone made the motion, I'm
6 certainly well supported of the split season for WMU
7 3B. On that note, all those in favor of the
8 amendments --- Commissioner Martone handled the motion
9 from the floor.

10 MR. WEANER:

11 Second.

12 PRESIDENT DELANEY:

13 Commissioner Weaner seconded the motion.
14 Any additional discussion on page 19? If not, all
15 those in favor signify by saying aye.

16 AYES RESPOND

17 PRESIDENT DELANEY:

18 Opposed?

19 OPPOSES RESPONDS

20 MR. ISABELLA:

21 Opposed.

22 SECRETARY SCHREFFLER:

23 Mr. President, the motion carries. Seven
24 in favor, one opposed.

25 PRESIDENT DELANEY:

1 Okay. Mr. Secretary, just for the
2 stenographers sake, could we just --- can you say who
3 the Commissioners were that were opposed and who
4 supported the vote, so it can be reflected in the
5 record.

6 SECRETARY SCHREFFLER:

7 Those in favor were Mr. Putnam, Mr. Boop,
8 Mr. Schreffler, President Delaney, Mr. Weaner, Mr.
9 Martone, Mr. Schlemmer. Opposed was Mr. Isabella.

10 PRESIDENT DELANEY:

11 Thank you, Mr. Secretary. Let's move to
12 page 20. Are there any brief commentaries or are
13 there any amendments for page 20? Commissioner Boop.

14 MR. BOOP:

15 Yes. Thank you, Mr. President.
16 Yesterday, we heard a very comprehensive report by
17 biologist, Mark Ternent. And I would like to offer an
18 amendment to what had been the traditional three day
19 bear season which last year we started on Saturday.
20 Proposed as it reads here now would be Saturday the
21 19th and Monday and Tuesday the 21st and 22nd. I
22 would like to include Wednesday, the 23rd, which would
23 make the end date of November 23 as opposed to the
24 22nd. So it would be a four day regular season plus
25 the extensions this coming fall. That's my amendment.

1 PRESIDENT DELANEY:

2 Thank you, Commissioner Boop. Is there a
3 second to that motion?

4 MR. WEANER:

5 Second.

6 PRESIDENT DELANEY:

7 Commissioner Weaner. Is there any
8 discussion with regard to that motion? If not, all
9 those in favor signify by saying aye.

10 AYES RESPOND

11 PRESIDENT DELANEY:

12 Opposed.

13 SECRETARY SCHREFFLER:

14 Mr. President, the motion is carried
15 unanimously, the amendments on page 20.

16 PRESIDENT DELANEY:

17 Thank you, Mr. Secretary. We'll move to
18 page 21. Any amendments for page 21? If not, any
19 amendments for page 22 or any commentary? Director
20 DuBrock.

21 MR. DUBROCK:

22 Mr. President, I'm asking for seasons for
23 opossums, skunks and weasels. That language needs to
24 reflect the other changes that we've made in other
25 parts of 139.4. This should now read no closed

1 season, period. And strike "these species may not be
2 hunted during legal hunting hours in the spring
3 gobbler turkey season."

4 PRESIDENT DELANEY:

5 Thank you, Director DuBrock.
6 Commissioners, if one you would be --- would consider
7 offering Director DuBrock's remarks for opossums,
8 skunks and weasels so we can have that reflected in
9 the record.

10 MR. SCHLEMMER:

11 So moved.

12 MR. WEANER:

13 Second.

14 PRESIDENT DELANEY:

15 Commissioner Schlemmer. The motion.
16 Seconded by Commissioner Weaner. Any further
17 discussion? If not, all those in favor signify by
18 saying aye.

19 AYES RESPOND

20 PRESIDENT DELANEY:

21 Opposed?

22 SECRETARY SCHREFFLER:

23 Mr. President, the motion to amend page
24 22 carried unanimously.

25 PRESIDENT DELANEY:

1 Thank you, Mr. Secretary. Now, to
2 continue on. We had a motion and we had a second for
3 seasons and bag limits. We need to take a vote on
4 that information with all the amendments added. Can
5 we have a motion to reflect that?

6 MR. MARTONE:

7 You already have a motion.

8 PRESIDENT DELANEY:

9 Oh, we had a motion. We have the second.
10 We just need to have a vote. All those in favor of
11 all those previous pages we had amended be with the
12 amendments, signify by saying aye.

13 AYES RESPOND

14 PRESIDENT DELANEY:

15 Opposed?

16 SECRETARY SCHREFFLER:

17 Mr. President, the motion to approve
18 season and bag limits as amended is carried
19 unanimously.

20 PRESIDENT DELANEY:

21 Thank you. And thank you, Director
22 DuBrock for those clarifications.

23 ATTORNEY BECHTEL:

24 The next item to come before the
25 Commission comes from the Bureau of Wildlife

1 Protection. It concerns adopted rule making. The
2 adoption of proposed amendments in Section 135.41 to
3 limit the overnight placement of portable hunting
4 blinds and stands on State game lands. The executive
5 director and staff recommend final adoption of this
6 amendment to 58 Pa.C as shown on Exhibit A on page 24
7 of your agenda.

8 PRESIDENT DELANEY:

9 Commissioners, is there a motion?

10 MR. WEANER:

11 So moved.

12 PRESIDENT DELANEY:

13 Commissioner Weaner. Is there a second?

14 MR. ISABELLA:

15 Second.

16 PRESIDENT DELANEY:

17 Commissioner Isabella. Is there any
18 discussion?

19 MR. MARTONE:

20 Mr. President?

21 PRESIDENT DELANEY:

22 Commissioner Martone.

23 MR. MARTONE:

24 I'll be honest. I'm not comfortable with
25 this, but since I do not have a suggestion or a better

1 alternative for this, I'm still going to vote on it,
2 but I just want to go on record, I'm not comfortable
3 with this. I've heard from a lot of sportsmen about
4 the concerns about the reserving portions of game
5 lands by using tree stands and using this. And again,
6 if I have a solution to it, I probably would vote
7 against it, but at this point, it's all --- the only
8 game in town so I'm going to support it.

9 PRESIDENT DELANEY:

10 Thank you, Commissioner Martone.
11 Commissioner Weaner.

12 MR. WEANER:

13 Yeah, to follow up on what he said. I
14 think it's important that everyone understands that if
15 this passes these tree stands do not represent a way
16 to reserve land or reserve space on State game lands.
17 Just because there's a tree stand there does not
18 indicate that someone has proprietary rights to that
19 area. It's first come, first served like it always is
20 and like it always has been. And I think it's real
21 important that all sportsmen understand that. Thank
22 you.

23 PRESIDENT DELANEY:

24 Thank you, Commissioner Weaner. Any
25 other discussion? If not, all those in favor signify

1 by saying aye.

2 AYES RESPOND

3 PRESIDENT DELANEY:

4 Opposed?

5 SECRETARY SCHREFFLER:

6 Mr. President, the motion is carried
7 unanimously.

8 PRESIDENT DELANEY:

9 Thank you, Mr. Secretary.

10 ATTORNEY BECHTEL:

11 The next item of concern is the adoption
12 of proposed amendments to Section 135.61 to make State
13 game lands regulations equally applicable to State
14 game farms. The executive director and staff
15 recommend final adoption to this amendment to 58
16 Pa.C as shown on Exhibit B on page 26 of your agenda.

17 PRESIDENT DELANEY:

18 Commissioners, is there a motion from the
19 floor?

20 MR. MARTONE:

21 So moved.

22 PRESIDENT DELANEY:

23 Commissioner Martone. Is there a second?

24 MR. WEANER:

25 Second.

1 PRESIDENT DELANEY:

2 Commissioner Weaner. Is there any
3 discussion? If not, all those in favor signify by
4 saying aye.

5 AYES RESPOND

6 PRESIDENT DELANEY:

7 Opposed?

8 SECRETARY SCHREFFLER:

9 Mr. President, the motion carries
10 unanimously.

11 PRESIDENT DELANEY:

12 Thank you, Mr. Secretary.

13 ATTORNEY BECHTEL:

14 The next item is also document for
15 proposed amendments to Section 141.7 to remove
16 conflicting language purporting to continue
17 prohibitions on the usage of gun-mounted lights by
18 hunters and furtakers. The executive director and
19 staff recommend final adoption of this amendment to 58
20 Pa.C as shown on Exhibit C on page 28 of your agenda.

21 PRESIDENT DELANEY:

22 Commissioners, is there a motion from the
23 floor?

24 SECRETARY SCHREFFLER:

25 So moved.

1 MR. WEANER:

2 Second.

3 PRESIDENT DELANEY:

4 Commissioner Schreffler. Second
5 Commissioner Weaner. Any discussion? If not, all
6 those in favor signify by saying aye.

7 AYES RESPOND

8 PRESIDENT DELANEY:

9 Opposed?

10 SECRETARY SCHREFFLER:

11 Mr. President, the motion is carried
12 unanimously.

13 PRESIDENT DELANEY:

14 Thank you, Commissioner.

15 ATTORNEY BECHTEL:

16 The next item is a document proposed
17 amendment to Section 141.45 to expand the
18 non-toxic shot authorization to both the fall and
19 spring turkey seasons. The executive director and
20 staff recommend final adoption of this amendment to 58
21 Pa.C as shown on Exhibit D on page 30 of your agenda.

22 PRESIDENT DELANEY:

23 Commissioners, is there a motion from the
24 floor?

25 MR. MARTONE:

1 So moved.

2 PRESIDENT DELANEY:

3 Commissioner Martone. Is there a second?

4 SECRETARY SCHREFFLER:

5 Second.

6 PRESIDENT DELANEY:

7 Is there a second? Commissioner
8 Schreffler. Any discussion? All those in favor
9 signify by saying aye.

10 AYES RESPOND

11 PRESIDENT DELANEY:

12 Is there any opposed?

13 SECRETARY SCHREFFLER:

14 Mr. President, the motion is carried
15 unanimously.

16 PRESIDENT DELANEY:

17 Thank you, Mr. Secretary.

18 ATTORNEY BECHTEL:

19 The next item is adoption of proposed
20 amendments by adding Section 141.68, to specifically
21 prohibit the usage of fishing hooks or snagging hooks
22 or other devices that are not lawful traps, firearms,
23 bows or cross bows from being utilized during licensed
24 trapping activities. The executive director and staff
25 recommend final adoption of this amendment to 58

1 Pa.C as shown on Exhibit E on page 32 of your agenda.

2 PRESIDENT DELANEY:

3 Commissioners, is there a motion from the
4 floor?

5 MR. WEANER:

6 So moved.

7 PRESIDENT DELANEY:

8 Commissioner Weaner. Is there a second?

9 SECRETARY SCHREFFLER:

10 Second.

11 PRESIDENT DELANEY:

12 Commissioner Schreffler. Any discussion?

13 If not, all those in favor signify by saying aye.

14 AYES RESPOND

15 PRESIDENT DELANEY:

16 Opposed?

17 SECRETARY SCHREFFLER:

18 Mr. President, the motion is carried
19 unanimously.

20 PRESIDENT DELANEY:

21 Thank you, Commissioner.

22 ATTORNEY BECHTEL:

23 The next item is proposed rule making to
24 amend 58 Pa.C Section 131.2 to reduce certain WMU's to
25 three points and remove certain sentences from the

1 definition of bow. The text of this change shows on
2 page 33 and 34 of your agenda. The executive director
3 and staff recommend the Commission approve these
4 changes.

5 PRESIDENT DELANEY:

6 Commissioner's, you heard commentary. Is
7 there a motion from the floor?

8 MR. ISABELLA:

9 Motion.

10 PRESIDENT DELANEY:

11 Commissioner Isabella. Is there a
12 second?

13 MR. SCHLEMMER:

14 Second.

15 PRESIDENT DELANEY:

16 Commissioner Schlemmer. Is there any
17 discussion? Commissioner Weaner.

18 MR. WEANER:

19 Mr. President, in this motion we had a
20 couple of different items. But the item that
21 references a draw lock is something that is pointed
22 out to us by one of the people that presented
23 testimony on Sunday or Monday about this draw lock
24 ruling could interfere with the sun setting provision
25 of the cross bow issue. And so as to not entangle

1 that, I move to amend this motion by deleting all
2 references to the draw lock.

3 PRESIDENT DELANEY:

4 Okay. Got it. Commissioner Weaner. We
5 have a floor amendment on that motion. Is there a
6 second?

7 MR. BOOP:

8 Second.

9 PRESIDENT DELANEY:

10 Commissioner Boop.

11 MR. BOOP:

12 Second.

13 PRESIDENT DELANEY:

14 Is there any further discussion?

15 MR. ISABELLA:

16 Mr. President?

17 PRESIDENT DELANEY:

18 Commissioner Isabella.

19 MR. ISABELLA:

20 Yeah. Mr. President, I can't see why the
21 cross bow issue is getting entangled in this. I mean,
22 we have a sunset provision. If the sunset provision
23 comes up, we're either going to have cross bows or
24 we're not going to have them. I most likely will vote
25 against the amendment. Thank you.

1 PRESIDENT DELANEY:

2 Thank you, Commissioner Isabella. Other
3 Commissioner commentary? Commissioner Martone.

4 MR. MARTONE:

5 I would like to comment on the first
6 paragraph of the four point change to 3F; is that
7 appropriate at this time?

8 PRESIDENT DELANEY:

9 No. Let's finish up on the Commissioner
10 Weaner's amendment. Go ahead, Commissioner.

11 MR. WEANER:

12 Well, one more follow up. I mean, I'm
13 not trying to dredge up the cross bow issue again.
14 I'm just trying to make this clear so that when we
15 vote on the cross bow issue this doesn't entangle
16 that. You know, I don't anticipate, my personal
17 feeling is that I don't anticipate the cross bow rule
18 changing. But just to make it legally clear, that's
19 why I'm offering you this amendment. I'm not trying
20 to dredge up cross bows anymore.

21 PRESIDENT DELANEY:

22 Commissioner Isabella.

23 MR. ISABELLA:

24 Yeah. And I don't think Commissioner
25 Weaner's trying to dredge it up again. It's just that

1 it came from, you know, the organization that's
2 against cross bows, and you know, we already have the
3 provision there with the sunset. Why do we have to
4 bring this up, and you know, start another controversy
5 again. That's all.

6 PRESIDENT DELANEY:

7 Commissioner Boop.

8 MR. BOOP:

9 And I would echo what everyone else's is
10 saying. I think we made that decision and we're
11 probably not going to go back. I just want to
12 seconded it to get on floor for discussion.

13 PRESIDENT DELANEY:

14 And the only discussion that I would add
15 to Commissioner Weaner's amendment is United Bow
16 Hunters did come here under public comment Sunday and
17 offered an opinion as anyone else can do with regards
18 to draw lock. I think a few Commissioner's had some
19 conversation with our Staff and the Staff was
20 comfortable with Commissioner Weaner moving forward
21 with this amendment. So with that said, ---.

22 ATTORNEY BECHTEL:

23 If I may just ask. Maybe everyone
24 understands that, but to have it repeated what the
25 motion actually says because this amendment only

1 deletes language. And you're saying to delete
2 language referring to draw lock and the word draw lock
3 isn't even here.

4 PRESIDENT DELANEY:

5 I think the intent to remove the
6 definition of bow in that paragraph, is what the
7 intent on this. That whole paragraph. Was bow in the
8 definition accurate.

9 ATTORNEY BECHTEL:

10 Thank you. That was the clarification.

11 PRESIDENT DELANEY:

12 And that's good so our stenographer is
13 aware of that, also. So we had a motion.
14 Commissioner Weaner made the motion. Mr. Secretary,
15 who was the second on Commissioner Weaner's ---?

16 SECRETARY SCHREFFLER:

17 Seconded by Commissioner Boop.

18 PRESIDENT DELANEY:

19 Seconded by Commissioner Boop. Is there
20 any further discussion on that amendment? If not, all
21 those in favor signify by saying aye.

22 AYE RESPOND

23 PRESIDENT DELANEY:

24 Opposed?

25 OPPOSED RESPOND

1 SECRETARY SCHREFFLER:

2 Mr. President, the motion is carries
3 eight to two. Mr. Martone ---.

4 PRESIDENT DELANEY:

5 Clarify that again, Mr. Secretary and
6 let's ---.

7 SECRETARY SCHREFFLER:

8 Mr. Weaner's amendment that was just
9 voted on is carried eight to two.

10 PRESIDENT DELANEY:

11 It can't be, Commissioner.

12 SECRETARY SCHREFFLER:

13 Six to two. I'm sorry. Six to two.
14 And Mr. Martone and Mr. Isabella voted in opposition.

15 PRESIDENT DELANEY:

16 Okay. Commissioner Boop.

17 MR. BOOP:

18 If the Board concurs with that, my
19 suggestion is to the Board we have a hand vote so it's
20 clear.

21 PRESIDENT DELANEY:

22 Mr. Secretary, I would say you can go
23 ahead and do that and let's have that, the vote. The
24 six Commissioners' that support this kindly raise your
25 hand to the right. Okay. Those of the Commissioner's

1 that opposed it. So the stenographer has that now.

2 SECRETARY SCHREFFLER:

3 Mr. Weaner, the motion still won.

4 PRESIDENT DELANEY:

5 Okay.

6 SECRETARY SCHREFFLER:

7 Carried six to two.

8 PRESIDENT DELANEY:

9 Okay. Now, we'll go back to this
10 original motion we need to take a vote on. All those
11 in favor ---.

12 SECRETARY SCHREFFLER:

13 Mr. President, I have further discussion.

14 PRESIDENT DELANEY:

15 Okay. Commissioner Schreffler has
16 further discussion on this proposed ruling.

17 SECRETARY SCHREFFLER:

18 Right. As far as the three points, the
19 word three points, the so-called three up. I am
20 concerned about the impact on yearling bucks in the
21 area, and I would hope that the Bureau of Wildlife
22 Management would continue to monitor this and report
23 back the impact on that. You might want to consider
24 this in the future, if there's any impact on the bucks
25 in this area where it's being, that's going to imply.

1 PRESIDENT DELANEY:

2 Thank you, Commissioner Schreffler.
3 Commissioner Boop.

4 MR. BOOP:

5 Yes. I certainly appreciate that this is
6 not in my area and I've discussed with the
7 Commissioners who are affected by this current rule.
8 And I'm probably going to support the proposed rule
9 making today. My concern is that, I think, this is
10 touch off a discussion between now and April on antler
11 restrictions, generally. And although I think that's
12 an important discussion to have, I think the bigger
13 discussion is our dramatically declining deer
14 population which is where I think we should be
15 focusing our attention between now and April and not
16 having all the air taken out of the room talking about
17 antler restrictions. So I will support it today, but
18 I am concerned about what this is going to do to that
19 discussion.

20 PRESIDENT DELANEY:

21 Commissioner Martone.

22 MR. MARTONE:

23 I'd like to comment on this change to a
24 three up. After as much of this being from hearing
25 from hunters in the four point area of Mr. Schlemmer

1 and I represent the western edge of the state which
2 are affected by the four point. We believe that the
3 Agency came up with a very good alternative to this
4 three up and I've been assured by the Bureau of
5 Wildlife Management that they will monitor the harvest
6 for year-and-a-half old bucks and report to us
7 annually in order to know that we made the right
8 change.

9 I would also like to add that I would not
10 support in the future changing the three point area to
11 any type of three up. The knowledge that we gained in
12 the past years since I brought this issue up, as
13 pointed out, that that would be a deterrent to our age
14 class structure in that three point area. And so I
15 would not at this time support that kind of change.
16 To two up. I'm sorry.

17 PRESIDENT DELANEY:

18 Thanks, Commissioner Martone.
19 Commissioner Schlemmer.

20 MR. SCHLEMMER:

21 I concur with Commissioner Martone. We
22 had lengthy discussions with Staff and Staff said that
23 in this particular instance, it's probably going to
24 hurt the resource, and so I'm going to take Staff's
25 recommendations and move forward and keep monitoring

1 these situations. Thank you very much.

2 PRESIDENT DELANEY:

3 Commissioner Weaner.

4 MR. WEANER:

5 I going to support this proposal, also.
6 But I know that we're going to get discussions from
7 hunters that say, well, if the people on the western
8 part of the state can't count brow tines or can't see
9 brow tines, how are all the rest of us in the other
10 part of the state suppose to see brow tines. And
11 that's a valid argument. And I also would not be in
12 favor of changing the rest of the state to anything
13 else. I have that small problem, but I do support the
14 motion that's made.

15 PRESIDENT DELANEY:

16 Okay, Commissioners. We now are going to
17 be voting on the motion as amended. All those in
18 favor signify by saying aye?

19 AYES RESPOND

20 PRESIDENT DELANEY:

21 Opposed?

22 SECRETARY SCHREFFLER:

23 Mr. President, the motion as amended
24 passes unanimously.

25 PRESIDENT DELANEY:

1 Thank you, Commissioner.

2 ATTORNEY BECHTEL:

3 The next item is to amend 58 Pa.C Section
4 141.1 to allow certain single projectiles to be used
5 in special regulations areas for bear. Full text of
6 the commentary does appear in your agenda. On page
7 35, is actually the text of the changes. The
8 Executive Director and Staff recommend the Commission
9 approve this change.

10 PRESIDENT DELANEY:

11 Commissioner's, you've heard the
12 commentary. Is there a motion from the floor?

13 MR. MARTONE:

14 So moved.

15 PRESIDENT DELANEY:

16 Commissioner Martone. Is there a second?

17 MR. WEANER:

18 Second.

19 PRESIDENT DELANEY:

20 Commissioner Weaner. Any discussion?

21 All those in favor signify by saying aye.

22 AYES RESPOND

23 PRESIDENT DELANEY:

24 Opposed?

25 SECRETARY SCHREFFLER:

1 Mr. President, the motion carries
2 unanimously.

3 PRESIDENT DELANEY:

4 Thank you, Mr. Secretary.

5 ATTORNEY BECHTEL:

6 The next item is the amendment of 58 Pa.C
7 Section 141.4 to remove the limitations prohibiting
8 the hunting of woodchuck, opossums, skunks and weasel
9 during legal hunting hours of the spring gobbler
10 season as well as to implement new hunting hour
11 tables. These amendments are all found on pages 37
12 through 39 of your agenda. The Executive Director and
13 Staff recommend the Commission approve these changes.

14 PRESIDENT DELANEY:

15 Commissioner's, is there a motion for the
16 floor?

17 MR. MARTONE:

18 So moved.

19 PRESIDENT DELANEY:

20 Commissioner Martone. Is there a second?

21 MR. SCHLEMMER:

22 Second.

23 PRESIDENT DELANEY:

24 Commissioner Schlemmer. Is there any
25 discussion?

1 MR. MARTONE:

2 Mr. President.

3 PRESIDENT DELANEY:

4 Commissioner Martone.

5 MR. MARTONE:

6 I would ask Bureau Director Palmer to
7 explain some of the research that went into this
8 change allowing concurrent spring gobbler and
9 groundhog. It wasn't just an off-the-cuff decision.
10 Would you explain some of the research that was put
11 behind this idea?

12 MR. PALMER:

13 At the request of some of the
14 Commissioner's, I did some research with other states
15 both surrounding Pennsylvania and actually nationally.
16 I sent a survey out to National Conservation Law
17 Enforcement Chief's Association, and specifically
18 asked them if they had overlapping seasons during
19 their spring turkey season, if they had one that also
20 included rifles and if they had any statistics
21 regarding safety or specific incidents relating to
22 that. The response that I got back had indicated that
23 there were, obviously, only a certain number of states
24 that had spring turkey seasons and there was probably
25 less than that with various overlaps with rifle

1 seasons some of which did include woodchuck seasons.
2 And none of them had noted any specific safety
3 concerns because of that.

4 MR. MARTONE:

5 Thank you.

6 PRESIDENT DELANEY:

7 Any other discussion? Commissioners,
8 all those in favor signify by saying aye.

9 AYES RESPOND

10 PRESIDENT DELANEY:

11 Opposed?

12 SECRETARY SCHREFFLER:

13 Mr. President, the motion is carried
14 unanimously.

15 PRESIDENT DELANEY:

16 Thank you, Mr. Secretary.

17 ATTORNEY BECHTEL:

18 The next item concerns the Amendment to
19 58 Pa.C Section 141.20 to simplify fluorescent orange
20 requirements. Text of these changes are found on
21 pages 40 through 42 of your agenda. The Executive
22 Director and Staff recommend the Commission approve
23 these changes.

24 PRESIDENT DELANEY:

25 Commissioners, you've heard the

1 commentary. Is there a motion from the floor?

2 MR. ISABELLA:

3 Motion.

4 PRESIDENT DELANEY:

5 Commissioner Isabella, is there a second?

6 MR. WEANER:

7 Second.

8 PRESIDENT DELANEY:

9 Commissioner Weaner. Any discussion?

10 MR. MARTONE:

11 Mr. President?

12 PRESIDENT DELANEY:

13 Commissioner Martone?

14 MR. MARTONE:

15 I'd like to state that per our
16 discussions that these actually make no changes; is
17 that correct, Mr. Palmer?

18 MR. PALMER:

19 That is correct. This is primarily a
20 process that we've used. There was some necessary
21 changes that needed to be made to consolidate these in
22 our ongoing effort to try to consolidate and simplify
23 sections of the Code.

24 MR. MARTONE:

25 So this is purely language. There's no

1 actual changes to the orange requirements?

2 MR. PALMER:

3 That is correct.

4 MR. MARTONE:

5 Thank you.

6 PRESIDENT DELANEY:

7 All of those in favor signify by saying,
8 aye.

9 AYES RESPOND

10 PRESIDENT DELANEY:

11 Opposed?

12 SECRETARY SCHREFFLER:

13 Mr. President, the motion carries
14 unanimously.

15 PRESIDENT DELANEY:

16 Thank you, Mr. Secretary.

17 ATTORNEY BECHTEL:

18 The next amendment is 58 Pa.C, Section
19 141.41 to remove redundant and inconsistent language.

20 And the full text of the commentary is on page 43.

21 And these changes, themselves, appear on page 43 of

22 your agenda. The Executive Director and Staff

23 recommend the Commission approve this change.

24 PRESIDENT DELANEY:

25 Commissioners, you've heard the

1 commentary is there a motion from the Board?

2 MR. SCHLEMMER:

3 Motion.

4 PRESIDENT DELANEY:

5 Commissioner Schlemmer. Is there a
6 second?

7 SECRETARY SCHREFFLER:

8 Second.

9 PRESIDENT DELANEY:

10 Commissioner Schreffler. Is there any
11 discussion? All those in favor, signify by saying,
12 aye.

13 AYES RESPOND

14 PRESIDENT DELANEY:

15 Opposed?

16 SECRETARY SCHREFFLER:

17 Mr. President, the motion carries
18 unanimously.

19 PRESIDENT DELANEY:

20 Thank you, Mr. Secretary.

21 ATTORNEY BECHTEL:

22 The next item is concerning amendment of
23 58 Pa.C Section 141.62, 141.63 and by adding a Section
24 141.69, proposing a variety of amendments to define
25 and clarify the standards relating to certain trapping

1 activities. The text of these actually appear on
2 pages 44 and 45 of your agenda. The Executive
3 Director and Staff recommend the Commission approve
4 these changes.

5 PRESIDENT DELANEY:

6 Commissioners, you heard the commentary.
7 Is there a motion from the floor?

8 MR. ISABELLA:

9 Motion.

10 PRESIDENT DELANEY:

11 Commissioner Isabella. Is there a
12 second?

13 SECRETARY SCHREFFLER:

14 Second.

15 PRESIDENT DELANEY:

16 Commissioner Schreffler. Is there any
17 discussion?

18 MR. MARTONE:

19 Mr. President?

20 PRESIDENT DELANEY:

21 Commissioner Martone?

22 MR. MARTONE:

23 I think Commissioner Putnam also will
24 like to --- we can start with him. I talk too much.

25 PRESIDENT DELANEY:

1 Commissioner Putnam.

2 MR. PUTNAM:

3 I would just like to ask Director Palmer
4 to explain a little bit about the artificial cubbies
5 and the background behind why we're at where we are.
6 Can you do that?

7 MR. PALMER:

8 Starting, I believe it's two seasons ago,
9 there was somewhat of an increase in accidental
10 catches with body gripping traps. A number of those
11 traps were not legally set to begin with. Meaning,
12 they were oversized traps and they were also set
13 outside of the water course as required for body
14 gripping traps.

15 We started surveying some of our regions
16 at that time to see how much of a problem this was and
17 there were a few other problems that came to light
18 through other venues as well, and multiple regions
19 were experiencing similar problems with accidental
20 catches and body gripping trips. A number of those
21 were set legally inside the water course, but there
22 was still a relatively high incidence in some areas of
23 these traps catching specifically dogs, that we became
24 aware of.

25 In response to that there was some

1 discussion that was extended to see how some of the
2 other states dealt with this and how they worked with
3 accidental catches and to Matt Lovallo (phonetic) and
4 Tom Hardisky's (phonetic) credit, they were able to do
5 quite a bit of research on this and communicate with
6 some other states and what you will see in the
7 proposed regulations relating to what we're calling in
8 the regulations as an unofficial party, would apply to
9 any type of these cubby sets, but specifically, the
10 common language of this is what is relevantly known to
11 the trapping world as the bucket sets.

12 What the proposal does is it restricts
13 the entrance area to the set to 50-square inches,
14 essentially a seven by seven area. It also then
15 requires a reset to the trigger within the cubby.
16 Between those two additional restrictions, I would not
17 want to use the term, dog proof, because I have heard
18 in other scenarios, but it would be much more
19 resistant to accidental catches, specifically dogs.
20 Obviously, it may not eliminate all of them, but I
21 think it's a step in the right direction.

22 PRESIDENT DELANEY:

23 Commissioner Martone?

24 MR. MARTONE:

25 Thank you. I am glad that Commissioner

1 Putnam got some background on that, but I am going to
2 say that the Agency has done an excellent job of
3 dealing with this and finding these intermediate
4 steps, but in my mind, we're only one dog away from
5 moving all body gripping traps under water.

6 You know, you hear the stories of
7 sporting dogs that run into one of these land sets,
8 it's heartbreaking. And as far as I'm concerned if
9 this doesn't work, the next step is just to make the
10 requirement that all body gripping traps must be set
11 under water. Thank you.

12 PRESIDENT DELANEY:

13 Other discussion? I will add also, as a
14 hunting dog owner myself, I'm happy at least the
15 Agency is trying to do everything it can possible to
16 protect our hunting dogs and I think this language
17 helps us to get closer to that goal of fully
18 protecting them, but I understand when you say,
19 Director, that it's not totally fail safe, but it's
20 much safer than what we've had.

21 MR. PALMER:

22 Yes, Mr. President.

23 PRESIDENT DELANEY:

24 Okay. All those in favor signify by
25 saying, aye.

1 AYES RESPOND

2 PRESIDENT DELANEY:

3 Opposed?

4 SECRETARY SCHREFFLER:

5 Mr. President, the motion carries
6 unanimously.

7 PRESIDENT DELANEY:

8 Thank you, Mr. Secretary.

9 ATTORNEY BECHTEL:

10 The next item concerns the amendment of
11 58 Pa.C Section 143.67. To authorize the Director of
12 the authority to establish the application deadlines
13 for bear licenses at such earlier periods as he
14 determines in a further effort to curb any fraudulent
15 license purchases. This actual commentary and the
16 changes to the Section appear on the blue agenda
17 sheets that you have. The Executive Director and
18 Staff recommend the Commission to approve this change.

19 PRESIDENT DELANEY:

20 Commissioners, you've heard the
21 commentaries. Is there a motion from the floor?

22 MR. SCHLEMMER:

23 Motion.

24 PRESIDENT DELANEY:

25 Commissioner Schlemmer.

1 MR. WEANER:

2 Second.

3 PRESIDENT DELANEY:

4 Commissioner Weaner. Is there any
5 discussion? Commissioner Weaner.

6 MR. WEANER:

7 The intent of this is just to allow the
8 Executive Director to have the same ability to adjust
9 the way licenses are sold for bears that he already
10 has for turkeys and various other species. For
11 whatever reason bears were not included there. And
12 the reason for needing this authority is, you know, at
13 some point the sale of bear licenses will stop and he
14 needs to have the authority to be able to make those
15 decisions and so I support this motion.

16 PRESIDENT DELANEY:

17 Commissioners, any other discussion?
18 Commissioner Boop?

19 MR. BOOP:

20 Yes. I support the motion and I
21 certainly understand why we need this and we don't
22 want people to, you know, go out hunting, shoot a bear
23 and then go by a license. We obviously, don't want
24 that. But I think we need to remember the other side
25 of the coin here, too. And it may come to you as a

1 surprise to many people in the audience and members of
2 this Board probably not, but my experience is there
3 are a lot of last minute purchasers of licenses. And
4 now that we've had the PAL system, I certainly have
5 confidence in our Executive Director being able to
6 monitor this, but particularly now with the bear
7 season, you know, where we have Saturday, Monday,
8 Tuesday, Wednesday and then we have the break and then
9 we added Monday in some of the extended areas, and
10 Wednesday. I certainly hope we have the availability
11 to let those last minute people have an opportunity to
12 go, be able to purchase a license because you know,
13 people call their friends on Saturday night or Sunday
14 and say, do you want to go along and oh, by the way
15 we're going hunting in an area where there's extended
16 bear, I think they need to have the ability to do
17 that. And from the Agency's standpoint, we want to be
18 able to take their \$16.70. So I just wanted to make
19 that point. Thank you.

20 PRESIDENT DELANEY:

21 Thank you, Commissioner Boop. Any other
22 commentary or discussion? If not, all those in favor
23 signify by saying aye.

24 AYES RESPOND

25 PRESIDENT DELANEY:

1 Opposed?

2 SECRETARY SCHREFFLER:

3 The motion is carried unanimously, Mr.
4 President.

5 PRESIDENT DELANEY:

6 Thank you, Mr. Secretary.

7 ATTORNEY BECHTEL:

8 The next item in front of the Commission
9 today comes from the Bureau of Wildlife Habitat
10 Management concerning adopted rule making to require
11 all users of shooting ranges on State Game lands to
12 possess either a valid Pennsylvania hunting or
13 furtaker license or a Commission-issued range permit.

14 These provisions will also redirect
15 target shooting activities of all unlicensed
16 individuals to designate State game land ranges. The
17 Executive Director and Staff recommend final adoption
18 of these amendments to 58 Pa.C, which is known as
19 Exhibit A on pages 47 and 48 of your agenda.

20 PRESIDENT DELANEY:

21 Commissioners, is there a motion to the
22 floor?

23 MR. WEANER:

24 So moved.

25 PRESIDENT DELANEY:

1 Commissioner Weaner. Is there a second?

2 MR. MARTONE:

3 Second.

4 PRESIDENT DELANEY:

5 Commissioner Martone. Any discussion?
6 Commissioner Weaner?

7 MR. WEANER:

8 Director, do you want to give us some
9 indication as to when all of this would take effect
10 and when people would need this license if it passes?

11 MR. DUBROCK:

12 We're looking at having a form in the
13 file system loaded so that this coming hunting season
14 after July 1st is when they would be able to purchase
15 these particular permits.

16 MR. WEANER:

17 Thank you.

18 PRESIDENT DELANEY:

19 Any other discussion? Commissioner
20 Isabella?

21 MR. ISABELLA:

22 Thank you, Mr. President. I think this
23 is long overdue, but you know, there is the mindset
24 out there that as the ranges and the State game lands
25 are built from the taxpayer dollars, and they're not.

1 They're coming from our license fees and at least, in
2 the urban areas there are a lot of non-hunters that
3 use that range. And you know, they really don't
4 police it the way they should, so just we have a big
5 public relations problem coming up. We need to really
6 get a lot of signage out and just a lot of awareness
7 out there so you know, when one of our officers goes
8 there and confronts someone, where's your permit, you
9 know, we don't have another tragedy on our hands. So
10 I think we really got a public relations issue. We
11 got to get a lot of signage out there and a lot of
12 awareness.

13 PRESIDENT DELANEY:

14 Any other discussion? I will offer this.
15 In Northeastern Pennsylvania, several of our ranges
16 have been totally reconstructed and look perfect. And
17 the destruction that's happened in the last two years
18 is absolutely amazing. So I support anything we can
19 do to let the good users use the property and penalize
20 the users that are causing the destruction to the max.
21 On that note, all those in favor of the motion signify
22 by saying aye.

23 AYES RESPOND

24 PRESIDENT DELANEY:

25 Opposed?

1 SECRETARY SCHREFFLER:

2 Mr. President, the motion carries
3 unanimously.

4 ATTORNEY BECHTEL:

5 The next item to come before the
6 Commission concerns donation of real estate. It's a
7 0.3 acre tract of land in Heidelberg Township, Lehigh
8 County adjoining State Game Land No. 217 as shown as
9 Exhibit RED 1 on page 50. The Executive Director and
10 Staff recommend that the donation be accepted and the
11 Commission authorize the Bureau of Wildlife Habitat
12 Management to proceed with the acquisition of this
13 tract.

14 PRESIDENT DELANEY:

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

17 MR. SCHLEMMER:

18 Motion.

19 PRESIDENT DELANEY:

20 Commissioner Schlemmer. Is there a
21 second?

22 MR. MARTONE:

23 Second.

24 PRESIDENT DELANEY:

25 Commissioner Martone. Any discussion?

1 All those in favor signify by saying aye.

2 AYES RESPOND

3 PRESIDENT DELANEY:

4 Opposed?

5 SECRETARY SCHREFFLER:

6 Mr. President, the motion carries
7 unanimously.

8 ATTORNEY BECHTEL:

9 The next item concerns acquisitions.
10 Howard Mantle is offering two tracts of land totaling
11 114.7 acres in Howard Township, Centre County,
12 adjoining State Game Land Number 323 as shown on
13 Exhibit RED 2.

14 And Christian Anslinger is offering
15 mineral rights under a portion of State Game Land
16 Number 198 as shown on Exhibit RED 3, page 53. The
17 full commentaries appear in your agendas. The
18 Executive Director and Staff recommend that the
19 acquisitions listed be accepted and the Commission
20 authorize the Bureau of Wildlife Habitat to proceed
21 with the acquisition of these tracts.

22 PRESIDENT DELANEY:

23 Commissioners, do we have a motion on the
24 floor?

25 MR. WEANER:

1 So moved.

2 PRESIDENT DELANEY:

3 Commissioner Weaner. Is there a second?

4 MR. MARTONE:

5 Second.

6 PRESIDENT DELANEY:

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

9 AYES RESPOND

10 PRESIDENT DELANEY:

11 Opposed?

12 SECRETARY SCHREFFLER:

13 Mr. President, the motion carries
14 unanimously.

15 PRESIDENT DELANEY:

16 Thank you, Mr. Secretary.

17 ATTORNEY BECHTEL:

18 The next item concerns a report of the
19 purchase of properties at Auction and Tax Sale,
20 Contract Number 3581, State Game Land Number 330,
21 Clarion County. Subject to certain limitations,
22 Section 135.241 of 58 Pa.C authorizes the Director to
23 bid on real estate, oil, gas or mineral rights at
24 auction or tax sale and to request down payment checks
25 to bid on property at auction. Successful bids must

1 be made known to the general public at the next
2 regularly scheduled meeting before the Commissioners.

3 On September 20th, 2010, the Game
4 Commission was the successful bidder at a tax sale
5 held at the Clarion County Courthouse and purchased
6 the coal rights on two tracts adjacent to State Game
7 Land Number 330, which is shown as Exhibit RED 4 on
8 page 55 of your agenda. Tax Parcel Number 23-020-108
9 with 50.8 acres of coal rights was acquired with the
10 successful bid of \$2,154.14. This parcel is an
11 interior on State Game Land Number 330. Tax Parcel
12 Number 23-020-130 with 15 acres of coal rights was
13 acquired with the successful bid of \$597.40 and
14 adjoins State Game Land Number 330. Both parcels are
15 located in Piney Township, Clarion County.

16 The next action pending before the
17 Commission is Oil/Gas and Minerals, a Non-Surface Use
18 Oil and Gas Agreement on State Game Land Number 208 in
19 Tioga County. This is a Non-Surface Use Production
20 Lease for 2,523.8 acres, located south of Route 6 in
21 Gaines Township, Tioga County as shown on Exhibit OGM
22 1 on page 57 of your agenda.

23 The terms of the agreement are a five
24 year non-surface use oil and gas agreement, a \$1,500
25 per acre up-front bonus payment and an additional \$500

1 per acre bonus paid upon development of the oil/gas
2 reserve, an initial royalty rate of 16.5 percent with
3 a step royalty increase of 18 percent when gas
4 production exceeds eight bcf per unit.

5 The initial bonus payment of \$3,785,700
6 as well as additional bonus rental and royalties shall
7 be directly deposited into the game fund. The
8 Executive Director and Staff recommend this Oil and
9 Gas Production agreement be approved and the
10 Commission authorize the Bureau of Wildlife Habitat
11 Management to proceed with the arrangement as shown in
12 your agenda.

13 PRESIDENT DELANEY:

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

16 MR. ISABELLA:

17 Motion.

18 PRESIDENT DELANEY:

19 Commissioner Isabella. Second?

20 MR. MARTONE:

21 Second.

22 PRESIDENT DELANEY:

23 Commissioner Martone. Any discussion?

24 MR. MARTONE:

25 Mr. President?

1 PRESIDENT DELANEY:

2 Commissioner Martone.

3 MR. MARTONE:

4 Director Capouillez, could you explain
5 the surface disturbance from this, on this particular
6 game land?

7 MR. CAPOUILLEZ:

8 Yes, sir. This is a perfect example of
9 how our Staff has been able to not only protect the
10 game lands, but also have the ability to recover a
11 resource that further funds a lot of our habitat
12 projects. This particular lease area all around the
13 game lands 208, multiple resources had required
14 private leases. And through the ability of lateral
15 drilling, can have surface impacts on those private
16 leases and then laterally drill underneath the game
17 lands and make sure that there's no surface, use of
18 surface impact on the game lands and yet still recover
19 the oil/gas resources. So the Commission is able to
20 not only lease this, get money for the lease on a
21 bonus and rental, but also reap the benefit of a
22 royalty and there's absolutely no surface impact or
23 recreational losses or habitat losses on the game
24 land.

25 MR. MARTONE:

1 Thank you. Excellent.

2 PRESIDENT DELANEY:

3 Any other discussion? All those in favor
4 signify by saying aye.

5 AYES RESPOND

6 PRESIDENT DELANEY:

7 Opposed?

8 SECRETARY SCHREFFLER:

9 Mr. President, the motion carries
10 unanimously.

11 ATTORNEY BECHTEL:

12 The next item coming before the
13 Commission concerns an amendment of a Surface Mining
14 Coal Lease on State Game Land Number 100 in Centre
15 County. Warren C. Hartman Contracting, Inc. of
16 Clearfield, PA has requested an amendment to its
17 existing Game Commission Coal Mining Lease, which
18 entails 111 acres, Tract 110B-05. The amendment will
19 allow for the removal, processing and selling of
20 incidental sandstone uncovered through the current
21 coal mining and reclamation operations.

22 The Board of Commissioners previously
23 approved the coal mining lease as shown on Exhibit OGM
24 2, on page 59 during the October 2005 meeting.

25 This will allow excess sandstone from the

1 existing 51.5 acre mining area to be sold. Warren
2 Hartman Contracting, Inc. will pay the Commission on a
3 monthly basis, a stone royalty rate of ten percent of
4 the then current F.O.B. pit price or \$0.25 per ton,
5 whichever is greater. Additionally, they will conduct
6 additional wildlife habitat enhancement projects.

7 The estimated stone royalty value of the
8 proposed mining has been estimated to be \$40,000 and
9 will be deposited into the game fund. The Executive
10 Director and Staff recommend this stone removal lease
11 amendment with Warren C. Hartman Contracting, Inc. to
12 be approved as set forth in your agenda and the
13 Commission authorized the Bureau of Wildlife Habitat
14 Management to proceed with the leasing agreement.

15 PRESIDENT DELANEY:

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

18 MR. WEANER:

19 So moved.

20 PRESIDENT DELANEY:

21 Commissioner Weaner. Is there a second?

22 MR. MARTONE:

23 Second.

24 PRESIDENT DELANEY:

25 Commissioner Martone. Any discussions?

1 MR. PUTNAM:

2 Mr. President?

3 PRESIDENT DELANEY:

4 Commissioner Putnam.

5 MR. PUTNAM:

6 Director Capouillez, we had some comments
7 yesterday regarding reclamation and best management
8 practices. Could you discuss what kind of reclamation
9 and best management practices you might recommend at
10 this site and other sites where energy operators are
11 affecting game lands?

12 MR. CAPOUILLEZ:

13 Absolutely. In particular this is a
14 reclamation project where they'll come in and they'll
15 remove existing high walls. They'll remove old mine
16 spoils and reclaim or re-vegetate areas that basically
17 have little habitat and any recreational value. So
18 the end product, we're doing soil supplements and
19 we'll be reclaiming and re-vegetating areas, provide
20 additional recreational uses and habitat values. And
21 then in addition to that, they'll create other habitat
22 that's conducive to the area.

23 In this particular case, we're looking at
24 some bat habitat opportunity as well as timber
25 rattlesnake opportunities. There's a lot of people

1 that just think if you just manage the birds and
2 mammals, but you know, in the game lands, we manage
3 practically everything. So anytime we have an
4 opportunity to increase habitat and habitat values, we
5 do that.

6 The best management practices as it
7 relates to oil and gas there's a myriad of things that
8 industry looks at and opportunities that they may
9 voluntarily do. We, as an agency, mandate those, put
10 those in the leases so they're not voluntary, but
11 they're required or there's restrictions in some
12 instances. So all the best management practices so to
13 speak, we do above and beyond that and have those
14 actually listed in the lease.

15 PRESIDENT DELANEY:

16 Commissioner Weaner?

17 MR. WEANER:

18 If memory serves me correct, this is the
19 organization that we presented the award to yesterday;
20 is that correct?

21 MR. CAPOUILLEZ:

22 Absolutely. Chris Hartman was here
23 yesterday and was nationally recognized for the Game
24 Lands reclamation and reclamation opportunities that
25 he's created. So we're doing a good job and it's

1 nationally recognized by way of our operators, and
2 Chris received an award yesterday just to that fact.

3 MR. WEANER:

4 It's especially nice that you're able to
5 go back into a property and buy something else that's
6 already there and further benefit the agency. Thank
7 you.

8 PRESIDENT DELANEY:

9 Any other discussion? All those in favor
10 signify by saying aye.

11 AYES RESPOND

12 PRESIDENT DELANEY:

13 Opposed?

14 SECRETARY SCHREFFLER:

15 Mr. President, the motion carries
16 unanimously.

17 PRESIDENT DELANEY:

18 Thank you, Mr. Secretary.

19 ATTORNEY BECHTEL:

20 The next item concerns the Shallow
21 Oil/Gas Production Agreement, State Game Land 276,
22 Indiana County. The oil and gas ownership on a 103.04
23 acre tract of State Game Land Number 276 reverted to
24 the Commission on January 1st, 2010. This tract is
25 shown on Exhibit OGM 3 on page 61 of your agenda. The

1 MR. ISABELLA:

2 Second.

3 PRESIDENT DELANEY:

4 Commissioner Isabella. Is there any
5 discussion? Commissioner Putnam?

6 MR. PUTNAM:

7 Director Capouillez, we have an internet
8 audience that's watching this as well, and I think
9 we're going through some of these things pretty fast
10 in --- they're probably not catching up with this.
11 Would you explain again, this tract, what the status
12 of it is, if there's an existing operation there? And
13 the second part, would you explain to us how the
14 Commission decides whether monies, revenues are
15 deposited in the game fund or in an escrow account?

16 MR. CAPOUILLEZ:

17 Yes, sir. This particular tract, if you
18 look at page 61, this operator had acquired the
19 privately owned oil and gas rights prior to the
20 Commission's purchase of the land so they were
21 operating out there on the rights that they had
22 acquired through that privately held lease. We have a
23 lot of that that goes on on game lands.

24 They already drilled four wells, was
25 producing on the four wells and that particular

1 accepted reservation just recently ran out. So for
2 example, they had accepted a reserve on gas for 50
3 years and this is now year 50, that oil and gas then
4 works to the Game Commission and that's what had
5 happened in this case. The reservation ran out.

6 The wells at that point were producing so
7 this agreement allows for them to continue to produce
8 on the wells that are existing and then pay us the
9 royalties since we now own the oil and gas. And then
10 any new wells that might be drilled, they would pay an
11 increased royalty on. We limited this particular
12 lease to strictly formations which were above the
13 Marcellus Shale, so this has nothing to do with
14 Marcellus Shale. The Commission shows the lease to
15 Marcellus Shale to be a separate leasing action
16 entirely.

17 And then again, looking for all the
18 opportunities to try to increase and protect, both the
19 recreational uses on the game lands in this area, this
20 operator also has privately owned lease rights on the
21 southern tract here that you see, which is listed as a
22 private lease area. So that 300 plus or minus acres,
23 which is subject to his oil and gas development we
24 will now impose upon that operator service
25 restrictions and higher and better uses for habitat

1 development to protect both, the recreational uses and
2 habitat of the game lands as a trade off in allowing
3 for the wells to continue to operate to the north.
4 Where we have instances of replacement needs for
5 service, impasse and recreational losses we look very
6 strongly on trying to acquire and place those habitat
7 losses and recreational uses by way of acquiring other
8 lands or doing these types of things by way of gaining
9 other protection measures on existing game lands. So
10 in the lease that you looked at earlier with all the
11 resources, you'll note that all those revenues are
12 going into the game fund, because that was a non-
13 service use lease. So there's no need to replace
14 habitat losses or recreational loss because there are
15 none occurring.

16 In this particular lease and in other
17 leases where we have allowed for the production and
18 development or the use of the service, we looked to
19 replace those types of values and later on in the
20 lease or up front in the actual leasing action.

21 MR. PUTNAM:

22 Thank you.

23 PRESIDENT DELANEY:

24 Any discussion? If not, all those in
25 favor signify by saying aye.

1 AYES RESPOND

2 PRESIDENT DELANEY:

3 Opposed?

4 SECRETARY SCHREFFLER:

5 Mr. President, the motion carries
6 unanimously.

7 PRESIDENT DELANEY:

8 Thank you, Mr. Secretary.

9 ATTORNEY BECHTEL:

10 The next item concerns the Surface Use
11 Agreement for State Game Land Number 75 in Lycoming
12 County. Glenn O. Hawbaker, Inc. of Bellefonte has
13 requested the surface use agreement to process and
14 sell excess sandstone from the Fisher Mining Operation
15 on State Game Land Number 75 as shown on Exhibit OGM
16 4, on page 64 of your agenda. Hawbaker will pay the
17 Commission on a monthly basis a surface use rate of 7
18 percent of the then current F.O.B. pit price or \$0.45
19 per ton, whichever the greater within the first three
20 years of operation. After three years, a surface rate
21 of 7 percent of the then current F.O.B. pit price or
22 \$0.50 per ton, whichever the greater will be paid.

23 The total accumulated surface use value
24 of this agreement has been estimated to be \$750,000.
25 Upon the completion of the road improvement projects

1 all remaining revenues generated from the stone
2 processing and surface use of the game lands shall be
3 deposited into an interest bearing escrow account for
4 the use of the future purchase of lands or to be
5 directly deposited into the game fund.

6 The Executive Director and Staff
7 recommend this surface use agreement with Glenn O.
8 Hawbaker, Inc. be approved and the Commission
9 authorize the Bureau of Wildlife Habitat Management to
10 proceed with the agreement as listed in your agenda.

11 PRESIDENT DELANEY:

12 Commissioners, is there a motion?

13 MR. ISABELLA:

14 Motion.

15 PRESIDENT DELANEY:

16 Commissioner Isabella. Is there a
17 second?

18 MR. MARTONE:

19 Second.

20 PRESIDENT DELANEY:

21 Commissioner Martone. Discussion? All
22 those in favor signify by saying aye.

23 AYES RESPOND

24 PRESIDENT DELANEY:

25 Opposed?

1 SECRETARY SCHREFFLER:

2 Mr. President, the motion carries
3 unanimously.

4 PRESIDENT DELANEY:

5 Thank you, Mr. Secretary. Thank you,
6 Director Capoulliez for all that information you
7 provided to the Board. Next part of our meeting,
8 we're going to move on to new business.
9 Commissioners, is there any business to be presented?
10 Commissioner Schlemmer?

11 MR. SCHLEMMER:

12 Thank you, Mr. President. Our WMU'S are
13 coming up for review in 2012 and looking forward to
14 that, I would like to ask staff to take a look at 2B,
15 WMU 2B, which is mainly Allegheny County and see what
16 we can do to shrink the size of that WMU to more
17 represent Allegheny County and get our, get the
18 concentration on calling the herd in that area more
19 concentrated into Allegheny County rather than the
20 surrounding areas. And if Staff would do that, we
21 could discuss that at our upcoming meeting next time.
22 Thank you.

23 PRESIDENT DELANEY:

24 Thank you, Commissioner Schlemmer.
25 Commissioner Martone?

1 MR. MARTONE:

2 I would like to enter in a policy for
3 planning as well as the approval policy for Species
4 Management Plan and Strategic Plan. It reads as
5 follows. To improve our site and enhance the public
6 input process of all species management plans and the
7 strategic plan of the Pennsylvania Game Commission,
8 the Board of Commissioners is implementing the
9 following policy.

10 Prior to implementation, all species
11 management plans and the strategic plan shall be
12 reviewed and approved by the following process. The
13 Executive Director will inform the Board of the
14 agency's intentions to develop a species management
15 plan or strategic plan. Upon completion of a species
16 management plan or strategic plan, the Executive
17 Director, Director of the Bureau of Wildlife
18 Management or his representative will present the goal
19 and objectives of the plan to the Board. This
20 document will be known as a preliminary plan.

21 The preliminary plan will be posted on
22 the PGC website for public comment until the next
23 official Board meeting. A final version of the plan
24 along with all the public comments will be distributed
25 to the Board of Commissioners at least seven days

1 prior to the next Board meeting. During the next
2 public meeting the Board of Commissioners will vote to
3 accept the plan or return it for revision.

4 Following acceptance of the plan any
5 subsequent changes to the plan's goals and/or
6 objectives will be subject to Board approval. I would
7 like to enter that into the Board's policies.

8 PRESIDENT DELANEY:

9 Commissioner, you want to enter that into
10 the record for policy. Would you like the Staff to
11 review it and then get back to you or not?

12 MR. MARTONE:

13 I'd like the Board to vote on it.

14 PRESIDENT DELANEY:

15 So you're putting that in form of a
16 motion?

17 MR. MARTONE:

18 Yes, please.

19 PRESIDENT DELANEY:

20 Okay. Do we have a second on
21 Commissioner Martone's motion?

22 MR. WEANER:

23 I second the motion.

24 PRESIDENT DELANEY:

25 Commissioner Weaner. Is there any

1 discussion about Commissioner Martone's motion? All
2 those in favor signify by saying aye.

3 AYES RESPOND

4 PRESIDENT DELANEY:

5 Opposed?

6 SECRETARY SCHREFFLER:

7 Mr. President, the motion carries
8 unanimously.

9 PRESIDENT DELANEY:

10 Thank you, Mr. Secretary. And thank you,
11 Commissioner Martone. Is there any other new
12 business? Commissioner Boop?

13 MR. BOOP:

14 Yes. I would like just a brief
15 opportunity to make a comment. In recent weeks I've
16 been quoted as saying that I think the Agency needs to
17 make some changes to its deer management plan. I'd
18 like a brief opportunity to elaborate today and follow
19 up at our April meeting.

20 Based upon our current system of
21 estimating the annual deer harvest in 2009 we reported
22 that our hunters took 108,330 antlered deer, the
23 lowest number on record since we began using estimated
24 figures in 1986. Our estimated antlerless harvest for
25 2009 was 200,590 or the lowest number since we began

1 the herd reduction plan ten years ago. The total
2 estimated harvest for 2009 was 308,920 or the lowest
3 total number on record since we began estimating a
4 harvest in 1986.

5 At this point we are waiting on estimated
6 figures for 2010, which if past practice is any guide,
7 will not be available to this Board until late March
8 or early April. What we've been hearing from across
9 the state since the end of the recent season proves to
10 be accurate it seems likely that unless there's a
11 continued downward adjustment to the estimated
12 reporting rate, we can expect a statewide antlerless
13 harvest of less than 100,000 animals and an antlered
14 harvest of less than 200,000 animals despite good
15 weather and an exceptional mass crops across most of
16 the state this past hunting season.

17 Last year in April when we did our annual
18 antlerless allocations, the goal was to stabilize the
19 population in most of the 22 management units, despite
20 the recommendation from the majority of our citizen's
21 advisory committees to let the herd increase. Even if
22 we completely put aside what we've been hearing from
23 our hunters, our own trend line data shows a
24 significant decline in our statewide deer population
25 that's being felt across the state as more and more

1 reports come in from the field. The hunting
2 activities have declined, processors are going out of
3 business and camps which used to bustle with activity
4 on the first Monday after Thanksgiving are now closed
5 and for sale.

6 As business people, we can also look at
7 the declining license sales and ponder the effect on
8 future budgets as expenses continue to increase and
9 revenue has notably declined. We can also read P.J.
10 Reilley's recent article from the Pennsylvania Outdoor
11 News and ask ourselves if deer hunting is dying in
12 Pennsylvania. I see that P.J.'s in the audience
13 today.

14 Although, in the view of this
15 Commissioner our deer management policy is not as
16 clear as it might be. Our goal, at least for the last
17 several years, has been to stabilize our deer herd in
18 most management units. Although the trend line data
19 for the antlered harvest seems clear that our deer
20 herd is declining. It may still be an open question
21 in some Commissioner's minds until the 2010 harvest
22 data is available. But whether we are showing a
23 decline or a stabilization, it is this Board member's
24 view that for the overall health of this Agency and
25 for the resource our policy should and now needs to be

1 one allowing the statewide deer herd to increase.

2 We can debate the percentage of the
3 increase in each management unit in April once we have
4 final estimated harvest data from this past season,
5 but I hope that you as fellow Commissioners will join
6 me at our next meeting and set a clear, unambiguous
7 policy to let the size of our statewide deer herd
8 increase in all management units of the special
9 regulation areas. Thank you.

10 PRESIDENT DELANEY:

11 Thank you, Commissioner Boop. Is there
12 any other Commissioner new business? One thing that
13 I would like to add at least just for discussion
14 amongst the Board and our Executive Director, we're in
15 a time where I feel this Agency has changed
16 dramatically with the information that goes out to the
17 public. Today's meeting is the perfect example of
18 that.

19 The public view of our staff reports all
20 day long yesterday, the public got to see. And as a
21 Commissioner and Commissioners we set this agenda for
22 what you have today and I would reach out to my fellow
23 Commissioners and our Executive Director to see when
24 we do our working groups as Commissioners and our work
25 sessions, if there is just not a better way we can do

1 MR. BOOP:

2 Second.

3 PRESIDENT DELANEY:

4 Commissioner Boop. Is there any
5 discussion of those dates? If not, all those in favor
6 signify by saying aye.

7 AYES RESPOND

8 PRESIDENT DELANEY:

9 Opposed?

10 SECRETARY SCHREFFLER:

11 Mr. President, the motion's carried
12 unanimously.

13 PRESIDENT DELANEY:

14 Thank you, Mr. Secretary. We will now
15 move on to the election of officers. And before we do
16 that, as I step down as the Board President, I need to
17 thank my fellow Commissioners for the debate over this
18 past year. To our staff, a phenomenal job they do to
19 present this Board with all the best information
20 that's available for our decisions. Our Executive
21 Director and his staff for what he provides to this
22 Board is tremendously helpful. To all the sportsmen,
23 and not just the sportsmen, but to the stakeholders
24 who we saw come here to our meeting on Sunday and as
25 we've had many other meetings. From all walks of

1 life, whether it's in regard to wildlife or to the
2 Game Commission or to the things we do, this past year
3 they're offered in a very professional manner. We saw
4 Sunday firsthand some good debate. And you've also
5 been able to witness you know, --- we have folks who
6 are able to come here, offer their opinions in a
7 really professional manner. And I truly appreciate
8 that.

9 As President of the Board, it's extremely
10 difficult. You know, we have to make decisions here
11 with regard to 12.8 million people who live in
12 Pennsylvania. Not just sportsmen, but for everyone.
13 950,000 hunting licenses that are sold. And we heard
14 we're up to almost 480 species of birds and mammals
15 that we're charged to conserve.

16 But in all that, we have to try to find
17 some balance with it. And it's not easy. But I think
18 we've made progress this last year. And my hats are
19 off to the Board and our Executive Director of staff
20 for getting --- helping us get to where we want to go.
21 With that said, I will direct my attention to
22 Commissioner Schlemmer, who is Chairman of the
23 nominating committee, who is Chairman of our
24 nominating committee and ask if we have a slate of
25 candidates?

1 MR. SCHLEMMER:

2 Thank you, Mr. President. As Chairman of
3 the nominating committee, I've been asked to move
4 forward the following names for vote consideration by
5 the Board, for president, Ron Weaner. Vice president,
6 Ralph Martone. For secretary, David Putnam. Those
7 names are forwarded to the Board. Thank you, sir.

8 PRESIDENT DELANEY:

9 Thank you, Commissioner Schlemmer. Are
10 there any other nominations from the Board?

11 SECRETARY SCHREFFLER:

12 Mr. President?

13 PRESIDENT DELANEY:

14 Commissioner Schreffler?

15 SECRETARY SCHREFFLER:

16 I'd like to nominate myself for vice
17 president.

18 PRESIDENT DELANEY:

19 Okay, Commissioner. Commissioner
20 Schreffler for vice president. If we could for the
21 unopposed positions of president and secretary, would
22 someone want to make a motion that we vote on the
23 unopposed positions for now?

24 MR. BOOP:

25 So moved.

1 PRESIDENT DELANEY:

2 Commissioner Boop, could you present your
3 motion and what it would be?

4 MR. BOOP:

5 I hope I get this --- I state this
6 correctly. My understanding is that the nominating
7 committee has reported Commissioner Weaner for
8 president and Commissioner Putnam for secretary and
9 that there are no other nominations for those two
10 positions. So I move that those nominations be closed
11 and that the secretary casts a unanimous ballot for
12 those two candidates.

13 PRESIDENT DELANEY:

14 Okay. Is there a second to that motion?

15 MR. SCHLEMMER:

16 Second.

17 PRESIDENT DELANEY:

18 Commissioner Schlemmer. All those in
19 favor signify by saying aye?

20 AYES RESPOND

21 PRESIDENT DELANEY:

22 Opposed?

23 SECRETARY SCHREFFLER:

24 Mr. President, the motion's carried
25 unanimously.

1 PRESIDENT DELANEY:

2 Okay. Congratulations to our new
3 president and our secretary. We'll move on now to the
4 office of vice president. And I believe we should do
5 this by a show of hands. All those in favor of
6 Commissioner Martone for vice president please show
7 your right hand. All those supporting Commissioner
8 Schreffler for vice president raise your right hand?
9 And the results?

10 MR. SCHLEMMER:

11 Mr. President, I got Mr. Martone was
12 elected as vice president. It was seven to one. Mr.
13 Weaner, did you vote for Mr. Martone?

14 MR. WEANER:

15 Yes.

16 MR. SCHLEMMER:

17 Okay. So it was eight to one then.

18 PRESIDENT DELANEY:

19 We should clarify that for the
20 stenographer. Seven to one?

21 MR. SCHLEMMER:

22 Seven to one.

23 PRESIDENT DELANEY:

24 So to repeat our officers, the new
25 officers, president Ron Weaner, vice president Ralph

1 Martone, secretary Dave Putnam. Congratulations to
2 the new officers. On that note, we'll ---. Go ahead.

3 MR. BOOP:

4 Yes. Just again, just real quickly, I
5 was very fortunate to have an opportunity to serve as
6 president of this agency in the past. And I think I
7 have a little bit of an understanding of what's
8 involved to serve as president. This past year, Jay,
9 in addition to being a full-time fire chief at Wilkes-
10 Barre and having a lot of other responsibilities and
11 duties, that through tremendous amount of time as
12 being president, Jay and I certainly don't agree on
13 every issue and certainly the Board members don't
14 agree with him on every issue either. But I just
15 think that it should be duly noted for those in the
16 audience and other people that might be listening.

17 Now the president of the Board does have
18 a lot of responsibility. It's been quoted that as you
19 know, at times we get as many as 100 e-mails a week.
20 And that's not an exaggeration in some weeks. And Jay
21 reads those, he sends summaries out to us. He calls
22 us on the phone. He coordinates the meetings. This
23 has not been an easy year. This has been a fairly
24 difficult year for the Agency in a lot of respects.
25 And although not everyone up here agrees with

1 everything Jay has done, he certainly has put his
2 heart into it and his effort. And as one
3 Commissioner, and hopefully with the permission of
4 other Board members, I would just like to publicly
5 thank him for his services the past year.

6 PRESIDENT DELANEY:

7 Thank you.

8 MR. MARTONE:

9 Jay, I'd like to echo that message to
10 you. Thank you very much.

11 MR. SCHLEMMER:

12 Commissioner Martone, thank you. And I
13 too would like to say President Delaney kept the Board
14 informed, kept the Board on track despite eight
15 different ideas. I think he did an excellent job of
16 leadership this year. And I would personally like to
17 thank him for the time and effort put into the
18 position of the president this past year.

19 PRESIDENT DELANEY:

20 Thank you. I appreciate that. I'd like
21 to give the floor to Director Roe.

22 MR. ROE:

23 I didn't recognize yesterday that we do
24 have a new regional director here with us. The first
25 meeting, I believe. Pat Anderson is the new region

1 director for the southwest region. For those of you
2 who don't know him, he's over there. And good to have
3 you on board, Pat.

4 MR. ANDERSON:

5 Thank you.

6 MR. ROE:

7 Thank you, Mr. President.

8 PRESIDENT DELANEY:

9 We'll take a five minute recess. I'm
10 sorry. Commissioner Weaner?

11 MR. WEANER:

12 I would be remised, too, if I didn't
13 offer a little bit of insight right here. I, too,
14 appreciate the job that our president did this year in
15 leading this organization. I'm going to have
16 tremendously large shoes to fill stepping in behind
17 him. I hope that his advice will continue, especially
18 working with me as I'm doing this position. And I'll
19 be looking forward to the leadership that he
20 presented, and that Mr. Isabella presented prior to
21 that when he was the Board president. And I look
22 forward to working with all of you here. The neat
23 thing about this Board is that we all really like each
24 other. And I've served on Boards before in other
25 capacities. And it wasn't always that way. And

1 apparently in --- way back in the history of the Game
2 Commission, it wasn't all that way. But we really do
3 like each other.

4 We don't obviously agree on everything.
5 But it's really a lot of fun working with this group.
6 And I will look forward to providing the leadership
7 --- or providing leadership. I'll look forward to
8 their help because we are a team up here. We want to
9 do what's best for our customers. We want to do
10 what's best for the wildlife in Pennsylvania. And as
11 Mr. Delaney said, we want to be a very forthright. We
12 want it to be, you know, out in the open. We want to
13 be --- transparent was the word.

14 I really appreciate the help that we've
15 gotten from our Executive Director and his staff. I
16 tell people all the time, we're working with really
17 good people. I mean, that's a tremendous asset. We
18 have a well-oiled machine here in the Pennsylvania
19 Game Commission. Are things perfect? No, they're not
20 perfect. But I'm very impressed and looking forward
21 to it.

22 And so I appreciate the confidence that
23 all of you have in electing me this year. I look
24 forward to serving with my fellow officers. And
25 hopefully we'll have a good year. Thank you very

1 much, President Delaney.

2 ATTORNEY BECHTEL:

3 We are going to have a press conference.
4 It will be held in this room as soon as possible. And
5 we will meet in executive sessions after that.

6 MR. SCHLEMMER:

7 Mr. President. One final word.

8 PRESIDENT DELANEY:

9 Yes?

10 MR. SCHLEMMER:

11 Go Steelers.

12 PRESIDENT DELANEY:

13 Hearing no further business, I declare
14 this meeting adjourned.

15

16 * * * * *

17 MEETING CONCLUDED AT 10:16 A.M.

18 * * * * *

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before the PA Game Commission, was reported by me on 02/01/2011 and that I Jolynn C. Prunoske read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Jolynn C. Prunoske